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Presidential Documents

Title 3—

The President

Proclamation 10145 of February 3, 2021

American Heart Month, 2021

By the President of the United States of America

A Proclamation

Tragically, heart disease continues to be a leading cause of death in the United States. It affects Americans of all genders, races, and ethnicities. Yet despite being one of the country's most costly and deadly diseases, it is among the most preventable. During American Heart Month, we recommit to fighting this disease by promoting better health, wellness, and prevention awareness in our communities.

Heart disease can impact anyone, but risk factors such as high cholesterol, high blood pressure, physical inactivity, obesity, tobacco use, and alcohol abuse can increase the likelihood of developing the disease. By adopting a few healthy habits, each of us can reduce our risk. Avoiding tobacco, moderating alcohol consumption, making balanced and nutritious meal choices, and staying active can help prevent or treat conditions that lead to heart disease. Adults with heart conditions are also at increased risk of severe illness from COVID–19, which makes it even more important to follow these suggestions.

We have seen the death rate from heart attacks rise dramatically during the COVID–19 pandemic because people are delaying or not seeking care after experiencing symptoms. It is important not to ignore early warning signs like chest pain, palpitations, shortness of breath, and sudden dizziness. And the symptoms of a heart attack can be different for men and women, an often-overlooked fact that can impact when people seek care. For more resources and information, follow your health care provider's advice or visit www.CDC.gov/HeartDisease.

My Administration is committed to supporting Americans in their efforts to achieve heart health. Under the Affordable Care Act, many insurance plans cover preventive services like blood pressure and obesity screening at no out-of-pocket cost to the patient. By protecting and expanding access to quality, affordable health care, we will work tirelessly to provide all Americans with the care they need to prevent and treat heart disease.

We are also committed to closing the racial disparities in cardiovascular health. Despite an overall decline in death rates for heart disease, risk of heart disease death differs by race and ethnicity, and Black Americans continue to have the highest death rate for heart disease. Increased awareness and access to care will help reduce these staggering and unacceptable statistics.

This month, we also honor the health care professionals, researchers, and heart health advocates who save our fellow Americans' lives with their hard work. Every day, they put themselves on the front lines of our fight against heart disease, as well as the scourge of COVID–19.

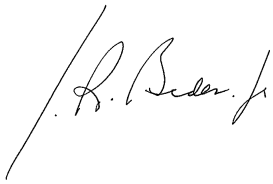
The First Lady and I encourage everyone to participate in National Wear Red Day on Friday, February 5th. By wearing red, we honor those we have lost to heart disease, and we raise awareness of the steps we can all take to prevent this devastating disease. Combatting heart disease is essential to improving public health in our Nation, and together we will

renew our efforts to make all Americans aware of its signs and symptoms. This month, we recommit to building a healthier future for all.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month.''

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim February 2021 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 5, 2021. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



[FR Doc. 2021–02675
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Billing code 3295–F1–P

Presidential Documents

Proclamation 10146 of February 3, 2021

National Black History Month, 2021

By the President of the United States of America

A Proclamation

This February, during Black History Month, I call on the American people to honor the history and achievements of Black Americans and to reflect on the centuries of struggle that have brought us to this time of reckoning, redemption, and hope.

We have never fully lived up to the founding principles of this Nation—that all people are created equal and have the right to be treated equally throughout their lives. But in the Biden-Harris Administration, we are committed to fulfilling that promise for all Americans.

I am proud to celebrate Black History Month with an Administration that looks like America—one that reflects the full talents and diversity of the American people and that heralds many firsts, including the first Black Vice President of the United States and the first Black Secretary of Defense, among other firsts in a cabinet that is comprised of more Americans of color than any other in our history.

It is long past time to confront deep racial inequities and the systemic racism that continue to plague our Nation. A knee to the neck of justice opened the eyes of millions of Americans and launched a summer of protest and stirred the Nation's conscience.

A pandemic has further ripped a path of destruction through every community in America, but we see its acute devastation among Black Americans who are dying, losing jobs, and closing businesses at disproportionate rates in the dual crisis of the pandemic and the economy.

We saw how a broad coalition of Americans of every race and background registered and voted—more people than in any other election in our Nation's history—to heal these wounds and unite and move forward as a Nation.

But also less than 1 month after the attack on the Capitol, on our very democracy, by a mob of insurrectionists—of extremists and white supremacists—a bookend of the last 4 years and the hate that marched from the streets of Charlottesville, and that shows we remain in a battle for the soul of America.

We must bring to our work a seriousness of purpose and urgency. That is why we are putting our response to COVID–19 on a war footing and marshalling every resource we have to contain the pandemic, deliver economic relief to millions of Americans who desperately need it, and build back better than ever before.

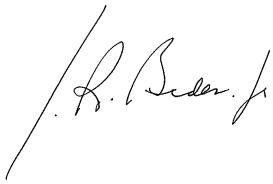
That is why we are also launching a first-ever whole-government-approach to advancing racial justice and equity across our Administration—in health care, education, housing, our economy, our justice system, and in our electoral process. We do so not only because it is the right thing to do, but because it is the smart thing to do, benefitting all of us in this Nation.

We do so because the soul of our Nation will be troubled as long as systemic racism is allowed to persist. It is corrosive. It is destructive. It is costly. We are not just morally deprived because of systemic racism, we are also less prosperous, less successful, and less secure as a Nation.

We must change. It will take time. But I firmly believe the Nation is ready to make racial justice and equity part of what we do today, tomorrow, and every day. I urge my fellow Americans to honor the history made by Black Americans and to continue the good and necessary work to perfect our Union for every American.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2021 as National Black History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



[FR Doc. 2021–02676
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Presidential Documents

Proclamation 10147 of February 3, 2021

National Teen Dating Violence Awareness and Prevention Month, 2021

By the President of the United States of America

A Proclamation

This February, during National Teen Dating Violence Awareness and Prevention Month, we stand with those who have known the pain and isolation of an abusive relationship, and we recommit to ending the cycle of teen dating violence that affects too many of our young people.

Together, it's on all of us to raise the national awareness about teen dating violence and promote safe and healthy relationships.

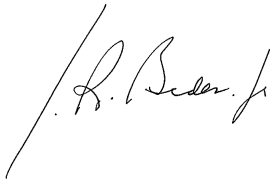
Dating violence transcends gender, race, religion, ethnicity, sexual orientation, and socioeconomic status. It takes many forms, among them physical, sexual, and emotional abuse, bullying, and shaming, which can occur in person or through electronic communication and social media. The spiral of violent dating relationships can lead to depression, anxiety, drug and alcohol use, as well as suicidal thoughts. Victims, especially young women, transgender, and gender nonconforming youth who face higher rates of violence, may suffer lifelong consequences. Many young people do not report the abuse for fear of retribution or unwarranted embarrassment. The pattern of abuse often continues to future relationships.

My Administration encourages all Americans to lead by example by promoting healthy relationships, protecting our teens from abuse, and ensuring they have access to good help and support.

If you or someone you know is involved in an abusive relationship of any kind, immediate and confidential support is available by visiting loveisrespect.org, calling 1–866–331–9474 (TTY: 1–800–787–3224), or texting ''loveis'' to 22522. For additional information and resources on dating violence, please visit VetoViolence.CDC.gov.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2021 as National Teen Dating Violence Awareness and Prevention Month. I call upon all Americans to support efforts in their communities and schools, and in their own families, to empower young people to develop healthy relationships throughout their lives and to prevent and respond to teen dating violence. It's on all of us.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



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Rules and Regulations

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

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 214

[CIS No. 2680–21; Docket No: USCIS 2020–0019]

RIN 1615–AC61

Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H–1B Petitions; Delay of Effective Date

AGENCY: U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security (DHS).

ACTION: Final rule; delay of effective date; request for comments.

SUMMARY: On January 8, 2021, DHS published a final rule, *Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H–1B Petitions* (H–1B Selection Final Rule) amending regulations governing the process by which U.S. Citizenship and Immigration Services (USCIS) selects H–1B registrations for the filing of H–1B cap-subject petitions (or H–1B petitions for any year in which the registration requirement is suspended), by generally first selecting registrations based on the highest Occupational Employment Statistics (OES) prevailing wage level that the proffered wage equals or exceeds for the relevant Standard Occupational Classification (SOC) code and area(s) of intended employment. The Department is delaying the rule's effective date until December 31, 2021, because USCIS will not have adequate time to complete system development, thoroughly test the modifications, train staff, and conduct public outreach needed to ensure an effective and orderly implementation of the H–1B Selection Final Rule by the time the initial registration period will be open for the upcoming fiscal year (FY) 2022 H–1B cap season. During the delay, while USCIS works through the issues associated with implementation, DHS leadership will also evaluate the January 8th rule and its associated policies, as is typical of agencies at the beginning of a new Administration.

DATES: As of February 8, 2021, the effective date of the final rule published January 8, 2021, at 86 FR 1676, is delayed to December 31, 2021. DHS is accepting public comments on this delay until March 10, 2021.

ADDRESSES: You may submit comments on the entirety of this final rule package, identified by DHS Docket No. USCIS–2020–0019, through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the website instructions for submitting comments. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on this final rule and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. Due to COVID–19, USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using *http://www.regulations.gov,* please contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at 240–721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Charles L. Nimick, Chief, Business and Foreign Workers Division, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY–TDD).

SUPPLEMENTARY INFORMATION:

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments, and arguments on all aspects of this final rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this final rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to DHS in implementing these changes will: reference a specific portion of the final rule; explain the reason for any recommended change; and include data, information, or authority that supports such a recommended change. Comments submitted in a manner other than those listed in the **ADDRESSES** section, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the final rule. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept mailed comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2020–0019 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at *http://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received, go to *http://www.regulations.gov,* referencing DHS Docket No. USCIS–2020–0019. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Background

On January 8, 2021, DHS published the H–1B Selection Final Rule, *Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H–1B Petitions,* amending regulations governing the process by which USCIS selects H–1B registrations for the filing of H–1B cap-subject petitions (or H–1B petitions for any year in which the registration requirement is suspended). Under the rule, USCIS would generally select H–1B registrations based on proffered wages and corresponding prevailing wage levels. Specifically, USCIS would first select registrations with proffered wages that meet or exceed the highest OES prevailing wage level for the relevant SOC code and area(s) of intended employment.[1]

The H–1B Selection Final Rule is currently scheduled to go into effect on March 9, 2021. As discussed in greater detail below, after further consideration, USCIS has determined that the final rule's 60-day effective date does not afford USCIS sufficient time between the publication of the rule on January 8, 2021, and March 9, 2021, to complete the development and thoroughly test the modifications needed in the H–1B registration system to sufficiently minimize technical risks that result from a compressed testing schedule, as well as to amend policies and train staff to ensure the effective and orderly administration of the cap under the H–1B Selection Final Rule. By this action, DHS is delaying the H–1B Selection Final Rule until December 31, 2021, and is applying the regulations currently in place (random selection) to the initial registration period, and, most likely, any subsequent registration period for the FY 2022 registration process.

DHS expects that delaying the rule to December 31, 2021, will provide USCIS sufficient time to develop, thoroughly test, and implement the modifications to the registration system and selection process and give stakeholders sufficient time to adjust to new procedures arising from the new rule. The publication of the final rule on January 8, 2021, finalized a new selection process requiring, from a technical standpoint, that a new algorithm be developed, thoroughly tested, and implemented in the form of an electronic registration tool. The publication date of the final rule only affords six weeks of development time, and less than two weeks to complete internal end-to-end testing and external performance testing with DHS OneNet, the DHS network. The selection logic is a fundamental part of the registration tool, and the H–1B Selection Final Rule created more complexity in the logic calculation by adding several versions of lotteries that must be developed, thoroughly tested and implemented. This additional complexity essentially requires a complete rebuilding of the registration tool that was developed for the FY 2021 selection process.[2] In light of these technical challenges, DHS now believes that there is not adequate time to develop and thoroughly test the new H–1B registration system, conduct training and provide outreach on such changes to the regulated public prior to the start of the FY22 initial registration period.[3]

As indicated below, DHS wants to ensure the orderly and efficient administration of the H–1B numerical allocations and wants to avoid disruption to the regulated public by affording itself sufficient time to fully modify and thoroughly test the changes to the H–1B registration system, minimize technical risks that result from a compressed testing schedule, and provide the regulated public enough time to become familiar with those changes to facilitate full compliance with the new regulatory requirements.

While DHS considered other alternatives, including a shorter term delay (such as a delay of 60 days, or a delay to the start of the next fiscal year, October 1, 2021), DHS believes that a longer delay is needed to avoid the confusion and disparate treatment of registrants that would result if a new rule took effect during the initial registration period, or a subsequent registration and selection period, for the FY 2022 numerical allocations, particularly if USCIS needs to open a subsequent registration period later this year to ensure full utilization of the FY 2022 numerical allocations. DHS cannot predict, with full certainty, the demand for H–1B visas for FY 2022 given the current state of the U.S. economy, the continued COVID–19 public health emergency, and efforts to address it in the United States and abroad. Thus, DHS cannot predict whether it will be necessary to continue to accept registrations after the initial registration period for the FY 2022 numerical allocations closes, or whether USCIS will need to reopen the H–1B registration period later in the 2021 calendar year to generate the number of H–1B cap petitions projected as needed to reach the FY 2022 numerical allocations. Should USCIS need to open a subsequent registration period and the H–1B Selection Final Rule is in effect at that time, that would mean that H–1B registrations for the same fiscal year would be selected under two different standards, thus causing confusion and disparate treatment among H–1B registrants for FY 2022. Further, if USCIS needed to select additional registrations after the H–1B Selection Final Rule takes effect, but must continue to select from among those submitted before the H–1B Selection Final Rule takes effect (*e.g.* submitted during the initial registration period), the submitted registrations would not contain the necessary data to make a wage level selection as such data would only be collected after the H–1B Selection Final Rule, and associated revisions to data collection, take effect. The H–1B Selection Final Rule does not have a mechanism whereby USCIS could request additional information from registrants in order to apply a new regulatory scheme. Furthermore, applying a new regulation to registrations submitted under the current regulations would lead to disparate treatment of registrants who submitted registrations during the same initial registration period and would

[1] 86 FR 1676. The H–1B Selection Final Rule was approved by Chad F. Wolf in his capacity as Acting Secretary of Homeland Security. DHS is aware that multiple courts have indicated or held that Mr. Wolf did not have valid authority to act, and, therefore, did not have authority to sign rules in that capacity. DHS also is aware that, following issuance of the rule, Peter T. Gaynor and Mr. Wolf took steps to ratify the H–1B Selection Final Rule. *See* DHS Delegation No. 23028, Delegation to the Under Secretary for Strategy, Policy, and Plans to Act on Final Rules, Regulations, and Other Matters (Jan. 12, 2021); Chad F. Wolf, Ratification (Jan. 14, 2021). By issuing this rule, DHS states no position on Mr. Gaynor's or Mr. Wolf's actions or authority.

[2] Development of the new system has been ongoing since publication of the final rule, however current estimates indicate that development work will not be complete before February 19, 2021. Testing of the system may commence upon completion of system development, which only leaves one to two weeks (depending on when the initial registration period opens), in a best case scenario, to test the system, identify any bugs, conduct additional development to resolve identified bugs, complete additional testing to ensure proper functionality, conduct internal training, and provide outreach to the public.

[3] The *Registration Requirement for Petitioners Seeking to File H–1B Petitions on Behalf of Cap-Subject Aliens Final Rule,* 84 FR 888 (Jan. 31, 2019), made clear that implementation of the registration tool requires significant development, testing and stakeholder outreach that cannot reasonably happen in a few weeks. As a result, DHS delayed implementation of the initial registration process for a full year to develop, test, and conduct stakeholder outreach. The H–1B Selection Final Rule would also benefit from a similar delay to develop, thoroughly test, and conduct stakeholder training on the modified registration tool, including training on identifying the wage level that should be used for selection. While there was an aspirational hope that the H–1B Selection Final Rule could be implemented in time for the FY 22 selection process, that hope has proven misguided.

have the potential to disturb their reliance interests.

After determining that there is not adequate time for USCIS to complete the development and thoroughly test the modifications to the H–1B registration system, train staff, and conduct outreach on the H–1B Selection Final Rule, DHS also considered an alternative to delaying the H–1B Selection Final Rule, *i.e.* having USCIS suspend the registration process for FY 2022 under 8 CFR 214.2(h)(8)(iv) and apply the new rule to the petition-based selection process. However, USCIS determined that suspending the registration process would have deleterious impacts on the FY 2022 selection process, as applying the new selection methodology to a petition-based selection process would be exceedingly difficult and require even more time to operationalize, particularly given COVID–19 and the difficulty the agency would face in staffing up to pivot to in-person intake, sorting, and selection process. For example, last year USCIS experienced significant difficulty staffing the Service Centers with contract staff to intake petitions during the petition filing season, even considering that the registration-based selection process significantly reduced the number of petitions filed at one time. Initial hiring of sufficient contractor staff to support USCIS petition intake was incredibly difficult and, due to COVID–19, data entry was significantly delayed. It took several weeks to complete data entry and reject petitions that did not meet the regulatory requirements (*e.g.* those filed with incorrect fees), which eliminated the ability of some petitioners to refile their petitions within the assigned filing window because of this delay. Suspending the registration process entirely for FY 2022 would mean that, during the first week of April, USCIS would receive petitions from all employers seeking cap-subject H–1B workers (*i.e.,* not only those whose registrations are selected in advance) through a paper-based process (*e.g.* U.S. mail, commercial courier), and would require a significant ramping up in contractor staffing. Arranging timely contractor staffing typically requires several months of advanced planning (*e.g.* announcing positions, receiving applications, running background checks on applicants, onboarding, and training), and therefore cannot be achieved in a timely manner if USCIS were to retain the March 9, 2021 effective date.[4]

Furthermore, because the selection process would be dependent on wage level, the scope of work for contractor staff would require not only initial review of petitions for completeness and correct filing fees, but also to identify the wage levels that would be used to rank them for purposes of the selection process. Petitions that do not contain required wage information would have to be rejected. Because the scope of intake work would significantly expand, the time to complete intake would be lengthened.

Moreover, reverting to a paper-based selection process would re-introduce additional uncertainties into the H–1B selection process that the electronic registration process eliminated. For example, in order to conduct the paper-based selection process, USCIS would likely have to suspend premium processing of H–1B petitions which would further delay the processing of petitions.

The aforementioned problems are significantly aggravated by the COVID–19 pandemic. In particular, to ensure sufficient physical distancing of staff on premises, USCIS has already made plans to evenly distribute the H–1B petition adjudication workload for FY 2022 between four Service Centers: California Service Center, Nebraska Service Center, Texas Service Center, and Vermont Service Center. If USCIS were to suspend the electronic registration process in order to implement the H–1B Selection Rule to conduct the FY 2022 selection process, USCIS would require a significant amount of time to staff up and train staff at the Nebraska and Texas Service Centers because those Service Centers had never previously conducted petition-based intake and selection. Additionally, because USCIS has already made plans to evenly distribute the H–1B petition adjudication workload for FY 2022 between four Service Centers, current budget and planning for the California Service Center and Vermont Service Center does not provide enough resources required for those two centers to handle the entire workload and to quickly pivot to a petition-based filing system.

Finally, the petition-based process would require time for the public to pivot and prepare H–1B petitions, including obtain certified Labor Condition Applications (LCAs) from the U.S. Department of Labor (DOL) for submission during the first week of April. This change could impact DOL operations because a far larger number of LCAs than anticipated with the registration-based system would be filed in a compressed time period, and DOL would need to ensure they are processed in accordance with the statutory and regulatory processing timeframe of 7 working days. 20 CFR 655.730(b). This is additional cost for the public to prepare and submit petitions when they do not have notice as to whether they are or will be selected. For these several reasons, USCIS determined that reverting to a paper-based selection process in order to implement the H–1B Selection Final Rule during FY 2022 was not a viable alternative.

Therefore, to ensure USCIS will not be incapable of administering the H–1B cap selection process and both avoid concerns associated with reverting to a paper-based selection process, as well as applying two separate regulatory schemes to the H–1B selection process, DHS believes that delaying the effective date of the H–1B Selection Final Rule until December 31, 2021, will provide sufficient time to complete the selection process for the FY 2022 numerical allocations, thus avoiding unnecessary confusion and possible inequitable results as well as more time for USCIS to modify and test its systems, train staff, and conduct public outreach. During the period of the delayed effective date, while DHS works through the issues associated with implementation, DHS leadership will also evaluate the January 8th rule and its associated policies, as is typical of agencies at the beginning of a new Administration.

Given the longer delay, USCIS expects that it will select from among all of the registrations properly submitted toward the FY 2022 H–1B numerical allocations based on the current (random selection) regulations that will be in effect when USCIS first begins accepting registrations or petitions toward the FY 2022 numerical allocations.

DHS also believes that December 31, 2021, while most likely to extend beyond when USCIS has determined that it has received enough petitions projected as needed to reach the FY 2022 numerical allocations, also balances the competing need to ensure that the regulated public has sufficient advance notice and certainty as to the rules that will be in effect for the FY 2023 H–1B numerical allocations.

[4] As indicated above, until very recently, USCIS had hoped that it would be able to modify and thoroughly test the H–1B registration system in time to implement the H–1B Selection Final Rule on March 9, 2021. In reliance on that hope, and given COVID–19 related challenges, as well as ongoing budget constraints, USCIS has not initiated steps to staff up for a possible suspension of the FY 2022 registration process, which would be the first in many steps required to utilize this alternative for implementing the H–1B Selection Final Rule. Therefore, this is not a viable option for USCIS.

III. Statutory and Regulatory Requirements

A. Administrative Procedure Act

This rule is being issued without prior notice and opportunity to comment and with an immediate effective date pursuant to 5 U.S.C. 553(b)(B) and (d). The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* 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.'' [5] Similarly, the APA requires agencies to provide at least a 30-day delayed effective date for substantive rules,[6] except where the agency provides good cause to forgo this requirement. DHS has good cause to delay the H–1B Selection Final Rule's effective date without advance notice and comment because immediate implementation would be impracticable. Implementing the H–1B Selection Final Rule on March 9, 2021, would require USCIS to make and test major H–1B registration system modifications, revise internal procedures, train staff, and offer training to the regulated public, before the March 2021 start of FY 2022 H–1B cap filing season. While USCIS initially assessed that it would have sufficient time to undertake these changes and advised the regulated public accordingly in the H–1B Selection Final Rule,[7] upon further review, USCIS has determined that it will not have sufficient time to ensure an orderly and effective implementation of the changes to the H–1B registration system in time for the FY 2022 H–1B cap season, including time to make and thoroughly test system modifications, train staff, and conduct outreach. In addition and as discussed in detail above, DHS determined that USCIS suspending the registration process and instead applying the H–1B Selection Final Rule through a paper-based petition selection process is not a viable alternative because it would have deleterious effects on both the regulated public and the agency.

In addition, DHS recognizes that commenters responding to the H–1B Selection Notice of Proposed Rulemaking requested that DHS delay implementation of the H–1B Selection Final Rule because of insufficient time for them to adapt to a new regulatory regime. Commenters indicated that immediate implementation would impose an unreasonable burden on prospective petitioners and beneficiaries because changes so close to the beginning of that cap season would adversely impact U.S. employers and would create uncertainty and confusion. Multiple commenters said companies already have made hiring decisions based on the existing registration system, so delaying implementation until the FY 2023 cap filing season (set to begin in March 2022) would give the regulated community time to adjust. Some commenters disagreed, stating that there was sufficient time for DHS, employers, and others to adjust to the changes.[8]

Upon further consideration of these comments, in addition to concerns that USCIS lacks adequate time to make and thoroughly test system modifications, revise internal procedures, train staff, and offer training to the regulated public, and concerns that reverting to a paper-based selection process also would have adverse effects on the regulated public and the agency, DHS believes that providing the regulated public with only 60 days (with a current effective date of March 9, 2021) to adapt to new regulatory requirements and modifications of the H–1B registration system before the FY 2022 H–1B cap registration season would cause confusion and very likely would significantly disrupt the orderly administration of the H–1B cap. This is particularly so since, as described above, USCIS believes it can neither stand-up, thoroughly test, and therefore deploy the H–1B registration system changes and thus would not be able to conduct outreach on such changes to the regulated public in advance of implementation based on the current March 9, 2021 effective date, nor can it successfully revert to a paper-based petition selection process on this timeline. In addition, DHS believes that the possibility of having two different regulatory schemes apply to the same fiscal year would create significant confusion for the regulated public that would not have been reasonably foreseeable; the same is true for reverting to a paper-based petition selection process. Similarly, reverting to a paper-based petition process in order to implement the H–1B Selection Final Rule, with so little lead time to develop a process for sorting and selecting from among potentially two hundred thousand petitions, hiring temporary contract staff during the national health emergency to handle intake of the petitions, and train staff on how to conduct a new wage-based selection process in this context, as well as no lead time to offer outreach to the regulated public, would similarly disrupt the expectations of the regulated public, and adversely affect the ability of at least some petitioners to participate in the selection process for FY 2022. Therefore, DHS is delaying the effective date of the H–1B Selection Final Rule to December 31, 2021.

Current regulations at 8 CFR 214.2(h)(8)(iii)(A)(*3*) require that the registration period start at least 14 calendar days before the earliest date on which H–1B cap-subject petitions may be filed for a particular fiscal year (*i.e.,* April 1, 2021, or shortly thereafter for FY 2022). Therefore, USCIS must open the registration period some time in early- to mid-March. Delaying the effective date of the H–1B Selection Final Rule beyond March 9, 2021, necessarily requires that USCIS apply the random selection regulations currently in place to the FY 2022 initial registration period. As discussed above, DHS aims to ensure an orderly and effective administration of the FY 2022 H–1B numerical allocations. Because of this delay rule, the initial FY 2022 registration period will be administered under the current regulations. DHS believes that it is best for the public that the same legal standard is also applied to all of the FY 2022 H–1B numerical allocations. If the H–1B Selection Final Rule were to take effect during the initial registration period, or any subsequent registration period during FY 2022, USCIS believes it would not be operationally able to administer the H–1B numerical allocations under two different regulatory standards.

Therefore, DHS is delaying the effective date of the H–1B Selection Final Rule to December 31, 2021, to better ensure that the H–1B Selection Final Rule will not take effect while USCIS is still administering the FY 2022 numerical allocation selection process. This delay and the application of the current regulations to the initial registration period for the FY 2022 numerical allocations will provide DHS with more time to modify and test the changes to the H–1B registration system that will be needed to implement wage-level-based selection, and to provide the regulated public with time to adapt to new procedures arising from the new legal requirements and system modifications.

DHS is aware that some prospective petitioners and beneficiaries already may have changed their behavior in reliance on the H–1B Selection Final Rule. However, given the short amount of time that has passed since this rule was published on January 8, 2021, DHS

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

[6] 5 U.S.C. 553(d).

[7] 86 FR at 1710.

[8] 86 FR at 1710.

believes that any reliance is minimal and that such reliance interests do not outweigh the need for DHS to ensure that USCIS has sufficient time to implement the new regulations, and that the regulated public has enough time to adjust to the new registration selection process.

Because it would be impracticable to provide for notice and comment and a delayed effective date in advance of the March 9, 2021, effective date, DHS is proceeding with this final rule. Accordingly, the effective date of the H–1B Selection Final Rule, FR Doc. 2021–00183, published on January 8, 2021, at 86 FR 1676, is delayed to December 31, 2021.

B. Executive Order 12866, Regulatory Planning and Review, Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess the costs, benefits, and transfers of available alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits, including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Pursuant to Executive Order 12866 (Regulatory Planning and Review), the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB) determined that this rule is ''economically significant'' under E.O. 12866 and has reviewed this regulation.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 605(b), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (March 29, 1996), requires Federal agencies to consider the potential impact of regulations on small entities during the development of their rules. ''Small entities'' are small businesses, not-for-profit organizations that are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. This final rule is exempt from notice and comment rulemaking, as stated in the Administrative Procedure Act, section of the preamble.

D. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. The inflation-adjusted value equivalent of $100 million in 1995 adjusted for inflation to 2019 levels by the Consumer Price Index for All Urban Consumers (CPI–U) is approximately $168 million based on the Consumer Price Index for All Urban Consumers.

Because the H–1B Selection Final Rule that is being delayed by this final rule may result in the expenditure of more than $100 million by the private sector annually, OIRA has determined that this rule may as well. However, neither the H–1B Selection Final Rule nor this rulemaking is a ''Federal mandate'' as defined for UMRA purposes. The cost of preparation of H–1B petitions (including required evidence) and the payment of H–1B nonimmigrant petition fees by petitioners or other private sector entities is, to the extent it could be termed an enforceable duty, one that arises from participation in a voluntary Federal program, petitioning for classification of the beneficiary as an H–1B nonimmigrant. This final rule does not contain such a mandate. The requirements of Title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA. Therefore, no actions were deemed necessary under the provisions of the UMRA.

E. Congressional Review Act

The Office of Information and Regulatory Affairs determined that the H–1B Selection final rule was a major rule as defined by 5 U.S.C. 804, also known as the ''Congressional Review Act'' (CRA), as enacted in section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 110 Stat. 847, 868–874, and codified at 5 U.S.C. 801–808. Therefore, OIRA has determined that this rule should have a ''major'' rule designation because its practical impact is that it is delaying the implementation of a major rule to FY 2023. The CRA requires that major rules have a 60-day delayed effective date. 5 U.S.C. 801(a)(3). However, pursuant to 5 U.S.C. 808(2), DHS is forgoing the 60-day delayed effective date for the reasons articulated in the Administrative Procedure Act section above. This final rule will take effect immediately upon publication. DHS has complied with the CRA's reporting requirements and has sent this final rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1).

F. Executive Order 13132 (Federalism)

This final rule would not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule does not have ''tribal implications'' because it does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Accordingly, E.O. 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

I. National Environmental Policy Act (NEPA)

DHS analyzes actions to determine whether the National Environmental Policy Act, Public Law 91–190, 42 U.S.C. 4321 through 4347 (NEPA), applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 (Directive) and Instruction Manual 023–01–001–01 Rev. 01, Implementation of the National Environmental Policy Act (Instruction Manual) establish the policies and procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500–1508.

The CEQ regulations allow federal agencies to establish, with CEQ review and concurrence, categories of actions (''categorical exclusions'') that experience has shown do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require an Environmental Assessment (EA) or Environmental Impact Statement (EIS).[9] Categorical exclusions established by DHS are set forth in Appendix A of the Instruction Manual. Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[10]

As discussed in more detail throughout this final rule, DHS is issuing this final rule to delay the effective date and postpone the implementation of the H–1B Selection Final Rule. That rule is amending regulations governing the selection of registrations or petitions, as applicable, toward the annual H–1B numerical allocations based on the wage level that equals or exceeds the proffered wage based on occupational classification and area of intended employment.

Generally, DHS believes NEPA does not apply to a rule intended to change a discrete aspect of a visa program because any attempt to analyze its potential impacts would be largely, if not completely, speculative. The same applies to a rule delaying the effective date of such a rule that does not change the rule's substance, but only postpones its effective date, and consequently pushes out the date on which it will be implemented. This final rule does not alter the statutory limitations on the numbers of nonimmigrants who may be issued initial H–1B visas or granted initial H–1B nonimmigrant status, or those who consequently will be admitted into the United States as H–1B nonimmigrants, or those who will be allowed to change their status to H–1B, or will extend their stay in H–1B status. DHS does not believe, and cannot reasonably estimate whether, the delay in a rule that establishes a wage-level-based ranking approach to select H–1B registrations (or petitions in any year in which the registration requirement were suspended) that DHS is implementing will affect how many petitions will be filed for workers to be employed in specialty occupations or whether the regulatory amendments herein will result in an overall change in the number of H–1B petitions that ultimately will be approved, and the number of H–1B workers who will be employed in the United States in any FY. DHS has no reason to believe that delaying these amendments to H–1B regulations will change the environmental effect, if any, of the existing regulations. Therefore, DHS has determined that, even if NEPA applied to this action, this final rule clearly fits within categorical exclusion A3(d) in the Instruction Manual, which provides an exclusion for ''promulgation of rules . . . that amend an existing regulation without changing its environmental effect.'' This final rule only delays another final rule and will maintain the current human environment. This final rule is not a part of a larger action and presents no extraordinary circumstances creating the potential for significant environmental effects. Therefore, this action is categorically excluded and no further NEPA analysis is required.

IV. Paperwork Reduction Act

DHS is delaying the implementation of all changes to the H–1B Registration Tool (OMB Control number 1615–0144) and Form I–129, Petition for a Nonimmigrant Worker (Form I–129) (OMB Control number 1615–0009), associated with the H–1B Selection Final Rule until December 31, 2021.

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–02665 Filed 2–4–21; 4:15 pm]

BILLING CODE 9111–97–P

[9] *See* 40 CFR 1507.3(b)(2)(ii), 1508.4.

[10] Instruction Manual section V.B(2)(a)–(c).

DEPARTMENT OF ENERGY

10 CFR Part 430

[Case Number 2020–020; EERE–2020–BT–WAV–0035]

Energy Conservation Program: Notification of Petition for Waiver of Ningbo FOTILE Kitchen Ware Co. Ltd. From the Department of Energy Dishwashers Test Procedure and Notification of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of petition for waiver and grant of an interim waiver; request for comments.

SUMMARY: This notification announces receipt of and publishes a petition for waiver and interim waiver from Ningbo FOTILE Kitchen Ware Co. Ltd. (''FOTILE''), which seeks a waiver for specified dishwasher basic models from the U.S. Department of Energy (''DOE'') test procedure used for determining the energy and water consumption of dishwashers. DOE also gives notification of an Interim Waiver Order that requires FOTILE to test and rate the specified dishwasher basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning FOTILE's petition and its suggested alternate test procedure so as to inform DOE's final decision on FOTILE's waiver request.

DATES: The Interim Waiver Order is effective on February 8, 2021. Written comments and information are requested and will be accepted on or before March 10, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, interested persons may submit comments, identified by case number ''2020–020'', and Docket number ''EERE–2020–BT–WAV–0035,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FotileDishwasher2020WAV0035@ee.doe.gov.* Include Case No. 2020–020 in the subject line of the message.
- *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2020–020, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The docket, which includes **Federal Register** notices, comments,

and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0035.* The docket web page contains instruction on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Request@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–7796. Email: *Elizabeth.Kohl@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On October 15, 2020, FOTILE filed a petition for waiver and interim waiver from the test procedure for dishwashers set forth at Appendix C1.[1] In its petition for waiver, FOTILE stated that the subject dishwasher models, which FOTILE described as ''in-sink'' dishwashers, do not have a main detergent compartment and have different installation instructions than under-counter or under-sink dishwashers. FOTILE has requested DOE waive sections of the dishwasher test procedure pertaining to installation requirements and placement of the detergent. FOTILE has suggested an alternate test procedure to install the dishwasher basic models from the top of a rectangular enclosure (as opposed to the front) and to specify placement of the detergent directly into the dishwasher chamber.

DOE has reviewed FOTILE's application for an interim waiver and the alternate test procedure requested by FOTILE. DOE also reviewed manufacturer information available online, including the operation manual[2] for the specified basic models. Based on this review, the suggested alternate test procedure appears to allow for the accurate measurement of the energy and water consumption of the specified basic models, while alleviating the testing problems associated with FOTILE's implementation of dishwasher testing for these basic models. Consequently, DOE has determined that FOTILE's petition for waiver likely will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant FOTILE immediate relief pending a determination of the petition for waiver.

DOE notes, however, that FOTILE's alternate test procedure specifies a test enclosure that differs from the installation instructions provided in the operation manual. Specifically, the alternate test procedure retains a requirement in Section 2.1 that the enclosure be brought into the closest contact with the appliance that the configuration of the dishwasher will allow. In the case of FOTILE's basic model, this would include close contact between the bottom of the enclosure and the underside of the in-sink dishwasher. Because the height of the product is 21 5/16 inches (541 millimeters (mm)), such proximity and resulting height of the test enclosure close to that value would conflict with the installation instructions in the operation manual, which specify a minimum enclosure height of 35 7/16 inches (900 mm), and may potentially result in differing heat losses from the dishwasher that could impact energy consumption during the cycle. DOE requests comment on any such potential impacts on energy consumption as a result of the test enclosure specifications in the alternate test procedure, and on whether installation should be required in accordance with the operation manual to provide results that are more representative of average use.

DOE is publishing FOTILE's petition for waiver in its entirety, pursuant to 10 CFR 430.27(b)(1)(iv).[3] DOE invites all interested parties to submit in writing by March 10, 2021, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Jason Gastman, *jason.gastman@fotile.com,* 6 Campus Dr., Suite 210, Parsippany, NJ 07054.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *http://*

[1] The specific basic models for which the petition applies are dishwasher basic models SD2F–P1X and SD2F–P1XL. These basic model names were provided by FOTILE in its October 15, 2020 petition.

[2] The operation manual can be found in the docket at *https://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0035.*

[3] The petition did not identify any of the information contained therein as confidential business information.

www.regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the Department of Energy was signed on December 14, 2020, by Daniel R. Simmons, Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 18, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

Case Number 2020–020

Interim Waiver Order

I. Background and Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[4] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [5] of EPCA, Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain types of consumer products. These products include dishwashers, the subject of this Interim Waiver Order. (42 U.S.C. 6292(a)(6))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that product (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the covered product complies with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C.6293(b)(3)) The test procedure for dishwashers is contained in the Code of Federal Regulations (''CFR'') at 10 CFR part 430, subpart B, appendix C1, ''Uniform Test Method for Measuring the Energy Consumption of Dishwashers'' (''Appendix C1'').

Under 10 CFR 430.27, any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the performance of the product type in a manner representative of the energy consumption characteristics of the basic model. 10 CFR 430.27(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 430.27(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

[4] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (Oct. 23, 2018).

[5] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

II. FOTILE's Petition for Waiver and Interim Waiver

On October 15, 2020, FOTILE filed a petition for waiver and interim waiver from the test procedure for dishwashers set forth at Appendix C1.[6] In its petition for waiver, FOTILE stated that the subject dishwasher models, which FOTILE described as ''in-sink'' dishwashers, do not have a main detergent compartment and have different installation instructions than under-counter or under-sink dishwashers. FOTILE has requested DOE waive sections of the dishwasher test procedure pertaining to installation requirements and placement of the detergent. FOTILE has suggested an alternate test procedure to install the dishwasher basic models from the top of a rectangular enclosure (as opposed to the front) and to specify placement of the detergent directly into the dishwasher chamber.

FOTILE also requests an interim waiver from the existing DOE test procedure. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. 10 CFR 430.27(e)(2).

Based on the assertions in the petition, the installation and detergent placement characteristics of the subject basic models prevent testing of the basic models according to the prescribed test procedure absent an interim waiver.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of covered products. (42 U.S.C. 6293(c)) Consistency is important when making representations about the energy efficiency of covered products, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to 10 CFR 430.27, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an alternate test procedure for the basic models addressed by the Interim Waiver Order.

FOTILE seeks to use an alternate test procedure to test and rate specific dishwasher basic models. In its petition for waiver, CNA has suggested the following alternate test procedure:

- Update the existing installation requirements in section 2.1 of Appendix C1 to add that, ''A compact in-sink dishwasher combined with a sink doesn't have a flat bottom and must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a bottom, a front, a back, and two sides, and it shall not have a top. We put the in-sink dishwasher into the enclosure from the top and mounted it to the edges of the enclosure.''
- Update the existing detergent requirements in section 2.10 of Appendix C1 to add that, ''For compact dishwashers that have neither prewash program nor a main detergent compartment, determine the amount of main wash detergent (in grams) to be added directly into the dishwasher chamber according to section 2.10.2 of this appendix.''

IV. Interim Waiver Order

DOE has reviewed FOTILE's application for an interim waiver and the alternate test procedure requested by FOTILE. DOE also reviewed manufacturer information available on-line, including the operation manual[7] for the specified basic models. Based on this review, the suggested alternate test procedure appears to allow for the accurate measurement of the energy and water consumption of the specified basic models, while alleviating the testing problems associated with FOTILE's implementation of dishwasher testing for these basic models. DOE has initially determined that testing the specified basic models in an enclosure consistent with the manufacturer installation instructions provides results that are more representative of average use. Consequently, DOE has determined that FOTILE's petition for waiver likely will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant FOTILE immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is *ordered* that:

(1) FOTILE must test and rate the following dishwasher basic models with the alternate test procedure set forth in paragraph (2).

Brand	Basic model
FOTILE	SD2F–P1X
FOTILE	SD2F–P1XL

(2) The alternate test procedure for the FOTILE basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for dishwashers prescribed by DOE at 10 CFR part 430, subpart B, appendix C1, except that the requirements for dishwasher installation and detergent placement are as detailed below. All other requirements of Appendix C1 and DOE's regulations remain applicable.

In section 2.1, *Installation,* add at the end of the section:

A compact in-sink dishwasher with a combination sink must be installed in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a front, a bottom, a back, and two sides and the dishwasher must be installed from the top and mounted to the edges of the enclosure.

In section 2.10, *Detergent,* add at the end of the section:

For compact in-sink dishwashers with a combination sink that have neither prewash program nor a main detergent compartment, determine the amount of main wash detergent (in grams) to be added directly into the washing chamber according to section 2.10.2 of this appendix.

(3) *Representations.* FOTILE may not make representations about the energy and water use of a basic model listed in paragraph (1) for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions set forth in this alternate test procedure and such representations fairly disclose the results of such testing.

[6] The specific basic models for which the petition applies are dishwasher basic models SD2F–P1X and SD2F–P1XL. These basic model names were provided by FOTILE in its October 15, 2020 petition.

[7] The operation manual can be found in the docket at *https://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0035.*

(4) This Interim Waiver Order shall remain in effect according to the provisions of 10 CFR 430.27.

(5) This Interim Waiver Order is issued on the condition that the statements, representations, test data, and documentary materials provided by FOTILE are valid. If FOTILE makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and FOTILE will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for the Interim Waiver Order is incorrect, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, FOTILE may request that DOE rescind or modify the Interim Waiver Order if FOTILE discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

(6) Issuance of this Interim Waiver Order does not release FOTILE from the applicable requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. FOTILE may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of dishwashers. Alternatively, if appropriate, FOTILE may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 430.27(g).

Signed in Washington, DC, on December 14, 2020.

Daniel R Simmons,

Assistant Secretary for Energy Efficiency and Renewable Energy.

Petition of Ningbo FOTILE Kitchen Ware Co. Ltd for Waiver and Interim Waiver of Test Procedure for Residential Dishwasher SD2F–P1X&SD2F–P1XL

Ningbo FOTILE Kitchen Ware Co. Ltd respectfully submits this petition for Waiver and for Interim Waiver of the Department of Energy (DOE or Department) test procedure for residential dishwashers. Specifically, FOTILE seeks a waiver for its very-small-capacity, highly compact, 3–IN–1 in-sink dishwasher because it contains design characteristics that prevent testing according to the test procedures from Appendix C1. This dishwasher does not have a main detergent compartment and has different installation instructions than under-counter or under-sink dishwashers. As a result, the current test procedure is not representative of consumers' use of the product or the product's energy and water consumption characteristics. As described below, FOTILE proposes an alternative test procedure for this dishwasher that will allow FOTILE to test the product and determine its' compliance in accordance with the Department's current energy conservation standards for residential dishwashers.

FOTILE Group, based on Ningbo China, has been focusing on high-end kitchen appliances since its foundation in 1996. FOTILE's business footprints have covered more than 30 countries, including the United States, Canada, Malaysia, Indonesia, Australia, etc. FOTILE markets its products only under the ''FOTILE'' brand in the United States.

I. Model for Which a Waiver Is Requested

The Basic models for which a waiver is requested are SD2F–P1X and SD2F–P1XL. Both of these models include a sink and a dishwasher combined into one unit. These two models are basically identical. They have the same electrical, physical, and functional characteristics that affect energy consumption, energy efficiency, water consumption, and water efficiency. The only difference between SD2F–P1X and SD2F–P1XL is the position of the sink and the dishwasher. The dishwasher chamber of SD2F–P1X is on the right and of SD2F–P1XL is on the left. As a result, these basic models can use the same petition for Waiver and for Interim Waiver.

II. Need for the Requested Waiver

The FOTILE non-soil-sensing in-sink dishwasher is a highly beneficial product, especially suitable for small families, tiny house structures, RVs, home bars, secondary kitchens, and other space-constrained places. The unit uses less time to finish a normal wash, which is approximately 45min with excellent washing results. It also has beneficial design characteristics to avoid having to bend when loading and unloading dishes.

To the best of FOTILE's knowledge, FOTILE is unable to identify any other manufactures distributing residential dishwasher models in commerce in the United States that incorporate all of the design characteristics that are the subject of this petition.

According to the Appendix C1, FOTILE in-sink dishwasher is a compact dishwasher, as it can only hold 2 place settings and 6 serving pieces. The current test procedure for compact dishwasher is set forth in Appendix C1.

FOTILE requires a wavier because the design characteristics of its in-sink dishwasher prevent testing of the product according to the prescribed DOE test procedure. The first reason we require a waiver is, the FOTILE in-sink dishwasher does not have a main detergent compartment. Consumers can add dishwasher detergent directly into the dishwasher chamber. The second reason we are applying for a waiver is this unit is combined with a sink and has a different height, so the machine does not have a flat bottom, and cannot stand on the ground. Therefore, the installation instructions are different from a traditional under-counter dishwasher. Because of these two design characteristics, this unit cannot be tested in accordance with sections of the test procedure regarding adding detergent and installation requirements. As described further below, FOTILE therefore requests a waiver of those aspects of the test procedure and proposes an alternative in which the detergent is put directly into the dishwasher chamber, and the unit is mounted into a counter top cut-out enclosure.

FOTILE submits that the procedure is representative of consumer use and thus, representative of the product's true energy and water consumption characteristics.

111. Proposed Alternate Test Procedure

FOTILE proposed the following alternative test procedure to evaluate the performance of the model that is subject of the waiver request. The alternative test procedure is the same as the existing test procedure for residential dishwasher except that it considers that the unit doesn't have a main detergent compartment and doesn't have a flat bottom.

FOTILE shall be required to test the performance of the model subject to the waiver according to the test procedure for residential dishwashers in 10 CFR part 430, subpart B, Appendix C1, except as follows:

Add the following at the end of section 2.10 of Appendix C1:

''For compact dishwashers that have neither prewash program nor a main detergent compartment, determine the amount of main wash detergent (in grams) to be added directly into the dishwasher chamber according to section 2.10.2 of this appendix.''

Add the following at the end of section 2.1 of Appendix C1:

''A compact in-sink dishwasher combined with a sink doesn't have a flat bottom and must be tested in a rectangular enclosure constructed of nominal 0.374inch (9.5mm) plywood painted black. The enclosure must consist of a bottom, a front, a back, and two sides, and it shall not have a top. We put the in-sink dishwasher into the enclosure from the top and mounted it to the edges of the enclosure.''

IV. Petition for Interim Waiver

FOTILE also hereby applies for an Interim Waiver of the applicable test procedure requirement for its very-small-capacity, highly compact, 3–IN–1 in-sink residential dishwasher. The models for which the Interim Waiver is requested are SD2F–P1X and SD2F–P1XL. These models will be marketed in commerce under the FOTILE brand name. Based on these facts, we feel FOTILE meets the criteria for an Interim Waiver. Without waiver relief, FOTILE would be subject to requirements that clearly cannot apply to this product. In addition, FOTILE would most likely suffer economic hardship and be at a competitive disadvantage if it cannot gain DOE approval and start to distribute in the United States.

FOTILE's in-sink dishwasher meets consumers' needs in today's marketplace because it is highly compact, easy to install, saves time, and eliminates having to bend down while loading and unloading dishes. It is also an affordable, energy-efficient alternative for consumers to choose. In FOTILE's opinion, we feel there is no basis to delay this innovative product from entering the marketplace.

V. Conclusion

FOTILE respectfully requests that DOE grant its Petition for Waiver of the applicable test procedure and grant its Petition for Interim Waiver for the specified models.

FOTILE also submits its test report according to the alternate test procedure included in the attachment.

Thank you for your timely attention on reviewing this application of petition for Waiver and for Interim Waiver.

Respectfully submitted,

/s/

Guoqing Hu,

Director of Product Department.

Ningbo FOTILE Kitchen Ware Co. Ltd

No.218 Binhai 2nd Road, Hangzhou Bay New District, Ningbo, China(315336)

[FR Doc. 2020–28497 Filed 2–5–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Case Number 2020–013; EERE–2020–BT–WAV–0027]

Energy Conservation Program: Notification of Petition for Waiver of Hercules, a Senneca Holdings Company, From the Department of Energy Walk-in Cooler and Walk-in Freezer Test Procedure and Notification of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of petition for waiver and grant of an interim waiver; request for comments.

SUMMARY: This document announces receipt of and publishes a petition for waiver and interim waiver from Hercules, a Senneca Holdings company, which seeks a waiver for specified basic models of walk-in cooler and walk-in freezer doors (''walk-in doors'') from the U.S. Department of Energy (''DOE'') test procedure used for determining the energy consumption of walk-in doors. This document also provides notification of an Interim Waiver Order requiring Hercules to test and rate the specified walk-in door basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning the petition and its suggested alternate test procedure so as to inform DOE's final decision on the waiver request.

DATES: The Interim Waiver Order is effective on February 8, 2021. Written comments and information are requested and will be accepted on or before March 10, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, interested persons may submit comments, identified by case number ''2020–013'', and Docket number ''EERE–2020–BT–WAV–0027,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Hercules2020WAV0027@ee.doe.gov.* Include Case No. 2020–013 in the subject line of the message.
- *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2020–013, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0027.* The docket web page contains instruction on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Request@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (''DOE'') is

publishing a petition for waiver from Hercules, a Senneca Holdings company, (''Hercules'') in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv).[1] DOE invites all interested parties to submit in writing by March 10, 2021, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Brendan Batzlaff, Door Engineering. Telephone: (507) 934–0545. Email: *bbatzlaff@doorengineering.com.*

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the Department of Energy was signed on December 28, 2020, by Daniel R Simmons, Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 29, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

Case Number 2020–013

Interim Waiver Order

I. Background and Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[2] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[3] of EPCA, added by the National Energy Conservation Policy Act, Public Law 95–619, sec. 441 (Nov. 9, 1978), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve the energy efficiency for certain types of industrial equipment. This equipment includes walk-in coolers and walk-in

[1] The petition did not identify any of the information contained therein as confidential business information.

[2] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (Oct. 23, 2018).

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

freezers, the subject of this Interim Waiver Order. (42 U.S.C. 6311(1)(G))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the covered equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure for measuring the energy consumption of walk-in cooler and walk-in freezer doors (''walk-in doors'') is contained in the Code of Federal Regulations (''CFR'') at 10 CFR part 431, subpart R, appendix A, ''Uniform Test Method for the Measurement of Energy Consumption of the Components of Envelopes of Walk-In Coolers and Walk-In Freezers'' (''Appendix A'').

Under 10 CFR 431.401, any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. *See* 10 CFR 431.401(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the performance of the equipment type in a manner representative of the energy consumption characteristics of the basic model. *See* 10 CFR 431.401(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *See* 10 CFR 431.401(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. *See* 10 CFR 431.401(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. *See* 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. *See* 10 CFR 431.401(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. *See* 10 CFR 431.401(h)(2).

II. Hercules's Petition for Waiver and Interim Waiver

By letter dated July 22, 2020, Hercules, a Senneca Holdings company, (''Hercules'') filed a petition for waiver and interim waiver from the test procedure for walk-in doors set forth at 10 CFR part 431, subpart R, appendix A. (Hercules, No. 1; ''July 2020 petition'')[4] Subsequent to the July 22, 2020 submission and in response to questions from DOE regarding characteristics of the specified basic models and stipulated values in the suggested alternate test procedure, Hercules submitted an updated petition for waiver and interim waiver on October 14, 2020, that provided additional and updated information. (Hercules, No. 2; ''October 2020 petition'')[5]

Section 4.5.2 of Appendix A, ''Direct Energy Consumption of Electrical Components of Non-Display Doors'', establishes percent time off (''PTO'') values that account for the percent of time that an electrical device is assumed to be off for lighting, anti-sweat heaters, and any other electricity-consuming devices. The PTO value discounts the daily energy consumption of electrical components as calculated in section 4.5.2(b) of Appendix A. Hercules stated that the basic models identified in its petition use electric door motors for vertical and horizontal openings of the walk-in doors. The motors described in Hercules's waiver petition are ''other electricity consuming devices . . . controlled by a preinstalled timer, control system or other auto-shut-off system'' under section 4.5.2(a)(3) of Appendix A. The DOE test procedure specifies using a PTO value of 25 percent for such devices, thereby reflecting an ''on'' time of 75 percent. Hercules stated that operating a door motor for 75 percent of the day significantly overstates normal motor usage on their powered door models. (Hercules, No. 2 at p. 1)

In the July 2020 petition, Hercules requested a PTO of 96 percent, based on an opening of 120 inches, instead of the PTO value of 25 percent specified in section 4.5.2(a)(3) of Appendix A for electricity-consuming devices other than lighting and anti-sweat heaters. (Hercules, No. 1 at pp. 2–3) DOE requested clarification from Hercules on the maximum opening width and height for all horizontally and vertically opening doors specified in the petition for waiver to evaluate the most energy consumptive scenarios.

In the October 2020 petition, Hercules provided performance data for three door examples: the first two for horizontally sliding door basic models and the third for vertical lift door basic models. (Hercules, No. 2 at pp. 2–3) All examples estimated a normal daily use of 120 cycles. One cycle is one complete opening and one complete closing of a

[4] A notation in the form ''Hercules, No. 1'' identifies a written submission: (1) Made by Hercules; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE–2020–BT–WAV–0027) and available for review at *http://www.regulations.gov.*

[5] Due to the lengthy list of walk-in door basic models listed in Hercules's October 2020 petition, DOE is making the complete list publicly available in the relevant regulatory docket. The specific basic models identified in Appendix I of the petition can be found in the docket at *http://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0027.*

door. The 120-cycle estimate is consistent with the value relied on by DOE in its evaluation of potential test procedure provisions to address door opening infiltration in the test procedure supplemental notice of proposed rulemaking published September 9, 2010. 75 FR 55068, 55085.[6]

The first example provided by Hercules was the Single Slide Electric Horizontal Sliding Door, which has a maximum opening of 288 inches operating at a speed of 10 inches per second (''IPS'') in both directions. (Hercules, No. 2 at p. 2) For this example, the normal daily use cycle estimate and cycle time estimate result in a total motor run time of 115.2 minutes (1.92 hours) per day, leaving the door motor out of operation for 22.08 hours per day, or 92 PTO. *Id.*

The second example provided by Hercules was the Bi-Parting Electric Horizontal Sliding Door, which has a maximum opening of 288 inches operating at a speed of 10 IPS in both directions for each door. *Id.* Because the motor operator controls the movement of two doors at once, the cycle time is half of what it was for the Single Slide Electric Horizontal Sliding Door example. This results in an estimated total motor run time of 57.6 minutes (0.96 hours) per day, leaving the door motor out of operation for 23.04 hours per day, or 96 PTO. *Id.*

The third example provided by Hercules was the Electric Vertical Lift door, which has a maximum vertical opening of 288 inches operating at a speed of 12 IPS in both directions. (Hercules, No. 2 at p. 3). For this example, the normal daily use cycle estimate and cycle time estimate result in a total run time of 96 minutes (1.6 hours) per day, leaving the door motor out of operation for 22.4 hours per day, or 93.3 PTO.

Based on these calculations, Hercules petitioned DOE to apply a PTO value of 92 percent for the specified basic models of their walk-in doors that use electric door motors. *Id.*

Hercules also requested an interim waiver from the existing DOE test procedure. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. *See* 10 CFR 431.401(e)(2).

Based on the assertions in the petition, absent an interim waiver, the walk-in door basic models with electric door motors identified in Hercules's October 2020 petition for a waiver cannot be tested and rated for energy consumption on a basis representative of their actual energy consumption characteristics.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of covered equipment. (42 U.S.C. 6314(d)) Consistency is important when making representations about the energy efficiency of covered equipment, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to its regulations at 10 CFR 430.401, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an alternate test procedure for the basic models addressed by the Interim Waiver Order.

Hercules seeks to use an alternate test procedure to test and rate specific walk-in door basic models. Instead of using the PTO value of 25 percent established in section 4.5.2(a)(3) of Appendix A for electricity-consuming devices other than lighting and anti-sweat heaters, Hercules requests using the minimum calculated PTO value in their petition, 92 percent, for all of their specified models.

VI. Interim Waiver Order

DOE has reviewed Hercules's application for an interim waiver, the alternate test procedure requested by Hercules, and the data provided by Hercules in both its original July 2020 petition and the October 2020 petition, along with material on its website. As part of DOE's review, DOE considered the potential range of parameters affecting door motor operating time, including door opening width or height, speed of door closing/opening, and cycles per day.

DOE examined the operating conditions specified in Hercules's petition and compared them with the values mentioned in the product literature. Specifically, DOE compared the minimum operating speed of the motor and maximum length or height of the door opening to assess if the most energy consumptive scenario was captured in the PTO value requested. Based on DOE's review of the manufacturer materials, the examples provided by Hercules in the October 2020 petition and the associated calculations are the most energy consumptive scenarios for the basic models specified by Hercules (*i.e.,* the single-slide electric horizontal sliding door basic models beginning with EHS–D, the bi-parting electric horizontal sliding door basic models beginning with EBP–D, and the electric vertical lifting door basic models beginning with EVL–D). DOE then validated these calculations.

Based on DOE's review, Hercules's suggested alternate test procedure that applies a PTO value of 92 percent appears to allow for the accurate measurement of the energy consumption of the specified basic models, while alleviating the testing issues associated with Hercules's implementation of walk-in door testing for these basic models. The required use of a PTO value of 92 percent is consistent with waivers previously granted in response to petitions that presented the same issue as in Hercules's petition.[7] Consequently, DOE has determined that Hercules's petition for waiver will likely be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Hercules immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is *ordered* that:

(1) Hercules must test and rate the Hercules brand basic models listed in Appendix I of its October 14, 2020 petition as provided in Docket Number EERE–2020–BT–WAV–0027[8] with the alternate test procedure set forth in paragraph (2).

(2) The alternate test procedure for the Hercules basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for walk-in doors prescribed by DOE at 10 CFR part 431, subpart R, appendix A, except that the percent time off (''PTO'') value specified in section 4.5.2 ''Direct Energy Consumption of Electrical Components of Non-Display Doors'' shall be 92 percent for door motors. All other requirements of 10 CFR part 431, subpart R, appendix A and DOE's regulations remain applicable.

(3) *Representations.* Hercules may not make representations about the energy

[6] DOE did not adopt test procedure provisions addressing door opening infiltration, having determined that a typical door manufacturer has very few direct means for reducing the door infiltration on its own. 73 FR 21580, 21595 (Apr. 15, 2011).

[7] See Notice of Decision and Order granting a waiver to Jamison Door (Case No. 2017–009; 83 FR 53460 (Oct. 23, 2018); Notice of Decision and Order granting a waiver to HH Technologies (Case No. 2018–001; 83 FR 53457 (Oct. 23, 2018)); and Extension of Waiver to HH Technologies (Case No. 2018–011; 84 FR 1434 (Feb. 4, 2019)).

[8] Available at *http://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0027.*

use of a basic model identified in paragraph (1) for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing.

(4) This Interim Waiver Order shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Interim Waiver Order is issued on the condition that the door performance characteristics, statements, representations, test data, and documentary materials provided by Hercules are valid. If Hercules makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and Hercules will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for the Interim Waiver Order is incorrect, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Hercules may request that DOE rescind or modify the Interim Waiver Order if Hercules discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Issuance of this Interim Waiver Order does not release Hercules from the applicable requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Hercules may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of walk-in doors. Alternatively, if appropriate, Hercules may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

Signed in Washington, DC, on December 28, 2020.

Daniel R Simmons,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Hercules

10/14/2020

Petition for Hercules for Waiver of Test Procedure for Walk in Cooler and Freezer Doors

Hercules, a Senneca Holdings company, is petitioning for a Waiver and submitting an Application for Interim Waiver from the current Department of Energy (DOE) code for walk in freezer doors per Title 10 Chapter II Subpart R, General Provisions, Section 431.401.

Hercules began operating in 1952 as an insulated walk-in cooler and specialty refrigeration equipment manufacturer. Today, Hercules is a recognized manufacturer of high-quality, made-to-order Cold Storage door systems. Hercules is mainly focused on applications including Blast Freezer, Freezer, Cooler, Docks, Processing, Ripening Rooms, Automotive Test Cells, Research Facilities and Distribution Facilities. Senneca Holdings Company previously sold Hercules products into applications greater than 3000 square feet, but recently has decided to market Hercules products into smaller applications that are regulated by DOE.

I. Basic Models for Which Hercules Requests a Waiver

Hercules requests a waiver and interim waiver for the Hercules brand basic models set forth in Appendix I.

Please note that Appendix I uses wildcards to represent height and width measurements in the individual model numbers, as well as whether the individual model includes a window. Use of the wildcards is necessary as Senneca has not yet determined every precise height and width combination that we will include in a forthcoming certification submission. In order to ensure DOE has enough information to assess what sized doors are covered by the waiver request, Senneca has identified the final surface area for each basic model listed in Appendix I. The ultimate size of a door is determined by the surface area in the basic model number, however no door covered by Appendix I has an opening larger than 288 inches or smaller than 36 inches. The exact height and width of individual models will be reflected in Senneca's certifications.

II. Why Hercules Requests a Waiver

Currently, per the standard at 10 CFR 431.306, section 4.5.2, the rating of the door for insulating values and motor power uses a percent time off, or PTO, of 25 percent. This would require the door motor to operate for 75 percent of the day which significantly overstates normal motor usage on our basic brands of powered door models.

The first example, listed below, discusses two door types within our horizontally sliding door model groups that normally operate at a total speed of 10 Inches Per Second (IPS) or greater. The second example is for the Hercules vertical lift door model that normally operates at a total speed of 12 IPS or greater. Documentation and support for the numbers used below are included in Appendix II. While the supporting materials in Appendix II refer to and cover a broader group of doors than the Hercules basic models listed in Appendix I, these materials are accurate in their description of the components of the Hercules basic models listed in Appendix I. That is, the supporting materials provided cover all Hercules basic models listed in Appendix I.

A. First Example: Hercules Horizontally Sliding Door Models

Hercules Listed Model Groups:

- EHS–D—Single Slide Electric Horizontal Sliding Door
- EBP–D—Bi-Parting Electric Horizontal Sliding Door

EHS–D doors have one panel that must travel the entire width of the opening to open or close, while EBP–D doors have two panels that each must travel one-half the width of the opening—from the midpoint of the opening—to open or close. As a result, although the operator moves both EHS–D and EBP–D door panels at the same speed, the door cycle for EBP–D doors is half that of EHS–D doors. For this reason, the PTO values for EHS–D versus EBP–D doors are calculated separately below.

The DOE has stated that door operation of 120 cycles (operations) per day is normal. Hercules uses this cycle number as our norm when estimating customer usage of sliding model groups listed above also and will use this as the base for our first PTO example. One cycle is defined as one opening and closing cycle of a door with a door opening of 288 inches operating at a constant speed of 10 IPS in both opening and closing directions.

The amount of time that the door is in the open and stopped position does not add to the calculation as the motor is not powered during this time.

EHS–D—Single-Slide Electric Horizontal Sliding Door:

Door Cycles/Day = 120
Door Cycle time = 57.6 Sec.
Total run time/Day (min.) = 115.2
Total run time/Day (hr.) = 1.92
Total not running time/Day (hr.) = 22.08
PTO calculated = .92

EBP–D—Bi-Parting Electric Horizontal Sliding Door:

Door Cycles/Day = 120
Door Cycle time = 28.8 Sec.
Total run time/Day (min.) = 57.6
Total run time/Day (hr.) = 0.96
Total not running time/Day (hr.) = 23.04
PTO calculated = .96

B. Second Example: Hercules Vertical Lift Door Models

Hercules Listed Model Groups:

- EVL–D—Electric Vertical Lift

Our second example covers doors within our vertical lift model group. Hercules Vertical Lift door basic models are operated at a maximum of 120 cycles (operations) per day, as specified by the DOE. One cycle is defined as one opening and closing cycle of a door. There is a maximum possible door travel of 288 inches operating at a constant speed of 12 IPS in both opening and closing directions.

The amount of time that the door is in the open and stopped position does not add to the calculation as the motor is not powered during this time.

Door Cycles/Day = 120
Door Cycle time = 48 Sec.
Total run time/Day (min.) = 96
Total run time/Day (hr.) = 1.6
Total not running time/Day (hr.) = 22.4
PTO calculated = .933

Based on the PTO examples above Hercules would request a waiver to use a PTO value of 92 percent for the Hercules basic models set forth in Appendix I.[1] The calculation for all door models demonstrates a much lower motor run time than the standards currently assume, which results in a much larger energy savings. Hercules is requesting this waiver so that we can continue to sell power operated doors which are more convenient and efficient for our customers. These doors represent a large part of the WICF market, and our business would be severely impacted if we could no longer make these doors available for our customers.

III. Interim Waiver Request

Hercules is also requesting an interim waiver for the identified Hercules basic models and individual models in Appendix I. Given the economic realities of business, it is imperative that the interim waiver be granted so that Senneca may ship Hercules doors to be used in DOE-regulated environments during the pendency of DOE's review. Without a waiver, Hercules would be in a position of disadvantage in the marketplace for our products. Other manufacturers of similar product design, such as Jamison Doors, have petitioned and previously been granted Interim and permanent waivers on the same basis.

IV. Other Manufacturers

Manufacturers that are known to us of other basic models that are distributed in the United States and that incorporate designs with similar characteristics that are subject to this petition include: JAMISON DOORS, HH TECHNOLOGIES and FRANK DOORS.

10.14.20
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Appendix I

For a list of the specific basic models for which the test procedure applies see the docket at *http://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0027-0002.*

Appendix II

For product literature used to calculate percent time off see the docket at *http://www.regulations.gov/docket?D=EERE-2020-BT-WAV-0027-0002.*

[FR Doc. 2020–29100 Filed 2–5–21; 8:45 am]

BILLING CODE 6450–01–P

[1] This waiver request is limited to the Hercules basic models listed in Appendix I. Although additional basic models and individual models may exist within a model group, those basic models and individual models are not power-operated and thus are not included in the request. Moreover, the Hercules basic models and individual models listed in Appendix I reflect new modeling nomenclature, updated to more closely align with DOE expectations.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 20–36; FCC 20–156; FRS 17432]

Unlicensed White Space Device Operations in the Television Bands; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (Commission) is correcting a final rule that appeared in the **Federal Register** on January 12, 2021. In this document, the Commission revised its rules to expand the ability of unlicensed white space devices to deliver wireless broadband services in rural areas and to facilitate the development of new and innovative narrowband Internet of Things (IoT) devices. This correction clarifies an amendatory instruction.

DATES: Effective February 11, 2021.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hugh Van Tuyl, Office of Engineering and Technology, 202–418–7506, *Hugh.VanTuyl@fcc.gov.*

SUPPLEMENTARY INFORMATION: This correction clarifies that the Commission's modifications to § 15.712(h)(1) were to the introductory text of (h)(1) and not (h)(1) as a whole.

Correction

In FR Doc. 20–26706, appearing on page 2278 in the **Federal Register** on January 12, 2021, the following correction is made:

§ 15.712 [Corrected]

■ 1. On page 2293, in the second column, instruction number 6 amending § 15.712 is corrected to read as follows:
■ 6. Amend § 15.712 by:
■ a. Revising the introductory text and paragraphs (a)(2) and (3) and (b)(3)(ii) and (iii);
■ b. Adding paragraph (b)(3)(iv);
■ c. Revising paragraph (c)(2)(ii);
■ d. Adding paragraph (c)(2)(iii); and
■ e. Revising paragraphs (d), (f), and (g); (h)(1) introductory text, and (i)(1).

The revisions and additions read as follows:

Dated: January 27, 2021.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–02626 Filed 2–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59, FCC 18–177; FRS 17376]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of compliance date.

SUMMARY: In this document, the Commission announces that compliance with the rule for reporting information about the most recent date of permanent

disconnection to the Reassigned Numbers Database per the *2018 Second Report and Order,* published on March 26, 2019, is now required.

DATES: Compliance with 47 CFR 64.1200(l)(2), published at 84 FR 11226, March 26, 2019, is required as of March 10, 2021.

FOR FURTHER INFORMATION CONTACT: Karen Schroeder of the Consumer and Governmental Affairs Bureau, Consumer Policy Division, at (202) 418–0654 or *Karen.Schroeder@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that OMB approved the information collection requirement in § 64.1200(l)(2) on June 2, 2020.

The Commission publishes this document as an announcement of the compliance date of the rule.

The Commission previously announced that compliance with the rules for aging numbers and maintaining records of the most recent date of permanent disconnection was required as of July 27, 2020, published at 85 FR 38334, June 26, 2020.

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 (voice).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

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

[FR Doc. 2021–01299 Filed 2–5–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[RTID 0648–XA843]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Retroactive Quota Transfer From NC to MA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2020 commercial summer flounder quota to the Commonwealth of Massachusetts. This retroactive adjustment to the 2020 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the retroactively revised 2020 commercial quotas for North Carolina and Massachusetts.

DATES: Effective February 5, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2020 allocations were published on October 9, 2019 (84 FR 54041).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would not preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and, the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act. The Regional Administrator has determined these three criteria have been met for the transfer approved in this notice.

North Carolina is transferring 9,185 lb (4,166 kg) of 2020 summer flounder commercial quota to Massachusetts through mutual agreement of the states. This transfer was requested to repay landings made by a North Carolina-permitted vessel in Massachusetts under a safe harbor agreement. The revised summer flounder quotas for calendar year 2020 are: North Carolina, 3,026,316 lb (1,372,714 kg); and, Massachusetts, 802,549 lb (364,030 kg).

Given the timing of the safe harbor agreement and the states' request, we were unable to process the transfer before the December 31st end of the 2020 fishing year. The retroactively adjusted quotas will be used to calculate overages for the 2020 fishing year and adjust, as needed, 2021 summer flounder quotas.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 3, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–02521 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 24
Monday, February 8, 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.

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2020–11]

Exemptions To Permit Circumvention of Access Controls on Copyrighted Works

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

ACTION: Notice of public hearings.

SUMMARY: The United States Copyright Office will be holding public hearings as part of the eighth triennial rulemaking proceeding under the Digital Millennium Copyright Act (''DMCA'') concerning possible exemptions to the DMCA's prohibition against circumvention of technological measures that control access to copyrighted works. Parties interested in testifying at the hearings are invited to submit requests to testify pursuant to the instructions set forth below.

DATES: The public hearings are scheduled for April 5–8 and April 19–22, 2021. Requests to testify must be received no later than 11:59 p.m. Eastern time on February 24, 2021. Once the hearing agendas are finalized, the Office will notify all participants and post the times and dates of the hearings at *https://www.copyright.gov/1201/2021/*.

ADDRESSES: The Office will conduct the hearings remotely using the Zoom videoconferencing platform. Requests to testify should be submitted through the request form available at *https://www.copyright.gov/1201/2021/hearing-request.html*.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at *regans@copyright.gov*; Kevin R. Amer, Deputy General Counsel, by email at *kamer@copyright.gov*; or Anna Chauvet, Associate General Counsel, by email at *achau@copyright.gov*. Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION: On June 22, 2020, the Copyright Office (''Office'') published a notice of inquiry in the **Federal Register** to initiate the eighth triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which authorizes the Librarian of Congress, upon the recommendation of the Register of Copyrights, to exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work.[1] On October 15, 2020, the Office published a notice of proposed rulemaking setting forth proposed exemptions for seventeen classes of works and requesting written comments.[2] The responsive comments received thus far have been posted on the Office's website at *https://www.copyright.gov/1201/2021/*.

At this time, the Office is announcing public hearings to be held via Zoom to further consider the proposed exemptions. The Office plans to convene panels of witnesses for the proposals to be considered, and may combine certain panels if the witnesses and/or key issues substantially overlap. All of the hearings will be live streamed online, and the video and transcript for each hearing will be posted on the Office's website. If no request to testify is received for a proposed exemption, the Office will consider the class based on the written submissions and any *ex parte* communications with interested parties (discussed below).

A. Submitting Requests To Testify

A request to testify should be submitted to the Office using the form on the Office's website indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. To the extent feasible, the Office requests that organizations submit only one panelist request per proposed class, and generally encourages parties with similar interests to select a common representative to testify on their behalf. If multiple persons from the same organization wish to testify regarding *different* proposed exemptions, each should submit a separate request outlining the subject matter area. If multiple persons from the same organization wish to testify regarding the *same* proposed exemption, each should again submit a separate request, and explain in their submissions the need for multiple witnesses. For parties represented by law school clinics, the Office will attempt to accommodate requests to allow students to participate under the supervision of a faculty member. The Office will contact requesters should it determine that a hearing for a particular class is unnecessary.

Depending upon the number and nature of the requests, and in light of the limited time available for the public hearings, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have provided substantive evidentiary submissions in support of or in opposition to a proposal.

All requests to testify must clearly identify:

- The name of the person desiring to serve as a witness;
- The organization or organizations represented, if any;
- Contact information;
- The proposed class about which the person wishes to testify;
- A two- to three-sentence summary of the testimony the witness expects to present; and
- If the party is requesting the ability to demonstrate a use or a technology during the hearing, a description of the demonstration, the approximate time required, and any functionality required to make the demonstration viewable via Zoom. In light of the transition to virtual hearings for this proceeding, the Office cannot guarantee that witnesses will have the ability to introduce demonstrative evidence into the record during the hearings. The Office will consider options to accommodate such requests, including potentially by holding one or more dedicated panel sessions for that purpose.

To facilitate the process of scheduling panels, it is essential that all of this information be included in a request to testify.

Following receipt of the requests to testify, the Office will prepare agendas listing the witnesses, dates, and times for each hearing. These will be circulated to witnesses and posted at *https://www.copyright.gov/1201/2021/* on or about March 8, 2021.

[1] 85 FR 37399 (June 22, 2020).

[2] 85 FR 65293 (Oct. 15, 2020).

B. Format of Public Hearings

The Office will establish time limits for each panel after receiving all requests to testify. Generally, the Office plans to allot approximately one to two hours for each proposed class, although it may adjust the timing depending upon the complexity of the class. In addition, members of the public will be provided a limited opportunity to offer additional comments for the record, but parties who wish to provide detailed information to the Office are encouraged to submit a request to testify.

Witnesses should expect the Office to have carefully studied all written comments, and the Office will expect witnesses to have done the same with respect to the classes for which they will be presenting. The hearings will focus on legal or factual issues that are unclear or underdeveloped in the written record, as identified by the Office, as well as demonstrative evidence.

The Office stresses that factual information is critical to the rulemaking process, and witnesses should be prepared to discuss, among other things, where the copies of the works sought to be accessed are stored, how the works would be accessed, and what would be done with the works after being accessed. The Office also encourages witnesses to provide real-world examples to support their arguments. In some cases, the best way to do this may be to provide a description or demonstration of a claimed noninfringing use or the technologies pertinent to a proposal. As noted above, a person wishing to provide a demonstration should include a request to do so with the request to testify, using the appropriate space on the form. Persons should consider whether a demonstration is able to be presented in a format that enables it to be viewed by participants and observers via Zoom. To ensure proper documentation of the hearings, the Office will require that a copy of any audio, visual, or audiovisual materials (*e.g.,* slideshows and videos) be provided to the Office following the hearing. The Office may contact witnesses individually ahead of time to ensure that demonstrations can be preserved for the record in an appropriate form.

C. Ex Parte Communication

During the seventh triennial rulemaking, the Office issued guidelines according to which interested parties could request informal meetings with the Office. The Office intends to issue similar guidelines in this proceeding. Consistent with its prior practice, the Office will establish requirements to ensure transparency, including that participating parties submit a list of attendees and a written summary of any oral communications, which will be posted on the Office's website. The *ex parte* guidelines will be made available at *https://www.copyright.gov/1201/2021/* following the completion of the public hearings. No *ex parte* meetings in this proceeding will be scheduled before that time.

As in prior proceedings, such informal communications may supplement, but not substitute for, the written record and testimony at the public hearings. The primary means to communicate views in the course of the rulemaking will continue to be through the submission of written comments and testimony at the public hearings.

Dated: February 2, 2021.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2021–02464 Filed 2–5–21; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0522; FRL–10016–86–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to Control of Volatile Organic Compounds Mobile Equipment Repair and Refinishing Rule Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). This SIP revision consists of the 2010 amendments to the State of Delaware's Mobile Equipment Repair and Refinishing (MERR) regulations to incorporate the Ozone Transport Commission's (OTC) 2009 Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations regulations (MVMERR) model rule. The MVMERR rule establishes updated volatile organic compounds (VOC) content limits for coating and cleaning solvents used in vehicle refinishing and standards for coating application, work practices, monitoring, and recordkeeping. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2020–0522 at *https://www.regulations.gov,* or via email to *gordon.mike@epa.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Mike Gordon, Planning & Implementation Branch (3AD30) Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2039. Mr. Gordon can also be reached via electronic mail at *gordon.mike@epa.gov*.

I. Background

A. General

Ozone is formed in the atmosphere by photochemical reactions between VOCs and nitrogen oxides (NO_X) in the presence of sunlight. In order to reduce these ozone concentrations, the CAA requires control of VOC and NO_X emission sources to achieve emission reductions in moderate or more serious ozone nonattainment areas. Section 184(a) of the CAA established a single ozone transport region (OTR), comprising all or part of 12 eastern states, including all of the State of Delaware. Section 176a of the CAA requires that when a transport region is established, the Administrator must also establish a transport commission

consisting of certain representatives from each state included within the transport region. See CAA section 176a(b)(1). Following creation of the OTR, an Ozone Transport Commission (OTC) was established in accordance with the requirements of CAA section 176a(b)(1). In December 1999, EPA identified emission reduction shortfalls in several severe 1-hour ozone nonattainment areas, including those located in the OTR. As a result, the OTC developed model rules for a number of source categories. One of the model rules, the 2002 MERR Model Rule, was developed to reduce VOC emissions from automotive coatings and cleaning solvents associated with non-assembly line refinishing or recoating of motor vehicles, mobile equipment, and their associated parts and components. The OTC 2002 MERR Model Rule applies to a person who applies mobile equipment repair and refinishing or color matched coatings to mobile equipment or mobile equipment components. Delaware's regulations adopting the OTC 2002 MERR model rule were originally approved by EPA into Delaware's SIP on November 22, 2002 (67 FR 70315) as part of a regional effort to attain and maintain the 1-hour ozone NAAQS.

The OTC 2009 MVMERR Model Rule [1] is a revision of the 2002 MERR Model Rule developed by the OTC. The OTC's 2009 MVMERR Model Rule is based upon the California Air Resources Board's (CARB) Suggested Control Measure (SCM) for Automotive Coatings, published October 2005. In order to keep Delaware's regulations up-to-date with the OTC's 2009 MVMERR Model Rule, Delaware revised its regulations, found at 7 DE Admin Code 1124, Control of Volatile Organic Compound Emissions; Section 11.0 Mobile Equipment Repair and Refinishing (Delaware's 2010 amended MERR rule), on September 17, 2010. Delaware then submitted these 2010 amendments to EPA as a SIP revision on May 6, 2020.[2]

B. Source Description

Automobile refinishing includes the application of coatings following the manufacture of original equipment. ''Automobile'' or ''vehicle'' in this category refers to passenger cars, trucks, vans, motorcycles, and other mobile equipment capable of being driven on the highway. Automobile refinishing work typically consists of structural repair, surface preparation, and painting, and includes operations in auto body repair/paint shops, production auto body paint shops, new car dealer repair/paint shops, fleet operator repair/paint shops, and custom-made car fabrication facilities. The steps involved in automobile refinishing include surface preparation, coating applications, and spray equipment. VOC emissions result from the evaporation of solvents during each of these processes and can be controlled through the use of compliant coatings and solvents, the use of application equipment with increased transfer efficiency, and stringent work practice standards.

The main categories of coatings are primers and topcoats. The primer category consists of pretreatment wash primers, primers, primer surfacers, and primer sealer. Topcoats are applied over the primer coats and provide the final color to the refinished area. Primers and coatings can be classified as lacquer, enamel, or urethane coatings. Each coating differs in its chemistry, durability, and VOC content. Some additives and specialty coatings are necessary for unusual performance requirements and are used in relatively small amounts to improve desirable properties. Additives and special coatings include adhesion promoters, uniform refinish blenders, elastomeric materials for flexible plastic parts, gloss flatteners, and anti-glare/safety coatings. For additional information, see EPA's ''Alternative Control Techniques (ACT) Document: Automobile Body Refinishing'' (EPA–453/R–94–031, April 1994).[3]

II. Summary of SIP Revision and EPA Analysis

On May 6, 2020, DNREC submitted a SIP revision consisting of amendments to its MERR rule to incorporate the OTC 2009 MVMERR Model Rule. If approved into the SIP, Delaware's 2010 amended MERR rule would be federally enforceable. Affected sources within the State of Delaware include: Auto body and repair facilities; fleet operator repair and paint facilities; new and used auto dealer repair and paint facilities; after-market auto customizing and detailing facilities; manufacturers, suppliers, and distributors of coatings and cleaning solvents intended for use and application to motor vehicles, mobile equipment, and associated components; and manufacturers, suppliers, and distributors of application equipment and materials storage such as spray booths, spray guns, and sealed containers for cleaning rags for use within the State of Delaware.

As summarized in Delaware's transmittal memo for this SIP revision, this SIP revision to Delaware's existing regulation, 7 DE Admin Code 1124, reduces the VOC contents of currently regulated coatings, regulates additional coating categories, requires the use of coating application equipment that provides for high transfer efficiency, and requires that surface cleaning solvent contain no more than 25 grams of VOC per liter. More specifically, Delaware's 2010 amended MERR rule establishes revised VOC content limits for automotive coatings and cleaning solvents used in the preparation, application, and drying phases of vehicle refinishing. Delaware's 2010 amended MERR rule also establishes coating application standards, work practices, operator training standards, and compliance and recordkeeping standards. Table 1 lists the revised VOC limits adopted by the State of Delaware in 2010, and compares them to the standards set in the OTC 2009 MVMERR Model Rule.

[1] The OTC 2009 MVMERR Model Rule is available online at *https://otcair.org/document.asp?fview=modelrules* and included in the docket for this rulemaking, available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0522.

[2] During a recent internal review of the Delaware SIP, DNREC discovered that it had never submitted the 2010 Delaware regulatory changes adopting the 2009 OTC MVMERR Model Rule to EPA as a SIP revision. DNREC therefore submitted this SIP revision in May 2020 so that the EPA-approved SIP would correctly reflect the Delaware regulations.

[3] EPA's ACT for Automobile Body Refinishing is available online at *https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques* and is included in the docket for this rulemaking, available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0522.

TABLE 1—ALLOWABLE VOC CONTENT IN AUTOMOTIVE COATINGS FOR MOTOR VEHICLE AND MOBILE EQUIPMENT NON-ASSEMBLY LINE REFINISHING AND RECOATING

Coating category	VOC regulatory limit as applied *		
	Delaware's 2010 amended MERR rule		2009 OTC MVMERR model rule
	(Pounds per gallon)	(Grams per liter)	(Grams per liter)
Adhesion promoter	4.5	540	540
Automotive pretreatment coating	5.5	660	660
Automotive primer	2.1	250	250
Cavity Wax	5.4	650	(**)
Clear coating	2.1	250	250
Color coating, including metallic/iridescent color coating	3.5	420	420
Deadener	5.4	650	(**)
Gasket/Gasket material	1.7	200	(**)
Lubricating wax compound	5.8	700	(**)
Multicolor coating	5.7	680	680
Sealer	5.4	650	(**)
Single-stage coating, including single-stage metallic/iridescent coating	2.8	340	340
Temporary protective coating	0.50	60	60
Truck bed liner coating	1.7	200	310
Truck interior	5.4	650	(**)
Underbody coating	3.6	430	430
All other coating	2.1	250	250

* VOC regulatory limit as applied means the weight of VOC per volume of coating (prepared to manufacturer's recommended maximum VOC content, minus water and non-VOC solvents).
** 2009 OTC MVMERR did not contain a cateogory for this type of automotive coating.

Delaware's 2010 amended MERR rule incorporates without any revisions the VOC limits for all the available coating categories found in the OTC's 2009 MVMERR model rule. In addition, Delaware's 2010 amended MERR rule requires that surface cleaning solvent contain no more than 25 grams of VOC per liter, as required by the 2009 OTC MVMERR Model Rule. All the VOC limits in Delaware's 2010 amended MERR rule are as stringent as the limits in the 2009 OTC MVMERR Model Rule, as shown in Table 1 of this document. Approval of Delaware's 2010 amended MERR rule into the SIP would make these limits, the coating and cleaning solvent VOC content limits, and the use of coating application equipment which provides high transfer efficiency, federally enforceable. The VOC reductions resulting from Delaware's adoption of the 2010 changes to implement the 2009 OTC MVMERR Model Rule have been occurring since the effective date of Delaware's amended regulations, and upon final approval of this SIP revision, will become federally enforceable and will continue to be federally enforceable until such time as Delaware submits, and EPA approves, a SIP revision to revise these limits. Approving Delaware's 2010 amended MERR rule into the SIP strengthens Delware's SIP, and EPA is therefore proposing to approve it into the Delaware SIP as a SIP strengthening measure.

III. Proposed Action

EPA is proposing to approve Delaware's 2010 amended MERR rule as a SIP revision. EPA has determined that Delaware's 2010 amended MERR rule is consistent with the requirements and limits in the 2009 OTC MVMERR Model Rule. Therefore, its approval into the Delaware SIP would result in the VOC reductions in the 2010 amended MERR rule becoming federally enforceable and strengthen the SIP. EPA is soliciting public comments on the issues discussed in this document relevant to Delaware's 2010 amended MERR rule. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to 7 DE Admin Code 1124 Control of Volatile Organic Compound Emissions Section 11.0 Mobile Equipment Repair and Refinishing. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a ''significant regulatory action'' under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

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

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, in which EPA is proposing approval of Delaware's 2010 amended MERR rule to incorporate the 2009 OTC MVMERR Model rule, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02557 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0712; FRL–10019–50–Region 1]

Air Plan Approval; Rhode Island; Control of Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Rhode Island. These revisions update Rhode Island air pollution control regulations for volatile organic compound (VOC) emissions from consumer products and architectural and industrial maintenance coatings. The intended effect of this action is to propose approval of the revised regulations. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2020–0712 at *http://www.regulations.gov,* or via email to *Mackintosh.David@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Planning Branch, U.S. Environmental Protection Agency, EPA Region 1, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA, tel. 617–918–1584, email *Mackintosh.David@epa.gov.*

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

Table of Contents

I. Background and Purpose
II. EPA's Evaluation of the Submittal
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IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background and Purpose

On January 24, 2020, the Rhode Island Department of Environmental Management submitted to EPA a State Implementation Plan (SIP) revision containing three revised air pollution control regulations: 250–RICR–120–05–0, ''General Definitions''; 250–RICR–120–05–31, ''Control of Volatile Organic Compounds from Consumer Products''; and 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings.'' These revised regulations became effective in Rhode Island on January 9, 2017. In each regulation Rhode Island has submitted to EPA for incorporation into the SIP, its subsection 2 ''Application'' has been stricken from the rule. Rhode Island notes that this language is only relevant in Rhode Island and not intended to be incorporated into the Rhode Island SIP.

On April 1, 2020, Rhode Island modified its January 24, 2020, SIP revision request by withdrawing 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings.'' On July 22, 2020, Rhode Island submitted to EPA a SIP revision containing a more recently amended version of 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings.'' Again, its subsection 2 ''Application''

has been stricken from the rule and will not be incorporated into the Rhode Island SIP. The amended regulation became effective in Rhode Island on July 21, 2020.

On December 28, 2020, Rhode Island modified its January 24, 2020, SIP revision request by withdrawing 250–RICR–120–05–0, ''General Definitions'' from the SIP revision, because EPA had since approved a more recent version of Rhode Island's regulation 0, ''General Definitions'' effective in the State of Rhode Island on February 9, 2018, in a final rulemaking published September 3, 2020 (85 FR 54924).

Thus, this proposed action addresses two revised regulations: ''Control of Volatile Organic Compounds from Consumer Products'' and ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings'', submitted by Rhode Island on January 24, 2020 and July 22, 2020, respectively. EPA previously approved earlier versions of these regulations into the Rhode Island SIP on March 13, 2012 (77 FR 14691).

Rhode Island is a member state of the Ozone Transport Commission (OTC), an organization established by Congress under the CAA which is composed of 12 states, and the District of Columbia, throughout the Northeast and Mid-Atlantic regions. The OTC develops model rules for the member states to use to reduce the emissions of ground level ozone precursors. In 2011, OTC authored a model rule limiting VOC content in architectural and industrial maintenance coatings, which was the second version of this model rule. Then in 2012, the OTC issued a model rule to limit the VOC content of consumer products, which was the fourth version of this model rule. In 2013, the OTC again revised its consumer products rule to include dual purpose air freshener/disinfectants.

II. EPA's Evaluation of the Submittal

Rhode Island's revised 250–RICR–120–05–31, ''Control of Volatile Organic Compounds from Consumer Products'' is based on the 2013 OTC model rule for consumer products. The regulation generally applies to ''any person who sells, supplies, offers for sale, distributes for sale or manufactures for sale within Rhode Island any consumer products on or after the applicable date.'' The regulation limits the VOC content, expressed in percent of VOC by weight, for certain consumer product categories, and content limits are restricted based on the product date of manufacture. Compared to the previously approved EPA version of the regulation, the revision to the regulation lowers VOC content limits for 13 consumer product categories and adds nine new consumer product categories. The revised and new limits apply to the relevant products manufactured on or after January 1, 2019. Additionally, the revised regulation incorporates the new product category definitions and modifies several existing definitions for clarity and consistency with the 2013 OTC model rule. The regulation has also been updated to current Rhode Island code of regulations format.

Rhode Island's revised consumer product regulation continues to contain limits for more categories of consumer products than EPA's National Volatile Organic Compound Emission Standards for Consumer Products rule at 40 CFR part 59 Subpart C (63 FR 48831; September 11, 1998). The revised regulation limits are also equal to, or more stringent than, those found in EPA's consumer products rule.

Rhode Island's 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings'' is based on the 2011 OTC model rule for adhesives and sealants. The revised regulation includes all the approaches to controlling VOC emissions found in EPA's CTG for Miscellaneous Industrial Adhesives (EPA 453/R–08–005, September 2008): VOC content limits for adhesives and cleaning solvents; work practices; record keeping; air pollution control equipment options; surface preparation requirements; and spray gun cleaning requirements. However, Rhode Island's rule is more comprehensive than the CTG, since it contains VOC content limits for sealants and sealant primers (in addition to adhesives as covered by the CTG) and regulates sellers and manufacturers (not just appliers of regulated adhesives, adhesive primers and sealants). While there are minor differences in the named adhesive categories included in the CTG, those differences are inconsequential compared to the broader applicability of 250–RICR–120–05–33 as noted above. The regulation has also been updated to current Rhode Island code of regulations format.

In summary, as noted above, EPA has reviewed Rhode Island's revised VOC regulations and found that they are no less stringent than the applicable EPA guidance and generally consistent with the OTC recommendations. EPA is proposing to approve the Rhode Island SIP revision for these two regulations (excluding those provisions indicated above that were not submitted by the state), which were submitted to EPA on January 24, 2020 and July 22, 2020. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

III. Proposed Action

EPA is proposing to approve the Rhode Island SIP revisions consisting of two revised regulations 250–RICR–120–05–31, ''Control of Volatile Organic Compounds from Consumer Products'' and 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings,'' excluding the Application subsections 31.2 and 33.2 respectively.

IV. Incorporation by Reference

In this document, EPA is proposing to amend regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing changes to the Rhode Island SIP as described in the Proposed Action section above. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2021–02538 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0209; FRL–10019–69–Region 1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

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

DATES: Written comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2020–0209 at *https://www.regulations.gov,* or via email to *mcwilliams.anne@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

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

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

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I. Background and Purpose

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

Env-A 1600 is intended to prevent, abate, and control the use of fuels containing specific pollutant elements and compounds. In conjunction with the submittal of Env-A 1600, on May 22, 2019, the New Hampshire Department of Environmental Services (NH DES)

requested removal of Env-A 400 Sulfur Content Limits in Fuels, which currently exists in the New Hampshire SIP but has been superseded as a matter of state law by Env-A 1600. Env-A 400 is now a state regulation unrelated to sulfur limitations in fuels.

II. New Hampshire's SIP Revision

On March 11, 2019, the NH DES submitted a SIP revision to EPA. This SIP revision includes Env-A 1600 Fuel Specifications, with amendments to Env-A 1603 and 1604 Sulfur Content Limitations effective December 21, 2018. The amended Env-A 1603 and 1604 lower the allowable limits for the sulfur content of liquid and solid fuels. The submitted Env-A 1600 removes the provisions of the EPA's previously approved Env-A 400 related to sulfur content requirements for natural gas, as explained below in section III.c.

III. EPA's Evaluation of New Hampshire's SIP Revision

a. Liquid Fuels

The previous SIP-approved Env-A 400 generally allowed for the use of distillate oil (No. 2), No. 4 oil, and residual oil (Nos. 5 and 6) with a sulfur in fuel limit containing 0.4% sulfur by weight, 1% sulfur by weight, and 2% sulfur by weight, respectively.[1] The submitted revised Env-A 1603 prohibits on and after July 1, 2018 the importation of, and prohibits on and after February 1, 2019 the sale or distribution (except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125–C:11) of, fuels having a sulfur content in excess of the limits contained in Table 1:

TABLE 1—REVISED SULFUR CONTENT OF LIQUID FUELS

Fuel type	Percent by weight
No. 2 oil, also referred to as distillate oil.	0.0015% (15 parts million (ppm)).
No. 4 oil	0.25% (250 ppm).
No. 5 oil or No. 6 oil, also referred to as residual oil.	0.5% (500 ppm).

In addition, Env-A 1603, Sulfur Content of Liquid Fuels prohibits the use of subject fuels at a stationary source or unit, and prohibits any person from supplying such fuels, having a sulfur content in excess of that in Table 2:

TABLE 2—STATE APPROVED SULFUR CONTENT OF LIQUID FUELS

Fuel type	Percent by weight
JP–4 aviation fuel	0.4% (4,000 parts million (ppm)).
Aviation gasoline	0.05% (500 ppm).
Kerosene-1 oil	0.04% (400 ppm).
Kersonene-2 oil and Jet A, A–1, B, and JP–8 aviation fuels.	0.3% (3,000 ppm).
Used oil	2%.

Sulfur in fuel limits for these fuel types are not specified in the previously SIP-approved Env-A 400 and therefore this strengthens the SIP.

EPA finds that Env-A 1600 contains fuel sulfur limits which are more stringent than those in the original rule (Env-A 400), and in addition, includes sulfur limits for additional fuels (kerosene and several grades of aviation fuel) which have not been previously addressed in the SIP.

b. Solid Fuels

For solid fuel, the previous SIP-approved Env-A 400 required the use of coal with a maximum sulfur content of 2.8 pounds sulfur per million BTU gross heat content for existing sources, a three month weighted average of 2.0 pounds sulfur per million BTU for coal received for use in any stationary source for the generation of heat or power, and 1.5 pounds sulfur per million BTU gross heat content for sources placed in operation after April 15, 1970. Env-A 1604 Sulfur Content Limitations for Solid Fuels limits the maximum sulfur content in coal to the following:

TABLE 3—REVISED SULFUR CONTENT OF SOLID FUELS

	Percent by weight
Coal-burning device placed in operation before April 15, 1970.	2.8 pounds per million BTU (lb/MBTU) gross heat content.
Coal-burning device placed in operation on or after April 15, 1970.	1.5 lb/MBTU gross heat content.
	1.0 lb/MBTU gross heat content average over any consecutive 3-month period.

Env-A 1604 is silent on the previously approved three-month weighted average of 2.0 pounds sulfur per million BTU for coal received for use in any stationary source for the generation of heat or power. However, NH DES's SIP submission points out that current federally approved permit operating conditions for the two stationary sources in the State put into operation prior to April 15, 1970 are more stringent than the previously approved sulfur in coal requirement in Env-A 400.[2]

c. Gaseous Fuels

SIP-approved Env-A 400 requires that gaseous fuel (natural and manufactured gas) shall contain no more than 5 grains per 100 cubic feet of sulfur, calculated as hydrogen sulfide (H_2S), at standard conditions. Env-A 1600 does not include sulfur limits for gaseous fuels. New Hampshire's SIP submittal points out that the Federal Energy Regulatory Commission (FERC) determines the allowable sulfur content of natural gas in interstate pipelines. In addition, New Hampshire's SIP submission states that Subchapter C of EPA regulations at 40 CFR 79.55 specifies that propane-based fuel, defined as ''gaseous motor vehicle fuel, marketed commercially as liquified petroleum gas (LPG), whose primary constituent is propane'' shall have a sulfur limit, including odorant, as specified in the table below. In addition, commercial propane is sold in several grades and each grade has a sulfur content specification (also shown in the table 4 below) as published by the Gas Processor's Association.

TABLE 4—SULFUR CONTENT OF GASEOUS FUELS

Fuel	ppmvd (as S)	gr/100 scf (as H_2S)	gr/100 scf (as S)
Natural Gas	338	0.3	20
Natural Gas & Manufactured Gas	338	0.25	20
EPA 40 CFR 79.55 Table F94–B Propane Based Fuel Specifications			7.7
GPA HD–5 Propane (industry standard)	169	10	10

[1] The residual oil limit for the Androscoggin Valley Air Quality Controls Region was 2.2% by weight.

[2] The coal sulfur limit of 2.0 lb sulfur per MMBtu is equivalent to an emission limit of 4.0 lbs SO_2/MMBtu averaged over any consecutive 3-month period. The subject facilities, Merrimack Station and Schiller Station, have federally enforceable SO_2 permit limits of 0.39 lb/MMBtu (7-day rolling average) and 0.83 lb/MMBtu (24-hr calendar average), respectively.

TABLE 4—SULFUR CONTENT OF GASEOUS FUELS—Continued

Fuel	ppmvd (as S)	gr/100 scf (as H_2S)	gr/100 scf (as S)
Commercial Propane (industry standard)	254	15	15

Section 110(*l*) of the Clean Air Act provides that EPA shall not approve any implementation plan revision if it would interfere with any applicable requirements concerning attainment and reasonable progress, or any other applicable requirement of the CAA. As noted above, Env-A 1600 as a whole contains more stringent sulfur in fuel limits than the current SIP-approved rule (Env-A 400). Even though Env-A 1600 does not contain limits for sulfur in gaseous fuels (HD–5 Propone and Commercial Propane), the lowering of the allowed sulfur in fuel content of the solid and liquid fuels will result in an overall reduction in the sulfur content of fuels. Therefore, EPA is proposing to find that the requirements of section 110(*l*) have been met.

The rule contains a provision whereby the State may, upon application, allow suppliers to defer compliance with sulfur content emission limits of the rule during fuel supply shortages, provided that compliance is not deferred for more than 90 days. Additional requests to defer compliance may be made if the supply shortage continues longer than 90 days. The regulation requires the supplier to: (1) Describe efforts made to obtain compliant fuel, (2) indicate how much compliant fuel the supplier has at the time of the request, and (3) provide an estimate of the duration of the shortage. The rule requires that the State confer with EPA upon receipt of a deferral request. In addition, the rule requires that the State notify EPA within 5 days of issuing an order deferring compliance.

In a letter dated November 20, 2020, NH DES provided additional information on the possible impact of granting a deferral request during a supply shortage.[3] NH DES conservatively estimated that the granting of a temporary statewide sulfur in fuel deferral would only increase the SO_2 emissions by an average of 1.9 lb SO_2 per square mile per day. NH DES further clarifies that the adoption of the low sulfur in fuels limits is SIP strengthening and considered one component of the State's Regional Haze strategy. Based on modeling conducted in support of regional haze plan development, a temporary deferral of the sulfur in fuel requirements would not cause significant degradation of visibility. Finally, NH DES highlighted the establishment of the Department of Energy Northeast Home Heating Oil Reserve (NEHHOR), a one-million-barrel supply of ultra-low sulfur distillate which can be released should a disruption in supply occur.[4]

Since (1) the supplier must demonstrate that certain conditions are met, (2) the deferral of the emission limits may not be permanent or open-ended, (3) such deferral requires notification to EPA, (4) such a temporarily deferral will not result in a significant increase in SO_2 emissions or visibility impairment, and (5) the unlikelihood of such a request due to the NEHHOR, we propose to find the provision approvable.

IV. Proposed Action

EPA is proposing to approve Env-A 1600, Fuel Specifications, which was submitted to EPA by New Hampshire on March 11, 2019. In addition, EPA is proposing to remove previously SIP approved Env-400, Sulfur Content of Fuels, which has been superseded by Env-A 1600 as a matter of state law. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference New Hampshire's regulation Env-A 1600 Fuel Specifications as discussed in section III. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). EPA is also proposing to remove provisions of Env-A 400 Sulfur Content Limit in Fuels, approved August 14, 1992 (57 FR 36603) from the New Hampshire State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

[3] The NH DES letter dated November 20, 2020, signed by Craig A. Wright is included in the docket for this rulemaking.

[4] *https://www.energy.gov/fe/services/petroleum-resrves/heating-oil-reserves* as visited on July 8, 2020.

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

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

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2021–02535 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0321; FRL–10016–97–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standards Second Maintenance Plan for the Tioga County Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Tioga County, Pennsylvania area (Tioga County Area). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0321 at *https://www.regulations.gov,* or via email to *spielberger.susan@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*e.g.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Adam Yarina, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2108. Mr. Yarina can also be reached via electronic mail at *yarina.adam@epa.gov*.

SUPPLEMENTARY INFORMATION: On March 10, 2020, PADEP submitted a revision to the Pennsylvania SIP to incorporate a plan for maintaining the 1997 ozone NAAQS in the Tioga County Area through July 6, 2027, in accordance with CAA section 175A.

I. Background

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979). On July 18, 1997 (62 FR 38856),[1] EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. EPA set the 1997 ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004 (69 FR 23857), EPA designated the Tioga County Area as nonattainment for the 1997 ozone NAAQS, effective June 15, 2004. The Tioga County Area consists solely of Tioga County in Pennsylvania.

Once a nonattainment area has three years of complete and certified air quality data that has been determined to attain the NAAQS, and the area has met the other criteria outlined in CAA section 107(d)(3)(E),[2] the state can submit a request to EPA to redesignate the area to attainment. Areas that have been redesignated by EPA from nonattainment to attainment are referred to as ''maintenance areas.'' One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance as well as contingency measures as necessary to assure that violations of the standard will be promptly corrected.

[1] In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

[2] The requirements of CAA section 107(d)(3)(E) include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

On July 6, 2007 (72 FR 36892, effective the same day), EPA approved a redesignation request and maintenance plan from PADEP for the Tioga County Area. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years.

EPA's final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and provided that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.,* maintenance areas) for the 1997 ozone NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b).[3] However, in *South Coast Air Quality Management District* v. *EPA*[4] (South Coast II), the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacated EPA's interpretation that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for ''orphan maintenance areas,'' (*i.e.,* areas like the Tioga County Area) that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS. Thus, states with these ''orphan maintenance areas'' under the 1997 ozone NAAQS must submit maintenance plans for the second maintenance period.

As previously discussed, CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. The 1992 Calcagni Memo[5] provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.,* attainment year inventory). See 1992 Calcagni Memo at p. 9. EPA further clarified in three subsequent guidance memos describing ''limited maintenance plans'' (LMPs)[6] that the requirements of CAA section 175A could be met by demonstrating that the area's design value[7] was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future. Specifically, EPA believes that if the most recent air quality design value for the area is at a level that is below 85% of the standard, or in this case below 0.071 ppm, then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Accordingly, on March 10, 2020, PADEP submitted an LMP for the Tioga County Area, following EPA's LMP guidance and demonstrating that the area will maintain the 1997 ozone NAAQS through July 6, 2027, *i.e.,* through the entire 20-year maintenance period.

II. Summary of SIP Revision and EPA Analysis

PADEP's March 10, 2020 SIP submittal outlines a plan for continued maintenance of the 1997 ozone NAAQS which addresses the criteria set forth in the 1992 Calcagni Memo as follows.

A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive and accurate inventory of actual emissions for an attainment year which identifies the level of emissions in the area which is sufficient to maintain the NAAQS. The inventory should be developed consistent with EPA's most recent guidance. For ozone, the inventory should be based on typical summer day's emissions of oxides of nitrogen (NO_X) and volatile organic compounds (VOC), the precursors to ozone formation. In the first maintenance plan for the Tioga County Area, PADEP used 2004 for the attainment year inventory, because 2004 was a reasonable year within the 2002–2004 3-year block and is one of the years in the 2003–2005 three-year period when the area first attained the 1997 ozone NAAQS.[8] The Tioga County Area continued to monitor attainment of the 1997 ozone NAAQS in 2014. Therefore, the emissions inventory from 2014 represents emissions levels conducive to continued attainment (*i.e.,* maintenance) of the NAAQS. Thus, PADEP is using 2014 as representing attainment level emissions for its second maintenance plan. Pennsylvania used 2014 summer day emissions from EPA's 2014 version 7.0 modeling platform as the basis for the 2014 inventory presented in Table 1.[9]

[3] See 80 FR 12315 (March 6, 2015).

[4] 882 F.3d 1138 (D.C. Cir. 2018).

[5] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (1992 Calcagni Memo).

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001.

[7] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

[8] For more information, see EPA's May 8, 2007 notice proposing to redesignate the Tioga County Area to attainment for the 1997 ozone NAAQS (72 FR 26046).

[9] For more information, visit *https://www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_emiss_inv_data_nov_19_2018_0.xlsx.*

TABLE 1—2014 TYPICAL SUMMER DAY NO_X AND VOC EMISSIONS FOR THE TIOGA COUNTY AREA

[Tons/day]

Source category	NO_X emissions	VOC emissions
Point	1.16	0.27
Nonpoint	1.72	3.43
Onroad	3.41	1.23
Nonroad	0.86	1.31

The data shown in Table 1 is based on the 2014 National Emissions Inventory (NEI) version 2.[10] The inventory addresses four anthropogenic emission source categories: Stationary (point) sources, stationary nonpoint (area) sources, nonroad mobile, and onroad mobile sources. Point sources are stationary sources that have the potential to emit (PTE) more than 100 tons per year (tpy) of VOC, or more than 50 tpy of NO_X, and which are required to obtain an operating permit. Data are collected for each source at a facility and reported to PADEP. Examples of point sources include kraft mills, electrical generating units (EGUs), and pharmaceutical factories. Nonpoint sources include emissions from equipment, operations, and activities that are numerous and in total have significant emissions. Examples include emissions from commercial and consumer products, portable fuel containers, home heating, repair and refinishing operations, and crematories. The onroad emissions sector includes emissions from engines used primarily to propel equipment on highways and other roads, including passenger vehicles, motorcycles, and heavy-duty diesel trucks. The nonroad emissions sector includes emissions from engines that are not primarily used to propel transportation equipment, such as generators, forklifts, and marine pleasure craft. EPA reviewed the emissions inventory submitted by PADEP and proposes to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

In order to attain the 1997 ozone NAAQS, the three-year average of the fourth-highest daily average ozone concentrations (design value, or ''DV'') at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the DV is 0.084 or below. CAA section 175A requires a demonstration that the area will continue to maintain the NAAQS throughout the duration of the requisite maintenance period. Consistent with the prior guidance documents discussed previously in this document as well as EPA's November 20, 2018 ''Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans'' (2018 Resource Document),[11] EPA believes that if the most recent DV for the area is well below the NAAQS (*i.e.,* below 85%, or in this case below 0.071 ppm), the section 175A demonstration requirement has been met, provided that Prevention of Significant Deterioration (PSD) requirements, any control measures already in the SIP, and any Federal measures remain in place through the end of the second 10-year maintenance period (absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance).

For the purposes of demonstrating continued maintenance with the 1997 ozone NAAQS, PADEP provided 3-year DVs at the monitor located in the Tioga County Area from 2007 to 2018. This includes DVs for 2005–2007, 2006–2008, 2007–2009, 2008–2010, 2009–2011, 2010–2012, 2011–2013, 2012–2014, 2013–2015, 2014–2016, 2015–2017, and 2016–2018, which are shown in Table 2.[12] In addition, EPA has reviewed the most recent ambient air quality monitoring data for ozone in the Tioga County Area, as submitted by Pennsylvania and recorded in EPA's Air Quality System (AQS). The most recent DVs (*i.e.,* 2017–2019) at monitors located in the Tioga County Area are also shown in Table 2.[13]

TABLE 2—1997 OZONE NAAQS DESIGN VALUES (PARTS PER MILLION [PPM]) FOR THE TIOGA COUNTY AREA

County	AQS Site ID	2005–2007	2006–2008	2007–2009	2008–2010	2009–2011	2010–2012	2011–2013	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Tioga	42–117–4000	.075	.073	.070	.070	.069	.071	.069	.065	.063	.063	.064	.064	.060

The data in Table 2 show that the DVs for the Tioga County Area have been below 85% of the 1997 ozone NAAQS (*i.e.,* less than or equal to 0.071 ppm) since the 2007–2009 period. The DV for the 2017–2019 period at the monitor in the Tioga County Area is 0.060 ppm, which is well below 85% of the 1997 ozone NAAQS.

States can also support the demonstration of continued maintenance by showing stable or improving air quality trends; several kinds of analyses can be performed by states wishing to make such a showing, according to EPA's 2018 Resource Document. One approach is to take the most recent DV at a monitor located in the area and add the maximum DV increase over one or more consecutive years that has been observed in the area over the past several years. A sum of these two values that does not exceed

[10] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

[11] This resource document is included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0316 and is also available at *https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.*

[12] See also Table II–2 of PADEP's March 10, 2020 submittal, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0316.

[13] This data is also included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2020–0316 and is also available at *https://www.epa.gov/air-trends/air-quality-design-values#report.*

the level of the 1997 ozone NAAQS may be a good indicator of expected continued attainment. The data in Table 2 of this document show that the largest DV increase at the monitor located in the Tioga County Area was 0.002 ppm, which occurred between the 2009–2011 (0.069 ppm) and 2010–2012 (0.071 ppm) DVs. Adding 0.002 ppm to the DV for the 2017–2019 period (0.060 ppm) results in 0.062 ppm, a sum that is still below the 1997 ozone NAAQS.

The Tioga County Area has maintained air quality levels below the 1997 ozone NAAQS since the Area first attained the NAAQS in 2006, and maintained air quality levels at or below 85% of the NAAQS since 2009.[14] Additional supporting information that the area is expected to continue to maintain the standard can be found in projections of future year DVs that EPA recently completed to assist states with the development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the DV at the monitor located in the Tioga County Area is expected to be 0.0573 ppm.[15] Therefore, EPA proposes to determine that future violations of the 1997 ozone NAAQS in the Tioga County Area are unlikely.

C. Continued Air Quality Monitoring and Verification of Continued Attainment

Once an area has been redesignated to attainment, the state remains obligated to maintain an air quality network in accordance with 40 CFR part 58, in order to verify the area's attainment status. In the March 10, 2020 submittal, PADEP commits to continue to operate their air monitoring network in accordance with 40 CFR part 58. PADEP also commits to track the attainment status of the Tioga County Area for the 1997 ozone NAAQS through the review of air quality and emissions data during the second maintenance period. This includes an annual evaluation of vehicles miles traveled (VMT) and stationary source emissions data compared to the assumptions included in the LMP. PADEP also states that it will evaluate the periodic (*i.e.,* every three years) emission inventories prepared under EPA's Air Emission Reporting Requirements (40 CFR part 51, subpart A). Based on these evaluations, PADEP will consider whether any further emission control measures should be implemented for the Tioga County Area. EPA has analyzed the commitments in PADEP's submittal and is proposing to determine that they meet the requirements for continued air quality monitoring and verification of continued attainment.

D. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must require that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175(A)(d) of the CAA.

PADEP's March 10, 2020 submittal includes a contingency plan for the Tioga County Area. In the event that the fourth highest eight-hour ozone concentrations at a monitor in the Tioga County Area exceeds 84 ppb (equivalent to 0.084 ppm) for two consecutive years, but prior to an actual violation of the NAAQS, PADEP will evaluate whether additional local emission control measures should be implemented that may prevent a violation of the NAAQS.[16] After analyzing the conditions causing the excessive ozone levels, evaluating the effectiveness of potential corrective measures, and considering the potential effects of Federal, state, and local measures that have been adopted but not yet implemented, PADEP will begin the process of implementing selected measures so that they can be implemented as expeditiously as practicable following a violation of the NAAQS. In the event of a violation, PADEP commits to adopting additional emission reduction measures as expeditiously as practicable in accordance with the schedule included in the contingency plan as well as the CAA and applicable Pennsylvania statutory requirements.

PADEP will use the following criteria when considering additional emission reduction measures to adopt to address a violation of the 1997 ozone NAAQS in the Tioga County Area: (1) Air quality analysis indicating the nature of the violation, including the cause, location, and source; (2) emission reduction potential, including extent to which emission generating sources occur in the nonattainment area; (3) timeliness of implementation in terms of the potential to return the area to attainment as expeditiously as practicable; and (4) costs, equity, and cost-effectiveness. The measures PADEP would consider pursuing for adoption in the Tioga County Area include, but are not limited to, those summarized in Table 3. If additional emission reductions are necessary, PADEP commits to adopt additional emission reduction measures to attain and maintain the 1997 ozone NAAQS.

TABLE 3—TIOGA COUNTY AREA SECOND MAINTENANCE PLAN CONTINGENCY MEASURES

Non-Regulatory Measures:
Voluntary diesel engine ''chip reflash'' (installation software to correct the defeat device option on certain heavy-duty diesel engines).
Diesel retrofit (including replacement, repowering or alternative fuel use) for public or private local onroad or offroad fleets.
Idling reduction technology for Class 2 yard locomotives.
Idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities.
Accelerated turnover of lawn and garden equipment, especially commercial equipment, including promotion of electric equipment.
Additional promotion of alternative fuel (*e.g.,* biodiesel) for home heating and agricultural use.
Regulatory Measures:[17]

[14] As explained in EPA's May 8, 2007 notice proposing to redesignate the Tioga County Area as attainment for the 1997 ozone NAAQS (72 FR 26046), the 2003–2005 DV for the Tioga County Area was 0.081 ppm.

[15] See U.S. EPA, ''Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values'', Office of Air Quality Planning and Standards, dated June 2018, available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*

[16] A violation of the NAAQS occurs when an area's 3-year design value exceeds the NAAQS.

TABLE 3—TIOGA COUNTY AREA SECOND MAINTENANCE PLAN CONTINGENCY MEASURES—Continued

Additional control on consumer products [18].
Additional controls on portable fuel containers [19].

The contingency plan includes schedules for the adoption and implementation of both non-regulatory and regulatory contingency measures, which are summarized in Tables 4 and 5, respectively.

TABLE 4—IMPLEMENTATION SCHEDULE FOR TIOGA COUNTY AREA NON-REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 2 months	PADEP will identify stakeholders for potential non-regulatory measures for further development.
Within 3 months	If funding is necessary, PADEP will identify potential sources of funding and the timeframe for when funds would be available.
Within 9 months	If state loans or grants are required, PADEP will enter into agreements with implementing organizations. PADEP will also quantify projected emission benefits.
Within 12 months	PADEP will submit revised SIP to EPA.
Within 12–24 months	PADEP will implement strategies and projects.

TABLE 5—IMPLEMENTATION SCHEDULE FOR TIOGA AREA REGULATORY CONTINGENCY MEASURES

Time after triggering event	Action
Within 1 month	PADEP will submit request to begin regulatory development process.
Within 3 months	Request will be reviewed by the Air Quality Technical Advisory Committee (AQTAC), Citizens Advisory Council, and other advisory committees as appropriate.
Within 6 months	Environmental Quality Board (EQB) meeting/action.
Within 8 months	PADEP will publish regulatory measure in the Pennsylvania Bulletin for comment as proposed rulemaking.
Within 10 months	PADEP will hold a public hearing and comment period on proposed rulemaking.
Within 11 months	House and Senate Standing Committee and Independent Regulatory Review Commission (IRCC) comment on proposed rulemaking.
Within 13 months	AQTAC, Citizens Advisory Council, and other committees will review responses to comment(s), if applicable, and the draft final rulemaking.
Within 16 months	EQB meeting/action.
Within 17 months	The IRCC will take action on final rule
Within 18 months	Attorney General's review/action.
Within 19 months	PADEP will publish the regulatory measure as a final rule in the Pennsylvania Bulletin and submit to EPA as a SIP revision. The regulation will become effective upon publication in the Pennsylvania Bulletin.

EPA proposes to find that the contingency plan included in PADEP's March 10, 2020 submittal satisfies the pertinent requirements of CAA section 175A(d). EPA notes that while five of the potential contingency measures included in the Commonwealth's second maintenance plan are non-regulatory, their inclusion among other measures is overall SIP-strengthening, and their inclusion does not alter EPA's proposal to find the LMP is fully approvable. EPA also finds that the submittal acknowledges Pennsylvania's continuing requirement to implement all pollution control measures that were contained in the SIP before redesignation of the Tioga County Area to attainment.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). An MVEB is defined as ''that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101).''

Under the conformity rule, LMP areas may demonstrate conformity without a

[17] These regulatory measures were considered potential cost-effective and timely control strategies by the Ozone Transport Commission (OTC) as well as the Mid-Atlantic Regional Air Management Association and the Mid-Atlantic/Northeast Visibility Union. The OTC is a multi-state organization responsible for developing regional solutions to ground-level ozone pollution in the Northeast and Mid-Atlantic, including the development of model rules that member states may adopt. OTC member states include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. For more information on the OTC, visit *https://otcair.org/index.asp*. To view the model rules developed by the OTC, including those for consumer products and portable fuel containers, visit *https://otcair.org/document.asp?fview=modelrules.*

[18] Pennsylvania's existing controls on consumer products are under 25 Pa. Code Chapter 130, Subchapters B and C (38 Pa.B. 5598). This contingency measure includes the adoption of additional controls on consumer products such as VOC limits for adhesive removers.

[19] Existing controls on portable fuel containers can be found under 40 CFR part 59, subpart F—Control of Evaporative Emissions From New and In-Use Portable Fuel Containers.

regional emission analysis (40 CFR 93.109(e)). However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determination, RTPs, TIPs, and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105 and 93.112) and transportation control measure implementation in the conformity rule provisions (40 CFR 93.113). Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved, they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115). The Tioga County Area remains under the obligation to meet the applicable conformity requirements for the 1997 ozone NAAQS.

III. Proposed Action

EPA's review of PADEP's March 10, 2020 submittal indicates that it meets all applicable CAA requirements, specifically the requirements of CAA section 175A. EPA is proposing to approve the second maintenance plan for the Tioga County Area as a revision to the Pennsylvania SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, proposing approval of Pennsylvania's second maintenance plan for the Tioga County Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmentalrelations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organiccompounds.

Dated: February 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–02558 Filed 2–5–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0719; FRL–10019–44–Region 1]

Air Plan Approval; Connecticut; Regulations To Limit Premises-Wide Actual and Potential Emissions From Major Stationary Sources of Air Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision proposes to approve into the Connecticut SIP state regulations that apply restrictions on emissions of criteria pollutants for which EPA has established National Ambient Air Quality Standards. Separately, we are also proposing to approve Connecticut regulations that apply restrictions on emissions of hazardous air pollutants (HAPs). The Connecticut regulations impose legally and practicably enforceable emissions limitations restricting eligible sources' actual and potential emissions below major stationary source thresholds, if a source chooses to be covered by the regulations. Such restrictions would generally allow eligible sources to avoid having to comply with reasonably available control technology (RACT) that would otherwise apply to major stationary sources, title V operating permit requirements, or other requirements that apply only to major stationary sources. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2020–0719 at *https://www.regulations.gov,* or via email to *bird.patrick@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the

official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Susan Lancey, Air Permits, Toxics and Indoor Programs Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, telephone 617–918–1656, email *lancey.susan@epa.gov*.

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

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I. Background and Purpose

In a letter dated October 26, 2020, the Connecticut Department of Energy and Environmental Protection (DEEP) submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of Regulations of Connecticut State Agencies (RCSA) section 22a–174–33a, Limit on Premises-wide Actual Emissions Below 50% of Title V Thresholds, effective September 24, 2020, and RCSA section 22a–174–33b, Limit on Premises-wide Actual Emissions Below 80% of Title V Thresholds, effective September 24, 2020, as the regulations relate to criteria pollutants. The Connecticut regulations impose legally and practicably enforceable emissions limitations restricting eligible sources' actual and potential emissions below major stationary source thresholds, if a source chooses to be covered by the regulations.

Federally-enforceable limits on criteria pollutants or their precursors (*e.g.,* VOCs or PM–10) may have the incidental effect of limiting certain HAPs listed pursuant to section 112(b) of the Clean Air Act (CAA or the Act). As a legal matter, no additional program approval by the EPA is required beyond SIP approval under section 110 of the CAA in order for these criteria pollutant limits to be recognized as federally enforceable. However, section 112 of the Act provides the underlying authority for controlling *all* HAP emissions, regardless of their relationship to criteria pollutant controls.

In a letter dated December 21, 2020, Connecticut DEEP also requested that EPA approve RCSA sections 22a–174–33a and 22a–174–33b under section 112(l) of the CAA, as the regulations relate to HAPs. As noted earlier, RCSA sections 22a–174–33a and 22a–174–33b are designed to limit air pollutant emissions from major stationary sources to below major stationary source thresholds by including legally and practicably enforceable restrictions on potential and actual emissions.

On April 24, 2017 in the **Federal Register**, EPA approved Connecticut's General Permit to Limit Potential to Emit issued on November 9, 2015 (GPLPE). *See* 82 FR 18868. The GPLPE expired on November 8, 2020. The GPLPE was a general permit designed to limit air pollutant emissions from major stationary sources to below major source thresholds by including legally and practicably enforceable permit restrictions on potential and actual emissions. Connecticut adopted new RCSA sections 22a–174–33a and 22a–174–33b as a replacement program for the GPLPE, as opposed to a renewal of the GPLPE, in order to avoid a lapse in federal enforceability of the applicable requirements. Therefore, RCSA sections 22a–174–33a and 22a–174–33b are intended to replace the GPLPE as a means of limiting a source's potential to emit to below major stationary source thresholds.

EPA's review of this material indicates the regulations satisfy the criteria necessary for EPA's approval as a SIP revision under section 110 of the CAA and satisfy the criteria necessary to be approved under Section 112 of the CAA. EPA is proposing to approve the Connecticut SIP revision consisting of RCSA section 22a–174–33a, Limit on Premises-wide Actual Emissions Below 50% of Title V Thresholds, effective September 24, 2020, and RCSA section 22a–174–33b, Limit on Premises-wide Actual Emissions Below 80% of Title V Thresholds, effective September 24, 2020, under Section 110 of the CAA. EPA is also separately proposing to approve RCSA section 22a–174–33a, Limit on Premises-wide Actual Emissions Below 50% of Title V Thresholds, effective September 24, 2020, and RCSA section 22a–174–33b, Limit on Premises-wide Actual Emissions Below 80% of Title V Thresholds, effective September 24, 2020, under Section 112 of the CAA.

II. Evaluation Under Section 110 of the Clean Air Act

The State of Connecticut's principal purpose in issuing RCSA sections 22a–174–33a and 22a–174–33b is to have a federally and practicably enforceable means of expeditiously restricting sources' potential and actual emissions of air pollutants, such that those eligible sources would no longer be required to comply with reasonably available control technology (RACT) that would otherwise apply to major stationary sources, title V operating permit requirements, or other requirements that only apply to major stationary sources. The operating permit provisions in title V of the Clean Air Act Amendments of 1990 created interest in mechanisms for limiting sources' potential to emit, thereby allowing eligible sources to avoid being defined as ''major'' with respect to title V operating permit programs. Please note, however, that a source that is eligible for coverage under RCSA sections 22a–174–33a and 22a–174–33b may still need a title V operating permit if EPA promulgates a National Emissions Standard for Hazardous Air Pollutants (NESHAP) or a New Source Performance Standard (NSPS) which require non-major sources to obtain a title V permit.

Connecticut's RCSA sections 22a–174–33a and 22a–174–33b require the owner or operator committing to operate pursuant to the applicable regulation to submit a notification on forms prescribed by the Commissioner. The owner or operator is required to keep records that include, among other things, calculation of a source's actual emissions of regulated air pollutants and a detailed description of the methodology used to calculate those actual emissions. The methodology used by an eligible source must be selected from a preferential hierarchy of methodologies explicitly identified in the regulations. Under RCSA section

22a–174–33a, facilities may commit to be limited to emissions less than 50% of the title V operating permit program thresholds for a major source; or, alternatively, under RCSA section 22a–174–33b, certain specified source categories may commit to be limited to emissions up to, but no more than, 80% of the title V operating permit program thresholds for a major stationary source provided the owner or operator conducts the additional specified monitoring and any other additional requirements required by RCSA 22a–174–33b for the relevant source category.

Connecticut's RCSA sections 22a–174–33a and 22a–174–33b contain emissions limitations, requirements for the source to calculate actual emissions, recordkeeping requirements, and require subject sources to submit an annual compliance certification. Additionally, as noted above, RCSA section 22a–174–33b provides enhanced monitoring requirements for specific source categories at premises operating according to section 22a–174–33b which limits a source's potential and actual emissions up to, but to no more than, 80% of the title V operating permit program thresholds for a major source.

This approach was developed in accordance with an EPA guidance document entitled ''Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act,'' issued by John Seitz, Office of Air Quality Planning and Standards to EPA Air Division Directors, dated January 25, 1995.[1] This guidance outlines various approaches to establishing federally-enforceable mechanisms to limit emissions from sources that wish to limit potential emissions to below major source levels. Connecticut's RCSA 22a–174–33a and 22a–174–33b satisfy the criteria necessary for EPA's approval as a SIP revision under section 110 of the CAA. The regulations contain legally enforceable limitations on emissions that are also federally and practicably enforceable.

III. Evaluation Under Section 112 of the Clean Air Act

The state of Connecticut has also requested approval of RCSA sections 22a–174–33a and 22a–174–33b under section 112(l) of the Act for the purpose of creating federally enforceable limitations on the potential to emit of HAPs. Approval under CAA section 112(l) is necessary because the SIP approval discussed above, pursuant to section 110 of the Act, does not extend to HAPs. Approval pursuant to section 112(l) of the Act will render RCSA sections 22a–174–33a and 22a–174–33b federally enforceable for sources of HAPs.

In order for EPA to approve Connecticut's RCSA sections 22a–174–33a and 22a–174–33b for limiting the potential to emit of HAPs, the regulations must meet the statutory criteria for approval under section 112(l)(5) of the Act. In a July 10, 1996 **Federal Register** notice EPA revised 40 CFR part 63, subpart E, to provide for approval of programs designed to limit sources' potential to emit HAPs under the authority of section 112(l) of the CAA. A state must demonstrate that it has satisfied the general approval criteria contained in 40 CFR 63.91(d). The process of providing ''up-front approval'' assures that a state has met the criteria in section 112(l)(5) of the CAA (as codified in 40 CFR 63.91(d)). That is, that the state has demonstrated that its program contains adequate authorities to assure compliance with each applicable Federal requirement, adequate resources for implementation, and an expeditious compliance schedule. To the extent that these have already been satisfied through a title V program approval, a state need not resubmit information demonstrating that it meets the general approval criteria in 40 CFR 63.91(d). Therefore, under 40 CFR 63.91(d)(3), interim or final title V operating permit program approval satisfies the criteria set forth in 40 CFR 63.91(d) for ''up-front approval.'' On May 13, 2002, EPA granted full approval of Connecticut's title V operating permit program. *See* 67 FR 31966. In addition, Connecticut's regulations contain legally and practicably enforceable restrictions on potential and actual emissions. Accordingly, the EPA is proposing to approve RCSA sections 22a–174–33a and 22a–174–33b pursuant to 40 CFR part 63, subpart E and section 112(l) of the Act because the program meets the applicable approval criteria in section 112(l)(5) of the Act and 40 CFR 63.91.

IV. Proposed Action

EPA is proposing to approve Connecticut's RCSA section 22a–174–33a, Limit on Premises-wide Actual Emissions Below 50% of Title V Thresholds, effective September 24, 2020, and RCSA section 22a–174–33b, Limit on Premises-wide Actual Emissions Below 80% of Title V Thresholds, effective September 24, 2020, as a revision to the State's SIP with respect to criteria pollutants and is separately proposing to approve the regulations under section 112(l) of the Act with respect to HAPs. EPA is proposing to approve Connecticut's request in accordance with the requirements of sections 110 and 112 of the CAA.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Connecticut regulations to limit premises-wide actual and potential emissions from major stationary sources of air pollution as discussed in section IV. of this preamble. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;

[1] *See* ''Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act,'' issued by John Seitz, Office of Air Quality Planning and Standards to EPA Air Division Directors, dated January 25, 1995. *https://www.epa.gov/sites/production/files/2015-07/documents/ptememo.pdf.*

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

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

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2021–02537 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 86, No. 24

Monday, February 8, 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

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intent of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection to comply with a mandate in the 2014 Farm Bill. (. . . the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire agriculture industry . . .).

DATES: Comments on this notice must be received by April 9, 2021 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0256, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *EFax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Feral Swine Survey.

OMB Control Number: 0535–0256.

Type of Request: Intent to Seek Approval to Revise and Extend an Information Collection for three Years.

Abstract: On Feb 3, 1999, Executive Order 13112 was signed, establishing the National Invasive Species Council. This Executive Order requires that a Council of Departments dealing with invasive species be created. This Order was enhanced by Executive Order 13751 which was signed on Dec. 5, 2016. Currently there are 16 Departments and Agencies on the Council. *https://www.doi.gov/invasivespecies/about-nisc.*

On April 2, 2014 the USDA kicked off a national effort to reduce the devastating damage caused by feral swine. In 2015 the benchmark survey was conducted in 11 States (Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas) to measure the amount of damage feral hogs caused to specific crops in these states. The target population within these states consisted of farm operations who have historically produced one or more of the following crops: Corn, soybeans, wheat, rice, peanuts, or sorghum (Texas only). The results of this benchmark survey shows that in the 11 surveyed States, there was damage to an estimated $190 million in crops for the six target crops. The published findings from this benchmark survey can be found at *http://www.sciencedirect.com/science/article/pii/S0261219416301557.*

In 2017, this survey was conducted in the following 13 States: Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, to measure the damage to livestock that is associated with the presence of feral swine. These States were chosen because they had high feral swine densities and a significant presence of cattle, hogs, sheep and/or goats. When extrapolated to livestock producers across the 13-state region, APHIS Wildlife Services estimated that damages sum to an annual cost of about $40 million. The findings from this survey can be found at *https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=3249&context=icwdm_usdanwrc.*

In 2019 the survey was conducted in 12 States: Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Texas. The operators in 11 of the States will be selected from operations that recently produced hay/haylage, tree nuts, melons, sugar cane, sweet potatoes, or cotton. In California, operators will be selected from operations that produced hay/haylage, tree nuts, grapes, sod, carrots, lettuce, or strawberries. APHIS Wildlife Services extrapolated crop damage estimates to the state-level in 12 states with reportable damage yielded an estimated crop loss of $272 million/yr. The findings from this survey can be found at *https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=3308&context=icwdm_usdanwrc.*

In 2021, this survey will be conducted in the following 13 States: Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, to measure the damage to livestock that is associated with the presence of feral swine. These States were chosen because they had high feral swine densities and a significant presence of cattle (dairy and/or beef), hogs, sheep and/or goats.

The Animal and Plant Health Inspection Service (APHIS), Wildlife Services' (WS) National Wildlife Research Center (NWRC) is the only Federal research organization devoted exclusively to resolving conflicts between people and wildlife through the development of effective, selective, and socially responsible methods, tools, and techniques. As increased urbanization leads to a loss of traditional wildlife habitat, the potential for conflicts between people and wildlife increases. Such conflicts can take many forms, including property and natural resource damage, human health and safety concerns, and disease transmission among wildlife, livestock, and humans.

Free-ranging populations of feral swine exist in at least 35 states, and the nationwide population is estimated at

approximately 6 million animals. Feral swine damage: Pastures, agricultural crops, lawns, landscaping, and natural areas due to feeding, rooting, wallowing, grazing, and trampling activities. Feral swine are reservoirs of many diseases and act as a host to parasites that can negatively impact agricultural animals, especially swine.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). The eradication of feral swine is authorized by the Animal Health Protection Act (Title 7 U.S.C. 8301 *et seq.*) and the 2014 Farmbill. The $20 million program aims to help states deal with a rapidly expanding population of invasive feral swine.

Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Reporting burden for this collection of information is estimated to average 30 minutes per response. This was determined by our Survey Methodologists, who conducted 19 cognitive interviews in seven states. They also took into account the projected number of farmers who will skip some sections of the questionnaire due to the presence or absence of damage due to feral swine. NASS will be utilizing several pieces of publicity and informational materials to encourage respondents to participate in this important survey. Publicity materials and instruction sheets will account for 10 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data.

NASS will conduct the survey initially by mail and then followed up with phone attempts for non-response.

Respondents: Farm and Ranch Operators.

Estimated Annual Number of Respondents: 18,000.

Estimated Total Annual Burden on Respondents: 9,700 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, January 29, 2021.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2021–02487 Filed 2–5–21; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Georgia Advisory Committee (Committee) will hold a meeting via web conference on Tuesday, March 23, 2021, at 12:00 p.m. Eastern Time for reviewing testimony regarding civil asset forfeiture and preparing for additional hearing(s).

DATES: The meeting will be held on Tuesday, March 23, 2021 at 12:00 p.m. Eastern Time.

Public Access Information: Register online (audio/visual): *https://bit.ly/2O0vOrr.*

Join by phone (audio only):

- 800–360–9505 USA Toll Free
- Access code: 199 508 2605

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 202–618–4158.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the above listed toll-free number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. 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 also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office at 202–618–4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov* under the Commission on Civil Rights, Georgia Advisory Committee link. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or phone number.

Agenda

Welcome and Roll Call

Discussion: Civil Rights in Georgia (Civil Asset Forfeiture)

Public Comment

Adjournment

Dated: February 3, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02534 Filed 2–5–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Georgia Advisory Committee (Committee) will hold a briefing via web conference on Wednesday, March 10, 2021, at 2:00 p.m. Eastern Time for the purpose of gathering testimony on civil asset forfeiture in Georgia.

DATES: The meeting will be held on Wednesday, March 10, 2021 at 2:00 p.m. Eastern Time.

Public Access Information: Register online: *https://bit.ly/2YAYcm0.*

Join by phone:

- 800–360–9505 USA Toll Free
- Access code: 199 287 8225

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 202–618–4158.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the above listed toll-free number or online registration link. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captions will be provided. Individuals who are deaf, deafblind, or hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office at 202–618–4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov* under the Commission on Civil Rights, Georgia Advisory Committee link. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or phone number.

Agenda

Welcome and Roll Call
Discussion: Civil Rights in Georgia (Civil Asset Forfeiture)
Public Comment
Adjournment

Dated: February 3, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02533 Filed 2–5–21; 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; Generic Clearance for Emergency Economic Information Collections

AGENCY: Census Bureau, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, 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 minimizes the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed new information collection, Generic Clearance for Emergency Economic Information Collections, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 9, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov*. Please reference Generic Clearance for Emergency Economic Information Collections in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0003, to the Federal e-Rulemaking Portal: *http://www.regulations.gov*. All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lisa Donaldson, Chief, Economic Management Division, (301)763–7296, and *lisa.e.donaldson@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request Office of Management and Budget (OMB) approval for a 3-year period, for a new Generic Information Collection that provides the quick turn-around necessary for conducting emergency economic information collections (EEIC) in response to unanticipated international, national or regional emergencies having a significant economic impact on businesses and/or state or local governments. The purpose of the collections will be to gauge and monitor the economic impact of such events on U.S. businesses and organizations.

The Coronavirus pandemic, in addition to having devastating effects on the health and wellbeing of the global population, has had a profound effect on the world economy. The Census Bureau, in carrying out its mission to serve as the nation's leading provider of quality data about its people and economy, has sought to measure the effect on U.S. businesses through supplemental questions added to several of its recurring business surveys and a new survey meant to measure the effect of the pandemic on businesses. Due to the need to collect data on a timely basis, the Census Bureau submitted these requests to the Office of

Management and Budget under the emergency processing provisions of the Paperwork Reduction Act (PRA). Although that process allowed us to implement the collections in a timely manner, information collections cleared under the emergency processing provisions of the PRA are limited to a 6-month clearance period. This hampered our efforts to collect data on an ongoing basis as the Pandemic continued throughout 2020 and beyond. We believe that a generic clearance will benefit the Census Bureau, the reporting public, and the many stakeholders who will have great need for information during times of future unanticipated events.

Procedurally, the generic clearance will operate in the following manner: The Census Bureau will first obtain OMB clearance under the regular processing provisions of the PRA for the initial generic clearance. The clearance request will define the scope and overall burden of information collections to be conducted under the generic clearance. As future triggering emergencies arise, the Census Bureau will submit quick turnaround requests to OMB which will document the circumstances requiring the EEIC and will include the specific question(s) to be asked. The questions will be chosen from a pretested bank of questions. The question bank will be submitted to OMB for approval along with the initial generic clearance request. The Census Bureau will ask that OMB review and act on requests for individual EEIC's within 72 hours. Information collections conducted under the generic clearance will last a maximum of 6 months. A new quick turnaround request may be submitted under the generic clearance if the Census Bureau determines the need to continue the collection past 6 months.

Events that could trigger the need for an EEIC may have global, national, or regional impact and may include:

—Pandemic or other health emergency
—Natural or manmade disaster
—New legislation
—Economic crisis

As mentioned above, the Census Bureau is developing and cognitively testing a question bank it will utilize to create EEICs. The question bank may, for some subjects, include specific questionnaire content. In other cases, the bank may include topics which will then be addressed with questions developed to meet data needs that arise during a future unknown event.

As data collections will be tailored to the emergency, users of the data may vary, but may include: Federal, state, or local officials charged with decision-making during the emergency; business leaders and policymakers wishing to develop plans to ameliorate the effects of the emergency; academics and members of the press wishing to study and disseminate information about the emergency; and the public. The data collected would help us understand how and why data we collect in our ongoing surveys may be affected by the emergency, as well as allow us to disseminate data as part of existing releases, new releases, or experimental releases.

II. Method of Collection

EEIC questions may be included as supplemental questions on existing Census Bureau surveys or conducted as new surveys. The data will be collected by paper or electronic instruments, depending on the survey or program.

III. Data

OMB Control Number: 0607–XXXX.

Form Number(s): None.

Type of Review: Regular submission, Regular Submission, New Information Collection Request.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Estimated Number of Respondents: 300,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 50,000.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: EEIC questions appearing on a voluntary collection would be voluntary. EEIC questions appearing on a mandatory collection would be mandatory. When an EEIC is conducted as a new survey, that survey will be voluntary.

Legal Authority: EEIC collections are authorized under Title 13 U.S.C., Sections 131, 161, 182, and 196.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02565 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–07–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; National Survey of Children's Health

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 November 10, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: National Survey of Children's Health.

OMB Control Number: 0607–0990

Form Number(s): NSCH–S1 (English Screener), NSCH–T1 (English Topical for 0- to 5-year-old children), NSCH–T2 (English Topical for 6- to 11-year-old children), NSCH–T3 (English Topical for 12- to 17-year-old children), NSCH–S–S1 (Spanish Screener), NSCH–S–T1 (Spanish Topical for 0- to 5-year-old children), NSCH–S–T2 (Spanish Topical for 6- to 11-year-old children), and NSCH–S–T3 (Spanish Topical for 12- to 17-year-old children).

Type of Request: Regular submission, Request for a Revision of a Currently Approved Collection.

Number of Respondents: 64,160 for the screener only and 50,658 for the combined screener and topical, for a total of 114,818 respondents.

Average Hours per Response: 5 minutes per screener response and 35–36 minutes per topical response, which in total is approximately 40–41 minutes for households with eligible children.

Burden Hours: 39,400.

Needs and Uses: The National Survey of Children's Health (NSCH) enables the Maternal and Child Health Bureau (MCHB) of the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) along with supplemental sponsoring agencies, states, and other data users to produce national and state-based estimates on the health and well-being of children, their families, and their communities as well as estimates of the prevalence and impact of children with special health care needs.

Data will be collected using one of two modes. The first mode is a web instrument (Centurion) survey that contains the screener and topical instruments. The web instrument first will take the respondent through the screener questions. If the household screens into the study, the respondent will be taken directly into one of the three age-based topical sets of questions. The second mode is a mailout/mailback of a self-administered paper-and-pencil interviewing (PAPI) screener instrument followed by a separate mailout/mailback of a PAPI age-based topical instrument.

The National Survey of Children's Health (NSCH) is a large-scale (sample size is up to 300,000 addresses) national survey with up to 186,000 addresses included in the base production survey and approximately 114,000 addresses included as part of eight separate age-based, state-based, or region-based oversamples. The 2021 NSCH will include a topical incentive test. Prior cycles of the survey have included a $5 unconditional cash incentive with the initial mailing of the paper topical questionnaire. The incentive has proven to be a cost-effective intervention for increasing survey response and reducing nonresponse bias. The 2021 NSCH will test a $10 cash incentive, with a focus on lower responding households.

As in prior cycles of the NSCH, there remain two key, non-experimental design elements. The first additional non-experimental design element is a $5 screener cash incentive mailed to 90% of sampled addresses; the remaining 10% (the control) will receive no incentive to monitor the effectiveness of the cash incentive. This incentive is designed to increase response and reduce nonresponse bias. The incentive amount was chosen based on the results of the 2020 NSCH as well as funding availability. The second additional non-experimental design element is a data collection procedure based on the block group-level paper-only response probability used to identify households (30% of the sample) that would be more likely to respond by paper and send them a paper questionnaire in either the initial mailing or first nonresponse follow-up.

Affected Public: Individuals or households.

Frequency: The 2021 collection is the sixth administration of the NSCH. It is an annual survey, with a new sample drawn for each administration.

Respondent's Obligation: Voluntary.

Legal Authority: Census Authority: 13 U.S.C. Section 8(b).

HRSA MCHB Authority: Title 42 U.S.C. Section 701(a)(2).

United States Department of Agriculture Authority: The Healthy, Hunger-Free Kids Act of 2010, Public Law 111–296. In particular, 42 U.S.C. 1769d(a) authorizes USDA to conduct research on the causes and consequences of childhood hunger included in 1769d(a)(4)(B), the geographic dispersion of childhood hunger and food insecurity.

United States Department of Health and Human Services' Centers for Disease Control and Prevention, National Center on Birth Defects and Developmental Disabilities Authority: Public Health Service Act, Section 301, 42 U.S.C. 241.

United States Department of Health and Human Services' Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion Authority: Sections 301(a), 307, and 399G of the Public Health Service [42 U.S.C. 241(a), 242l, and 280e-11], as amended.

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 0607–0990.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02493 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Scientific Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a virtual meeting of the Census Scientific Advisory Committee (CSAC). The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including decennial, economic, field operations, information technology, and statistics. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees website at *http://www.census.gov/cac* for the CSAC meeting information, including the agenda, and how to join the meeting.

DATES: The virtual meeting will be held on:

- Thursday, March 18, 2021, from 11:00 a.m. to 5:00 p.m. EDT, and
- Friday, March 19, 2021, from 11:00 a.m. to 5:00 p.m. EDT

ADDRESSES: The meeting will be held via the WebEx platform at the following presentation links:

- March 18, 2021: *https://uscensus.webex.com/uscensus/onstage/g.php?MTID=ee154a100916c6d1a7e86cbb55d5762ac*
- March 19, 2021: *https://uscensus.webex.com/uscensus/onstage/g.php?MTID=e8cb3b9b59bc61507d29c4118d48c7a71*

For audio, please call the following number: 1–888–843–6166 OR 1–517–308–9473. When prompted, please use the following Password: @Census1, and Passcode: 1641483.

FOR FURTHER INFORMATION CONTACT: Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder Integration (PPSI), *shana.j.banks@census.gov,* Department of Commerce, U.S. Census Bureau, telephone 301–763–3815. For TTY callers, please use the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Committee provides scientific and technical expertise to address Census Bureau program needs and objectives. The members of the CSAC are appointed by the Director of the Census Bureau. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10).

All meetings are open to the public. A brief period will be set aside during the virtual meeting for public comments on March 19, 2021. However, individuals with extensive questions or statements must submit them in writing to *shana.j.banks@census.gov,* (subject line ''2021 CSAC Spring Virtual Meeting Public Comment'').

Ron S. Jarmin, Acting Director, Bureau of the Census, approved the publication of this Notice in the **Federal Register**.

Dated: February 3, 2021.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02488 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–05–2021]

Foreign-Trade Zone (FTZ) 265—Conroe, Texas; Notification of Proposed Production Activity; Bauer Manufacturing LLC, d/b/a NEORig (Water Well Drilling Rigs), Conroe, Texas

The City of Conroe, grantee of FTZ 265, submitted a notification of proposed production activity to the FTZ Board on behalf of Bauer Manufacturing LLC, d/b/a/NEORig (Bauer), located in Conroe, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 1, 2021.

Bauer already has authority to produce pile drivers and leads, boring machinery, foundation construction equipment, stationary oil/gas drilling rigs, and related parts and assemblies within FTZ 265. The current request would add two finished products to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Bauer from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components in the existing scope of authority, Bauer would be able to choose the duty rates during customs entry procedures that apply to water well drilling rigs, and self-propelled water well drilling rigs (duty-free). Bauer 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.

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 22, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: February 2, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02515 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–217–2020]

Approval of Subzone Expansion; Abbott Laboratories, Itasca, Illinois

On December 8, 2020, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Illinois International Port District, grantee of FTZ 22, requesting an expansion of Subzone 22F subject to the existing activation limit of FTZ 22, on behalf of Abbott Laboratories, in Itasca, Illinois.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (85 FR 80770–80771, December 14, 2020). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 22F was approved on February 1, 2021, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 22's 2,000-acre activation limit.

Dated: February 1, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02514 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–137]

Pentafluoroethane (R–125) From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda or Alex Wood, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185 or (202) 482–1959, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On January 12, 2021, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of pentafluoroethane (R–125) from the People's Republic of China (China) filed in proper form on behalf of Honeywell International, Inc. (the petitioner), the sole domestic producer of R–125.[1] The Petition was accompanied by a countervailing duty (CVD) petition

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties: R–125 (Pentafluoroethane) from the People's Republic of China,'' dated January 12, 2021 (the Petition) at Volume I and Exhibit I–1.

concerning imports of R–125 from China.[2]

On January 14, 22, and 27, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition in separate supplemental questionnaires and a phone call with the petitioner.[3] On January 19, 25, and 28, 2021, the petitioner filed timely responses to these requests for additional information.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of R–125 from China are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act and that imports of such products are materially injuring, or threatening material injury to, the domestic R–125 industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting the allegation.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested AD investigation.[5]

Period of Investigation

Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is July 1, 2020, through December 31, 2020.

Scope of the Investigation

The product covered by this investigation is R–125 from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

On January 14, 22, and 27, 2021, Commerce requested further information from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[6] On January 19 and 28, 2021, the petitioner revised the scope.[7] The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[9] To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on February 22, 2021, which is the next business day after 20 calendar days from the signature date of this notice.[10] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 4, 2021, which is 10 calendar days from the initial comment deadline.[11]

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All scope submissions must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's (E&C's) Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of R–125 to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOPs) accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on February 22, 2021, which is the next business day after 20 calendar days from the signature date of this notice.[13] Any

[2] *Id.*

[3] *See* Commerce's Letters, ''Petition for the Imposition of Antidumping Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Supplemental Questions'' and ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Supplemental Questions,'' both dated January 14, 2021 (General Issues Supplemental); *see also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Phone Call with Counsel to the Petitioner,'' dated January 22, 2021 (Phone Call with Petitioner's Counsel); and Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Phone Call with Counsel to the Petitioner,'' dated January 27, 2021 (Second Phone Call with Petitioner's Counsel).

[4] *See* Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Supplemental Questionnaire Response,'' dated January 19, 2021 (Petitioner's First Supplemental Questionnaire Response); *see also* Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Second Supplemental Questionnaire Response,'' dated January 25, 2021 (Petitioner's Second Supplemental Questionnaire Response); and Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Third Supplemental Questionnaire Response,'' dated January 28, 2021 (Petitioner's Third Supplemental Questionnaire Response).

[5] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[6] *See* General Issues Supplemental at 3; *see also* Phone Call with Petitioner's Counsel at 1; and Second Phone Call with Petitioner's Counsel at 1.

[7] *See* Petitioner's First Supplemental Questionnaire Response at 1–2; *see also* Petitioner's Third Supplemental Questionnaire Response at 1–2.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday (in this instance, February 21, 2021), the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005) (*Next Business Day Rule*).

[11] *See* 19 CFR 351.303(b).

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[13] *See* 19 CFR 351.303(b). Commerce practice dictates that where a deadline falls on a weekend or Federal holiday (in this instance, February 21,

rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 4, 2021, which is ten calendar days after the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the AD investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[16] Based on our analysis of the information submitted on the record, we have determined that R–125, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2020.[18] The petitioner states that there are no other known U.S. producers of R–125; therefore, the Petition is supported by 100 percent of the U.S. industry.[19] We relied on data provided by the petitioner for purposes of measuring industry support.[20]

Our review of the data provided in the Petition, the Petitioner's First Supplemental Questionnaire Response, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition. First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product, and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[23] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[24]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; decline in employment variables; declining profitability; adverse impact on capital expenditures and capacity utilization; and the magnitude of the alleged dumping margins.[26] We assessed the allegations and supporting evidence regarding material injury, threat of

2021), the appropriate deadline is the next business day. *See Next Business Day Rule,* 70 FR at 24533.

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] *See* Volume I of the Petition at 11–14 and Exhibit I–3.

[17] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Antidumping Duty Investigation Initiation Checklist: Pentafluoroethane (R–125) from the People's Republic of China (AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Pentafluoroethane (R–125) from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS.

[18] *See* Petitioner's First Supplemental Questionnaire Response at 2–3 and Exhibit Supp–I–10b.

[19] *See* Volume I of the Petition at 2–4 and Exhibit I–1; *see also* Petitioner's First Supplemental Questionnaire Response at Exhibit Supp–I–1.

[20] *See* Volume I of the Petition at 2–4 and Exhibit I–1; *see also* Petitioner's First Supplemental Questionnaire Response at 2–3 and Exhibits Supp–I–1 and Supp–I–10b. For further discussion, *see* Attachment II of the AD Initiation Checklist.

[21] *See* Attachment II of the AD Initiation Checklist; *see also* section 732(c)(4)(D) of the Act.

[22] *See* Attachment II of the AD Initiation Checklist.

[23] *Id.*

[24] *Id.*

[25] *See* Volume I of the Petition at 14–15 and Exhibit I–8.

[26] *Id.* at 9–10, 14–26 and Exhibits I–2, I–7 through I–10 and I–13.

material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[27]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate the AD investigation of imports of R–125 from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the AD Initiation Checklist.

U.S. Price

The petitioner based export price (EP) on two methodologies: (1) Information from a sale of R–125 produced in and exported from China by a Chinese producer; and (2) transaction-specific average unit values (AUVs) derived from publicly-available import data and tied to ship manifest data obtained from ImportGenius and Datamyne.[28] The petitioner made adjustment for movement and other expenses, where appropriate.[29]

Normal Value

Commerce considers China to be an NME country.[30] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on FOPs valued in a surrogate market economy country, in accordance with section 773(c) of the Act.

The petitioner states that the Russian Federation (Russia) is an appropriate surrogate country because Russia is a market economy country that is at a level of economic development comparable to that of China and is a significant producer of comparable merchandise.[31] The petitioner submitted publicly-available information from Russia to value all FOPs.[32] Based on the information provided by the petitioner, we determine that it is appropriate to use Russia as a surrogate country for China for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selections and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

The petitioner used its own product-specific consumption rates as a surrogate to value Chinese manufacturers' FOPs.[33] Additionally, the petitioner calculated factory overhead; selling, general and administrative expenses; and profit based on the experience of a Russian producer of R–125.[34]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of R–125 from China are being, or are likely to be, sold in the United States at LTFV. Based on a comparison of EP to NV, in accordance with sections 772 and 773 of the Act, the estimated dumping margins for R–125 from China range from 149.09 percent to 238.83 percent.[35]

Initiation of LTFV Investigation

Based upon our examination of the Petition on R–125 from China and supplemental responses, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of R–125 from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioner named 11 companies in China as producers and/or exporters of R–125.[36]

In accordance with our standard practice for respondent selection in AD investigations involving NME countries, Commerce selects respondents based on quantity and value (Q&V) questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and exporters identified in the Petition, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are 11 producers and/or exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to each potential respondent for which the petitioner has provided a complete address.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on E&C's website at *https://enforcement.trade.gov/questionnaires/questionnaires-ad.html*. Producers/exporters of R–125 from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from E&C's website. In accordance with the standard practice for respondent selection in AD cases involving NME countries, in the event Commerce decides to limit the number of respondents individually investigated, Commerce intends to base respondent selection on the responses to the Q&V questionnaire that it receives.

Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on February 17, 2021. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under Administrative Protective Order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on E&C's website at *http://enforcement.trade.gov/apo*. Commerce intends to finalize its

[27] *See* AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Pentafluoroethane (R–125) from the People's Republic of China (Attachment III).

[28] *See* the AD Initiation Checklist.

[29] *Id.*

[30] *See, e.g., Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017), and accompanying Preliminary Decision Memorandum at ''China's Status as a Non-Market Economy,'' unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018).

[31] *See* Volume II of the Petition at 3 and Exhibits II–1, II–2.

[32] *See* Petitioner's First Supplemental Questionnaire Response at Exhibit Supp-II–11; *see also* Petitioner's Second Supplemental Questionnaire Response at Exhibit SS–II–11.

[33] *See* Volume II of the Petition at 6 and Exhibit II–10; *see also* Petitioner's First Supplemental Questionnaire Response at Exhibit Supp–I–1.

[34] *See* Volume II of the Petition at 3 and Exhibits II–3 and II–12.

[35] *See* Petitioner's Second Supplemental Questionnaire Response at Exhibit SS–II–19.

[36] *See* Volume I of the Petition at 9 and Exhibit I–11.

decisions regarding respondent selection within 20 days of publication of this notice.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[37] The specific requirements for submitting a separate-rate application in a China investigation are outlined in detail in the application itself, which is available on E&C's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[38] Producers/exporters who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that respondents from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the {Commerce} will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[39]

Distribution of Copies of the AD Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the Government of China via ACCESS. Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of R–125 from China are materially injuring, or threatening material injury to, a U.S. industry.[40] A negative ITC determination will result in the investigation being terminated.[41] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[42] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[43] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301 or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[44] Parties must use the certification formats provided in 19 CFR 351.303(g).[45] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On

[37] *See* Policy Bulletin 05.1: ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving NME Countries,'' (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[38] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[39] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[40] *See* section 733(a) of the Act.

[41] *Id.*

[42] *See* 19 CFR 351.301(b).

[43] *See* 19 CFR 351.301(b)(2).

[44] *See* section 782(b) of the Act.

[45] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[46]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: February 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is pentafluoroethane (R–125), or its chemical equivalent, regardless of form, type or purity level. R–125 has the Chemical Abstracts Service (CAS) registry number of 354–33–6 and the chemical formula C_2HF_5. R–125 is also referred to as Pentafluoroethane, Genetron HFC 125, Khladon 125, Suva 125, Freon 125, and Fc-125. Subject merchandise includes R–125, whether or not incorporated into a blend. When R–125 is blended with other products, only the R–125 component of the mixture is covered by the scope of this investigation. Subject merchandise also includes R–125 and unpurified R–125 that is processed in a third country or otherwise outside the customs territory of the United States, including, but not limited to, purifying, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope R–125. The scope also includes R–125 that is commingled with R–125 from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the current scope is merchandise covered by the scope of the antidumping order on *Hydrofluorocarbon Blends from the People's Republic of China. See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (the Blends Order).

R–125 is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035. Merchandise subject to the scope may also be entered under HTSUS subheadings 2903.39.2045 and 3824.78.0020. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

[FR Doc. 2021–02529 Filed 2–5–21; 8:45 am]

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[46] *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: Postponement of Final Determination of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is postponing the deadline for issuing the final determination in the less-than-fair-value (LTFV) investigation of imports of seamless refined copper pipe and tube (copper pipe and tube) from the Socialist Republic of Vietnam (Vietnam) until June 16, 2021, and is extending the provisional measures from a four-month period to a period of not more than six months.

DATES: Applicable February 8, 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

On July 20, 2020, Commerce initiated the LTFV investigation of imports of copper pipe and tube from Vietnam.[1] The period of investigation is October 1, 2019, through March 31, 2020. On February 1, 2021, Commerce published its *Preliminary Determination* in this LTFV investigation.[2]

Postponement of the Final Determination

Section 735(a)(2) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(2) provide 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 the exporters or producers who account for a significant portion 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. Further, 19 CFR 351.210(e)(2) requires that such postponement requests by exporters be accompanied by a request for extension of provisional measures from a four-month period to a period of not more than six months, in accordance with section 733(d) of the Act.

On January 28, 2021, Hailiang (Vietnam) Copper Manufacturing Company Limited/Hongkong Hailiang Metal Trading Limited (also known as Hong Kong Hailiang Metal Trading Limited) (Hailiang Vietnam/Hongkong Hailiang), the sole mandatory respondent in this investigation, requested that Commerce postpone the deadline for the final determination until no later than 135 days from the publication of the *Preliminary Determination* and extend the application of the provisional measures from a four-month period to a period of not more than six months.[3] Additionally, on January 28, 2021, the American Copper Tube Coalition and its constituent members[4] (the petitioners) requested that Commerce postpone the deadline for the final determination.[5] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination was affirmative; (2) the request was made by the exporter and producer who 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 until no later than 135 days after the date of the publication of the *Preliminary Determination* and extending the provisional measures from a four-month period to a period of not more than six months. Accordingly, Commerce will

[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).

[2] *See 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, 86 FR 7698 (February 1, 2021) (Preliminary Determination).

[3] See Hailiang Vietnam/Hongkong Hailiang's Letter, ''Hailiang Request to Postpone Final Determination in the Less-Than-Fair-Value Investigation of Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: (A–552–831),'' dated January 28, 2021.

[4] The members of the American Copper Tube Coalition are Mueller Copper Tube Products, Inc., Mueller Copper Tube West Co., Mueller Copper Tube Company, Inc., Howell Metal Company, and Linesets, Inc. (collectively, Mueller Group) and Cerro Flow Products, LLC.

[5] See Petitioners' Letter, ''Seamless Refined Copper Pipe and Tube from Vietnam: Confirmation of No Objection to Extension of Final Results,'' dated January 28, 2021.

issue its final determination no later than June 16, 2021.

Notice to Interested Parties

This notice is issued and published pursuant to section 735(a)(2) of the Act and 19 CFR 351.210(g).

Dated: February 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–02458 Filed 2–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–831]

Seamless Refined Copper Pipe and Tube From the Socialist Republic of Vietnam: Postponement of Final Determination of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is postponing the deadline for issuing the final determination in the less-than-fair-value (LTFV) investigation of imports of seamless refined copper pipe and tube (copper pipe and tube) from the Socialist Republic of Vietnam (Vietnam) until June 16, 2021, and is extending the provisional measures from a four-month period to a period of not more than six months.

DATES: Applicable February 8, 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

On July 20, 2020, Commerce initiated the LTFV investigation of imports of copper pipe and tube from Vietnam.[1] The period of investigation is October 1, 2019, through March 31, 2020. On February 1, 2021, Commerce published its *Preliminary Determination* in this LTFV investigation.[2]

Postponement of the Final Determination

Section 735(a)(2) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(2) provide 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 the exporters or producers who account for a significant portion 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. Further, 19 CFR 351.210(e)(2) requires that such postponement requests by exporters be accompanied by a request for extension of provisional measures from a four-month period to a period of not more than six months, in accordance with section 733(d) of the Act.

On January 28, 2021, Hailiang (Vietnam) Copper Manufacturing Company Limited/Hongkong Hailiang Metal Trading Limited (also known as Hong Kong Hailiang Metal Trading Limited) (Hailiang Vietnam/Hongkong Hailiang), the sole mandatory respondent in this investigation, requested that Commerce postpone the deadline for the final determination until no later than 135 days from the publication of the *Preliminary Determination* and extend the application of the provisional measures from a four-month period to a period of not more than six months.[3] Additionally, on January 28, 2021, the American Copper Tube Coalition and its constituent members[4] (the petitioners) requested that Commerce postpone the deadline for the final determination.[5] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination was affirmative; (2) the request was made by the exporter and producer who 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 until no later than 135 days after the date of the publication of the *Preliminary Determination* and extending the provisional measures from a four-month period to a period of not more than six months. Accordingly, Commerce will issue its final determination no later than June 16, 2021.

Notice to Interested Parties

This notice is issued and published pursuant to section 735(a)(2) of the Act and 19 CFR 351.210(g).

Dated: February 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–02531 Filed 2–5–21; 8:45 am]

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[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).

[2] *See 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,* 86 FR 7698 (February 1, 2021) (*Preliminary Determination*).

[3] *See* Hailiang Vietnam/Hongkong Hailiang's Letter, ''Hailiang Request to Postpone Final Determination in the Less-Than-Fair-Value Investigation of Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: (A–552–831),'' dated January 28, 2021.

[4] The members of the American Copper Tube Coalition are Mueller Copper Tube Products, Inc., Mueller Copper Tube West Co., Mueller Copper Tube Company, Inc., Howell Metal Company, and Linesets, Inc. (collectively, Mueller Group) and Cerro Flow Products, LLC.

[5] *See* Petitioners' Letter, ''Seamless Refined Copper Pipe and Tube from Vietnam: Confirmation of No Objection to Extension of Final Results,'' dated January 28, 2021.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–138]

Pentafluoroethane (R–125) From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua Tucker or Peter Skarlatos, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2044 or (202) 482–0324, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On January 12, 2021, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of pentafluoroethane (R–125) from the People's Republic of China (China) filed in proper form on behalf of Honewell International, Inc. (the petitioner).[1] The Petition was accompanied by an antidumping duty (AD) petition concerning imports of R–125 from China.

Between January 14 and 27, 2021, Commerce requested supplemental information pertaining to certain aspects

[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties: R–125 (Pentafluoroethane) from the People's Republic of China,'' dated January 12, 2021 (the Petition).

of the Petition,[2] to which the petitioner filed responses between January 19 and 28, 2021.[3]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of R–125 in China and that such imports are materially injuring, or threatening material injury to, the domestic industry producing R–125 in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is supported by information reasonably available to the petitioner.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.[4]

Period of Investigation

Because the Petition was filed on January 12, 2021, the period of investigation is January 1, 2020, through December 31, 2020.[5]

Scope of the Investigation

The merchandise covered by this investigation is R–125 from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on Scope of the Investigation

On January 14, 22, and 27, 2021, Commerce requested further information from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[6] On January 19 and 28, 2021, the petitioner revised the scope.[7] The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on February 22, 2021, which is the next business day after 20 calendar days from the signature date of this notice.[10] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 4, 2021, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All scope comments must also be filed on the record of the concurrent AD investigation.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance (E&C)'s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC of the receipt of the Petition and provided it the opportunity for consultations with respect to the CVD Petition.[12] The GOC did not request consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support

[2] *See* Commerce's Letter, ''Petition for the Imposition of Countervailing Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Supplemental Questions,'' dated January 14, 2021; *see also* Commerce's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Pentafluoroethane (R–125) from the People's Republic of China: Supplemental Questions,'' dated January 14, 2021 (General Issues Supplemental); Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated January 22, 2021 (Phone Call with Petitioner's Counsel); and Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated January 27, 2021 (Second Phone Call with Petitioner's Counsel).

[3] *See* Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s CVD Supplemental Questionnaire Response,'' dated January 19, 2021; *see also* Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Supplemental Questionnaire Response,'' dated January 21, 2021 (Petitioner's First Supplemental Questionnaire Response); Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Second Supplemental Questionnaire Response,'' dated January 25, 2021; and Petitioner's Letter, ''R–125 (Pentafluoroethane) from the People's Republic of China: Honeywell International Inc.'s Third Supplemental Questionnaire Response,'' dated January 28, 2021 (Petitioner's Third Supplemental Questionnaire Response).

[4] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[5] *See* 19 CFR 351.204(b)(2).

[6] *See* General Issues Supplemental at 3; *see also* Phone Call with Petitioner's Counsel at 1; and Second Phone Call with Petitioner's Counsel at 1.

[7] *See* Petitioner's First Supplemental Questionnaire Response at 1–2; *see also* Petitioner's Third Supplemental Questionnaire Response at 1–2.

[8] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See* 19 CFR 351.303(b). Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, February 22, 2021). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[12] *See* Commerce's Letter, ''Pentafluoroethane (R–125) from the People's Republic of China: Invitation for Consultation to Discuss the Countervailing Duty Petition,'' dated January 14, 2021.

using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[15] Based on our analysis of the information submitted on the record, we have determined that R–125, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2020.[17] The petitioner states that there are no other known U.S. producers of R–125; therefore, the Petition is supported by 100 percent of the U.S. industry.[18] We relied on data provided by the petitioner for purposes of measuring industry support.[19]

Our review of the data provided in the Petition, the Petitioner's First Supplemental Questionnaire Response, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition. First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[22] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[23]

Injury Test

Because China is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; decline in employment variables; declining profitability; and adverse impact on capital expenditures and capacity utilization.[25] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[26]

Initiation of CVD Investigation

Based upon our examination of the Petition and supplemental responses, we find that the Petition meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of R–125 from China benefit from countervailable subsidies conferred by the GOC. Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all five alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* China CVD Initiation

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] *See* Volume I of the Petition at 11–14 and Exhibit I–3.

[16] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Countervailing Duty Investigation Initiation Checklist: Pentafluoroethane (R–125) from the People's Republic of China (China CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Pentafluoroethane (R–125) from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS.

[17] *See* Petitioner's First Supplemental Questionnaire Response at 2–3 and Exhibit Supp–I–10b.

[18] *See* Volume I of the Petition at 2–4 and Exhibit I–1; *see also* Petitioner's First Supplemental Questionnaire Response at Exhibit Supp–I–1.

[19] *See* Volume I of the Petition at 2–4 and Exhibit I–1; *see also* Petitioner's First Supplemental Questionnaire Response at 2–3 and Exhibits Supp–I–1 and Supp–I–10b. For further discussion, *see* Attachment II of the China CVD Initiation Checklist.

[20] *See* Attachment II of the China CVD Initiation Checklist; *see also* section 702(c)(4)(D) of the Act.

[21] *See* Attachment II of the China CVD Initiation Checklist.

[22] *Id.*

[23] *Id.*

[24] *See* Volume I of the Petition at 14–15 and Exhibit I–8.

[25] *See* Volume I of the Petition at 9–10, 14–26 and Exhibits I–2 and I–7 through I–10.

[26] *See* China CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Pentafluoroethane (R–125) from the People's Republic of China (Attachment III).

Checklist. The initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

The petitioner named 11 companies in China as producers/exporters of R–125.[27] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed in the scope of the investigation. However, for this investigation, the HTSUS number under which the subject merchandise would enter (*i.e.,* 2903.39.2035) is a basket category under which non-subject merchandise may enter. Therefore, we cannot rely on CBP entry data in selecting respondents. We intend instead to issue Q&V questionnaires to each potential respondent for which the petitioner has provided a complete address.

Producers/exporters of R–125 from China that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain the Q&V questionnaire from E&C's website at *https://enforcement.trade.gov/questionnaires/questionnaires-ad.html.* Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on February 16, 2021. All Q&V responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

[27] *See* Volume I of the Petition at Exhibit I–11.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of R–125 from China are materially injuring, or threatening material injury to, a U.S. industry.[28] A negative ITC determination will result in the investigation being terminated.[29] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [30] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[31] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

[28] *See* section 703(a)(1) of the Act.

[29] *Id.*

[30] *See* 19 CFR 351.301(b).

[31] *See* 19 CFR 351.301(b)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301.[32] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations concerning the extension of time limits prior to submitting extension requests or factual information in this investigation.[33]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[34] Parties must use the certification formats provided in 19 CFR 351.303(g).[35] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they

[32] *See* 19 CFR 351.302.

[33] *See* 19 CFR 351; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[34] *See* section 782(b) of the Act.

[35] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

meet the requirements of document submission procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).[36] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[37]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: February 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is pentafluoroethane (R–125), or its chemical equivalent, regardless of form, type or purity level. R–125 has the Chemical Abstracts Service (CAS) registry number of 354–33–6 and the chemical formula C_2HF_5. R–125 is also referred to as Pentafluoroethane, Genetron HFC 125, Khladon 125, Suva 125, Freon 125, and Fc-125. Subject merchandise includes R–125, whether or not incorporated into a blend. When R–125 is blended with other products, only the R–125 component of the mixture is covered by the scope of this investigation. Subject merchandise also includes R–125 and unpurified R–125 that is processed in a third country or otherwise outside the customs territory of the United States, including, but not limited to, purifying, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope R–125. The scope also includes R–125 that is commingled with R–125 from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the current scope is merchandise covered by the scope of the antidumping order on *Hydrofluorocarbon Blends from the People's Republic of China. See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (the *Blends Order*).

R–125 is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035. Merchandise subject to the scope may also be entered under HTSUS subheadings 2903.39.2045 and 3824.78.0020. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

[FR Doc. 2021–02530 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–DS–P

[36] *See Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008).

[37] *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

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Notice of Correction to Final Results of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is issuing a correction to the previously published **Federal Register** notice of the final results of the countervailing duty administrative review on aluminum extrusions from the People's Republic of China (China) covering the period January 1, 2018, through December 31, 2018, which inadvertently omitted certain companies.

DATES: Applicable February 8, 2021.

FOR FURTHER INFORMATION CONTACT: Davina Friedmann, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0698.

SUPPLEMENTARY INFORMATION:

Correction

On January 22, 2021, Commerce published the *Final Results* in the **Federal Register**.[1] The *Final Results* covered nine companies under administrative review and intended to convey the final subsidy rates assigned to all nine companies in a rates table.[2] However, Commerce inadvertently omitted from the rates table three of the nine companies to which it assigned final subsidy rates.[3] Those companies are: Shanyang Yuanda Aluminum Industry Engineering Co. Ltd. (Shenyang Yuanda); Summit Heat Sinks Metal Co, Ltd. (Summit); and Wenzhou Yongtai Electric Co. Ltd. (Wenzhou Yongtai).[4] In the *Final Results* Commerce made no changes to its preliminary results, and thus continued to assign the rate of 242.15 percent, based on adverse facts available, to these three companies, which are included in the rates table listed below.[5]

With this notice, we are hereby correcting the *Final Results* by providing the complete rates table for all nine companies, which restates the subsidy rates for six of the nine companies and includes the additional three companies that were inadvertently omitted from the rates table in the *Final Results* (*i.e.,* Shenyang Yuanda, Summit, and Wenzhou Yongtai).

Corrected Final Results of Administrative Review

As stated in the *Final Results,* and in accordance with 19 CFR 351.221(b)(5), we determine the following final net subsidy rates for the 2018 administrative review:[6]

Company	Final *ad valorem* rate (percent)
Activa International Inc	242.15
Changzou Tenglong Auto Parts Co. Ltd	16.08
CRRC Changzhou Auto Parts Co. Ltd	242.15
Dongguan Aoda Aluminum Co. Ltd	16.08
Guangdong Xingfa Aluminum Co., Ltd	242.15
Precision Metal Works Ltd	242.15
Shenyang Yuanda Aluminum Industry Engineering Co. Ltd[7]	242.15
Summit Heat Sinks Metal Co, Ltd[8]	242.15
Wenzhou Yongtai Electric Co. Ltd[9]	242.15

This notice serves as a correction to the *Final Results* and is published in accordance with 751(a) and 777(i) of the Tariff Act of 1930, as amended.

Dated: February 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

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[1] *See Aluminum Extrusions from the People's Republic of China: Final Results of the Countervailing Duty Administrative Review and Rescission of Review, in Part, 2018,* 86 FR 6630 (January 22, 2021) (*Final Results*).

[2] *Id.,* 86 FR at 6631.

[3] *Id; see also Aluminum Extrusions from the People's Republic of China: Final Results of the Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent to Rescind, in Part; 2018,* 85 FR 47349 (August 5, 2020) (*Preliminary Results*).

[4] *See Preliminary Results,* 85 FR at 47350.

[5] *See Final Results,* 86 FR at 6630; *see also Preliminary Results,* 85 FR at 47351.

[6] *See Preliminary Results; see also* Memorandum, ''Administrative Review of Countervailing Duty Order on Aluminum Extrusions from the People's Republic of China: AFA Calculation Memorandum for the Preliminary Results of Review; 2018,'' dated August 28, 2020.

[7] This company was inadvertently omitted from the rates table in the *Final Results.*

[8] *Id.*

[9] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA832]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Parallel Thimble Shoal Tunnel Project in Virginia Beach, Virginia

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments on proposed Renewal incidental harassment authorization.

SUMMARY: NMFS has received a request from the Chesapeake Tunnel Joint Venture (CTJV) for the Renewal of their currently active incidental harassment authorization (IHA) to take marine mammals incidental to Parallel Thimble Shoal Tunnel Project (PTST) in Virginia Beach, Virginia. These activities are identical to those covered in the current authorization. The project has experienced delays and most of the work covered in the initial IHA will not be completed by the time it expires. Pursuant to the Marine Mammal Protection Act, prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The Renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed Renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than February 23, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.Laws@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation measures''). Monitoring and reporting of such takings are also required. The meaning of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency's regulations at 50 CFR 216.103.

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a Renewal for this activity, and requested public comment on a potential Renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the Dates and Duration section of the notice of proposed IHA for the initial IHA, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the

mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed Renewal. A description of the Renewal process may be found on our website at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.* Any comments received on the potential Renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA Renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested Renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA Renewal qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA Renewal request.

History of Request

On May 24, 2019, NMFS received a request from the CTJV for an IHA to take marine mammals incidental to pile driving and removal at the Chesapeake Bay Bridge and Tunnel (CBBT) near Virginia Beach, Virginia. The application was deemed adequate and complete on October 11, 2019. The CTJV's request is for take of harbor seal (*Phoca vitulina*), gray seal (*Halichoerus grypus*), bottlenose dolphin (*Tursiops truncatus*), harbor porpoise (*Phocoena phocoena*) and humpback whale (*Megaptera novaeangliae*) by Level A and Level B harassment. We published a notice of a proposed IHA and request for comments on November 25, 2019 (84 FR 64847) and subsequently published the final notice of our issuance of the IHA on March 20, 2020 (85 FR 16061), effective from March 10, 2020, through March 9, 2021. This IHA was expected to cover one year of an anticipated 5-year project.

On December 15, 2020, NMFS received an application for the Renewal of the initial IHA. As described in the request for the Renewal IHA, the activities for which incidental take is requested are identical to, and consist of a subset of, those covered in the initial authorization. In order to consider an IHA Renewal, NMFS requires the applicant provide a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. NMFS has reviewed CTJV's preliminary monitoring report and has preliminarily determined that CTJV's proposed activities (including mitigation, monitoring, and reporting), estimated incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the initial IHA. However, NMFS is requesting comments or additional information that may further inform our proposal to issue an IHA Renewal to CTJV. This IHA Renewal would be valid for a period of one year.

Description of the Specified Activities and Anticipated Impacts

CTJV's planned activities include construction associated with the PTST project. Specifically, the location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the original IHA. The project consists of the construction of a two-lane parallel tunnel to the west of the existing Thimble Shoal Tunnel, connecting Portal Island Nos. 1 and 2 of the CBBT facility which extends across the mouth of the Chesapeake Bay near Virginia Beach, Virginia. The PTST project will address existing constraints to regional mobility based on current traffic volume along the facility. Planned construction associated with the initial IHA included the driving of 812 piles over 198 days as shown below:

- 180 12-inch timber piles
- 74 36-inch steel pipe piles
- 500 36-inch interlocked pipes
- 58 42-inch steel casings

Of these planned activities, under the initial IHA CTJV installed a total of 76 36-inch pipe piles and installed and removed 58 42-inch steel casings over approximately 64 construction days. Additionally, 52 36-inch interlocking pipe piles have been eliminated from the construction plan. This is due to a design change which increased the elevation of stone placement on the West berm on Portal Island 1, decreasing the number of piles being installed below Mean High Water (MHW). Remaining piles will be installed using impact driving, vibratory driving and drilling with down-the-hole (DTH) hammers. Some piles will be removed via vibratory hammer. Accounting for work conducted under the initial IHA and the planned design change resulting in a reduction in total piles, CTJV plans to drive 684 piles over an estimated 140 days under this proposed Renewal IHA.

Similarly, the anticipated impacts are identical to those described in the initial IHA. NMFS anticipates the take of the same five species of marine mammal (harbor seal, gray seal, bottlenose dolphin, harbor porpoise, and humpback whale) by Level A and Level B harassment incidental to underwater noise resulting from construction associated with the proposed activities.

The following documents are referenced in this notice and include important supporting information:

- Initial final IHA (85 FR 16061; March 20, 2020);
- Initial proposed IHA (84 FR 64847; November 25, 2019); and
- 2019 IHA application, references cited, and previous public comments received (available at *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities*).

Detailed Description of the Activity

The PTST project entails construction of a two-lane parallel tunnel to the west of the existing Thimble Shoal Tunnel. The new parallel two-lane tunnel is 6,350 feet (ft) (1935.5 meter (m)) in overall total length with 5,356 linear ft (1632.5 m) located below MHW. Remaining proposed in-water activities to be covered under this Renewal include the following:

- Mooring dolphins: An estimated 180 12-inch timber piles will be used for

construction of the temporary mooring dolphins (120 piles at Portal Island No. 1 and 60 piles at Portal Island No. 2) and will be installed and removed using a vibratory hammer. However, should refusal be encountered prior to design tip elevation when driving with the vibratory hammer an impact hammer will be used to drive the remainder of the pile length. No bubble curtains will be utilized for the installation of the timber piles;

- Construction of temporary Omega trestle: 28 in-water 36-inch diameter steel pipe piles will be installed at Portal Island 2;
- Construction of two engineered berms requiring 202 36-inch steel interlocked pipe piles (81 on west side; 121 on east side) for Portal Island 1 and 246 piles of the same size and type (124 piles on west side; 122 on east side) for Portal Island 2. Construction methods will include impact pile driving as well as casing advancement by DTH hammer. Interlocked pipe piles will be installed through the use of DTH drilling equipment. Once the pipes are advanced through the rock layer using the DTH technology, they are driven to final grade via traditional impact driving methods; and
- Vibratory installation and removal of 12 36-inch steel pipe piles at Portal Island 1 and 16 piles at Portal Island 2 on both sides of the new tunnel alignment for settlement mitigation, support of excavation, and to facilitate flowable fill placement.

Some in-water construction activities would occur simultaneously. A detailed description of the construction activities for which authorization of take is proposed here may be found in the **Federal Register** notice of proposed IHA for the 2020 authorization (84 FR 64847; November 25, 2019). Location, timing (*e.g.,* seasonality), and nature of the pile driving operations, including the type and size of piles and the methods of pile driving, are identical to those analyzed in the initial IHA. The proposed IHA Renewal would be effective for a period of one year.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice for the proposed IHA for the initial authorization (84 FR 64847; November 25, 2019). Updated information regarding stock abundance was provided in the **Federal Register** notice announcing issuance of the initial IHA (85 FR 16061; March 20, 2020). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature. The draft 2020 Stock Assessment Report states that estimated abundance has increased for the Gulf of Maine stock of humpback whales, from 1,380 (CV = 0) to 1,393 (CV = 0.15). NMFS has preliminarily determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is proposed here may be found in the **Federal Register** notice for the proposed initial IHA (84 FR 64847; November 25, 2019). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notice for the proposed and final initial IHAs (84 FR 64847; November 25, 2019 and 85 FR 16061; March 20, 2020). Specifically, the source levels and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHA, with the exception of the small amount of work completed. CTJV conducted approximately 64 days of the planned work and has eliminated a small number of originally planned piles, reducing the approximate total number of operational days for this proposed Renewal IHA. However, because the take numbers developed for most species for which take is proposed for authorization involve qualitative elements and because the reduction in total days would not result in a substantive decrease in the take number for bottlenose dolphin, we carry forward the take numbers unchanged for this proposed Renewal IHA. The stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in Table 1.

TABLE 1—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION AND PROPORTION OF POPULATION POTENTIALLY AFFECTED

Species	Stock	Level A takes	Level B takes	Percentage of stock
Humpback whale	Gulf of Maine		12	0.9
Harbor porpoise	Gulf of Maine/Bay of Fundy	5	7	<0.01
Bottlenose dolphin	WNA Coastal, Northern Migratory	142	14,095	* <33
	WNA Coastal, Southern Migratory	142	14,095	* <33
	NNCES	2	198	24
Harbor seal	Western North Atlantic	1,296	2,124	4.5
Gray seal	Western North Atlantic	1	3	<0.01

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (85 FR 16061; March 20, 2020), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures are proposed for this renewal:

Proposed Mitigation Requirements

In summary, mitigation includes implementation of shutdown procedures if any marine mammal approaches or enters the established shutdown zones. Shutdown zones for species authorized for take are as follows: 100 meters for harbor porpoise

and bottlenose dolphin; 15 meters for harbor seal and gray seal. For humpback whale, shutdown distances correspond with the estimated Level A harassment zones and are dependent on activity type. For in-water heavy machinery work other than pile driving, if a marine mammal comes within 10 m, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. One trained observer must monitor to implement shutdowns and collect information at each active pile driving location (whether vibratory or impact driving of steel or concrete piles).

Soft start procedures must be implemented at the start of each day's impact pile driving and at any time following cessation of impact driving for a period of thirty minutes or longer. Use of an air bubble curtain system will be implemented by the CTJV during impact driving of 36-inch steel piles except in water less than 10 ft in depth.

Proposed Monitoring Requirements

The CTJV will be required to station between two and four PSOs at locations offering the best available views of the monitoring zones. At least two PSOs will be required to monitor before, during, and after the pile-driving and -removal activities. At least one PSO must be located in close proximity to each pile driving rig during active operation of single or multiple, concurrent driving devices. At least one additional PSO is required at each active driving rig or other location providing best possible view if the Level B harassment zone and shutdown zones cannot reasonably be observed by one PSO.

Proposed Reporting Requirements

A draft report will be submitted to NMFS within 90 days of the completion of marine mammal monitoring, or 60 days prior to the requested date of issuance of any future IHA for projects at the same location, whichever comes first. The report will include marine mammal observations pre-activity, during-activity, and post-activity during pile driving days (and associated PSO data sheets), and will also provide descriptions of any behavioral responses to construction activities by marine mammals and a complete description of all mitigation shutdowns and the results of those actions and an extrapolated total take estimate based on the number of marine mammals observed during the course of construction. A final report must be submitted within 30 days following resolution of comments on the draft report.

Public Comments

As noted previously, NMFS published a notice of a proposed IHA (84 FR 64847; November 25, 2019) and solicited public comments on both our proposal to issue the initial IHA for CTJV's construction activities and on the potential for a Renewal IHA, should certain requirements be met.

All public comments were addressed in the notice announcing the issuance of the initial IHA (85 FR 16061; March 20, 2020). Below, we describe how we have addressed, with updated information where appropriate, any comments received that specifically pertain to the Renewal of the initial IHA.

Comment: The Marine Mammal Commission expressed continuing concern with NMFS' use of the Renewal process.

Response: In prior responses to comments about IHA Renewals (*e.g.,* 84 FR 52464; October 02, 2019 and 85 FR 53342; August 28, 2020), NMFS has explained how the Renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, provides additional efficiencies beyond the use of abbreviated notices, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the Renewal process.

Preliminary Determinations

The construction activities proposed by CTJV are identical to (and a subset of) those analyzed in the initial IHA, as are the method of taking and the effects of the action. The planned number of days of activity will be slightly reduced given the completion of a small portion of the originally planned work. The potential effects of CTJV's activities are limited to Level A and Level B harassment in the form of auditory injury and behavioral disturbance. In analyzing the effects of the activities in the initial IHA, NMFS determined that CTJV's activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.,* less than one-third of the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) CTJV's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No incidental take of ESA-listed marine mammal species is expected to result from this activity, and none would be authorized. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a Renewal IHA to CTJV for conducting in-water construction activities associated with the PTST in Virginia Beach, Virginia, from the date of issuance for a period of one year, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* We request comment on our analyses, the proposed Renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: February 2, 2021.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–02467 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Return Link Service Authorization in the United States Search and Rescue Region

AGENCY: National Environmental Satellite, Data, and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Search and Rescue Satellite Aided Tracking (SARSAT) Program, which is managed by NOAA and assisted by the National Aeronautics and Space Administration, the U.S. Air Force, and the U.S. Coast Guard, requests input from all interested persons on the U.S. authorization of Return Link Service (RLS) acknowledgment Type 1 capable Cospas-Sarsat 406 MHz distress beacons. Through this Request for Information (RFI), the SARSAT Program seeks the public's views on the inclusion of this optional feature on U.S. country-coded beacons.

DATES: Comments must be received by April 30, 2021.

ADDRESSES: Responses should be submitted via email to *sarsat.rls.rfi@noaa.gov.* Include ''Public Comment on type approval of RLS beacons'' in the subject line of the message. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments. Clearly indicate which question or subject, if applicable, submitted comments pertain to. All submissions must be in English. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

Instructions: Respondents need not reply to any or all of the questions listed. Email attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats only. Each individual or institution is requested to submit only one response. The SARSAT Program may post responses to this RFI, without change, on a Federal website. NOAA, therefore, requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this RFI.

FOR FURTHER INFORMATION CONTACT: SARSAT Program Analyst, Mr. Allan Knox, NOAA, *allan.knox@noaa.gov,* 301–817–4144.

SUPPLEMENTARY INFORMATION:

Background

The RLS is being provided via the Galileo Global Navigation Satellite System and is designed to provide the beacon user in distress an acknowledgment message informing them that the alert has been detected and located by the Cospas-Sarsat System.

The SARSAT Program has commenced an effort to understand the benefits and associated risks of RLS Type 1 equipped beacons and is soliciting the public through this RFI to obtain input from a wider range of stakeholders, including academia, private industry, beacon users and other relevant organizations and institutions. The public input provided in response to this RFI will help inform the SARSAT Program as it evaluates the authorization of RLS Type 1 equipped beacons within the United States.

In depth information on RLS Type 1 equipped beacons can be found at: *https://www.gsc-europa.eu/sites/default/files/sites/all/files/Galileo-SAR-SDD.pdf.*

Additional information on RLS-enabled beacons may be viewed at: *https://cospas-sarsat.int/en/beacon-ownership/rls-enabled-beacon-purchase.*

Questions To Inform U.S. SARSAT Program Regarding Authorization of Type 1 RLS Cospas-Sarsat Distress Beacons

Please consider the following questions of interest to the SARSAT Program when responding:

1. Under nominal conditions, the RLS has an inherent period of time between beacon activation and the acknowledgement being received and displayed to the person in distress. This period of time should be within 30 minutes. Is this acceptable? If not, what is an acceptable time?

2. What is the best method to ensure the user understands that there is a period of time before the acknowledgement message is received? Please consider that the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

3. RLS only indicates that the distress signal has been received, not that rescue forces have been deployed. Therefore, the acknowledgement message is not an indication of when rescue forces may arrive on scene. How should the beacon user be provided this information so that they understand what the RLS signal means? Please consider that the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

4. There are several RLS related message indications that can be displayed to the beacon user; RLS signal sent from beacon, awaiting RLS signal return, RLS response received, RLS signal not received, etc. Which signals should be displayed to the user and how should they be displayed? Please consider the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

5. Are there any other features you believe would be advantageous to add to 406 MHz emergency beacons?

6. Are there any other comments you would like the U.S. SARSAT Program to consider?

Authority: 33 U.S.C. 883(d) and (e).

Dated: February 3, 2021.

Mark W. Turner,

SARSAT Program Manager.

[FR Doc. 2021–02509 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA829]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Washington State Department of Transportation Purdy Bridge Rehabilitation Project, Pierce County, WA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the

Washington State Department of Transportation (WADOT) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with a Purdy Bridge Rehabilitation Project in Pierce County, WA.

DATES: This Authorization is effective from July 16, 2021 through February 15, 2022.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On July 27, 2020, NMFS received an application from WADOT requesting an IHA to take small numbers of six species of marine mammals incidental to pile driving and removal associated with the Purdy Bridge Rehabilitation Project. The application was deemed adequate and complete on December 1, 2020. WADOT's request is for take of a small number of each species by Level B harassment. Neither WADOT nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Specified Activity

Overview

The purpose of the project is to rehabilitate the 2 in-water support piers of the State Route 302 Purdy Bridge by removing the top 3 inches (7.5 centimeter (cm)) of decaying concrete on each support pier and replacing with fiberglass reinforced concrete. Twenty steel H piles and 44 sheetpiles will be driven to create a caisson-like dewatered structures around the bridge piers to allow the work to be completed. Once the work on the piers is completed the piles will be removed. A needle gun will be used to remove 3 inches (7.5 cm) of decayed concrete from the two in-water bridge piers. Pile driving/removal and concrete removal is expected to take no more than 20 days. Pile driving/removal would be by vibratory pile driving. A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (85 FR 81886; December 17, 2020). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Response

A notice of NMFS's proposal to issue an IHA to WADOT was published in the **Federal Register** on December 17, 2020 (85 FR 81886). That notice described, in detail, WADOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received no public comment or comment letter from the Marine Mammal Commission.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species with expected potential for occurrence in the project area and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2020). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific or Alaska SARs (*e.g.,* Caretta *et al.,* 2020; Muto *et al.,* 2020).

TABLE 1—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray Whale	*Eschrichtius robustus*	Eastern North Pacific	-, -, N	26,960 (0.05, 25,849, 2016)	801	138
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Short-beaked Common Dolphin.	*Delphinus delphis*	California/Oregon/Washington	-, -, N	969,861 (0.17, 839,325, 2014)	8393	>40
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Washington Inland Waters	-, -, N	11,233 (0.37, 8,308, 2015)	66	≥7.2
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	*Zalophus californianus*	United States	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Eastern DPS	-, -, N	43,201 a (see SAR, 43,201, 2017).	2592	112
Family Phocidae (earless seals):						
Harbor Seal	*Phoca vitulina*	Southern Puget Sound	-, -, N	UNK (UNK, UNK, 1999)	UND	3.4

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. UNK –Unknown, UND—Undetermined.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual Mortality/Serious Injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

Harbor seal, California sea lion, and Harbor porpoise spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have authorized it. For gray whale, Steller sea lion, and short-beaked common dolphin, occurrence is such that take is possible, and we have authorized it.

Transient killer whales (*Orcinus orca*) spatially co-occur with the activity to the degree that take is possible, while Southern Resident killer whales and humpback whales (*Megaptera novaeangliae*) are very rare visitors to the area. Work will be shutdown if any of these species approach the Level B harassment zone, so take is not requested for these species and they are not further discussed. A detailed description of the species likely to be affected by the project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (85 FR 81886; December 17, 2020); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from WADOT's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed IHA (85 FR 81886; December 17, 2020) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the WADOT's construction activities on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (85 FR 81886; December 17, 2020).

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment, as use of the acoustic source (*i.e.,* vibratory pile driving/removal and needle gun) has the potential to result in disruption of behavioral patterns for individual marine mammals. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown)—discussed in detail below in Mitigation section, Level A harassment is not authorized.

As described previously, no mortality is authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed

or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimate.

The effect of needle guns is unclear as we have not recently authorized take by this method in these circumstances. Given the relatively low source level for needle guns and small ensonified areas discussed below, there is some uncertainty about whether take will occur from this activity. However, in consideration of the applicant's request and the predicted source levels, we conservatively authorize some take for this project.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur Permanent Threshold Shift (PTS) of some degree (equated to Level A harassment). Thresholds have also been developed identifying the received level of in-air sound above which exposed pinnipeds would likely be behaviorally harassed.

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 decibel (dB) re 1 microPascal (μPa) (root mean square (rms)) for continuous (*e.g.,* vibratory pile-driving) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources. For in-air sounds, NMFS predicts that harbor seals exposed above received levels of 90 dB re 20 μPa (rms) will be behaviorally harassed, and other pinnipeds will be harassed when exposed above 100 dB re 20 μPa (rms).

WADOT's proposed activity includes the use of continuous (vibratory pile-driving and removal in water and needle guns in air) sources, and therefore the 120 dB re 1 μPa (rms) threshold is applicable in water and the pinniped thresholds are applicable in air.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). WADOT's activity includes the use of non-impulsive (vibratory pile driving/removal) sources.

These thresholds are provided in Table 2. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds (received level)
	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

Note: Cumulative sound exposure level (L_E) has a reference value of 1μPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* vibratory pile driving and removal and needle guns).

Vibratory hammers produce constant sound when operating, and produce vibrations that liquefy the sediment surrounding the pile, allowing it to penetrate to the required seating depth. The actual durations of each installation method vary depending on the type and size of the pile.

In order to calculate distances to the Level A harassment and Level B harassment sound thresholds for activities being used in this project, NMFS used acoustic monitoring data from other locations to develop source levels or the various pile types, sizes and methods (see Table 3). Source levels for the 48-inch sheetpiles come from the

Caltrans compendium (2015) measurements of 24-inch steel sheetpiles supported by acoustic data from another project in Seattle, Washington that used 48-inch steel sheetpiles (Greenbusch Group, 2015), while the source data for H piles comes from the Caltrans (2015) compendium. Needle guns can produce sounds up to 112 dbA (OSHA, 2020) and we use that as the source level for that activity.

TABLE 3—PROJECT SOUND SOURCE LEVELS

Method	Pile type	Estimated noise level	Source
Vibratory Driving/Removal	48-inch sheet	165 dB_{RMS}	CALTRANS 2015, Greenbusch Group 2015.
Vibratory Driving/Removal	12-inch H pile	150 dB_{RMS}	CALTRANS 2015.

Note: SEL = single strike sound exposure level; dB peak = peak sound level; rms = root mean square.

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

TL = B * Log10 (R1/R2)

where,

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement.

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for WADOT's proposed activity in the absence of specific modelling.

Using the equation above, underwater noise is predicted to fall below the behavioral effects threshold of 120 dB rms for marine mammals at distances of 1,000 or 10,000 m depending on the pile type(s) and methods (Table 4). It should be noted that based on the geography of Henderson Bay, sound will not reach the full distance of the Level B harassment isopleths in most directions. In-air needle gun noise is predicted to reach the phocid (harbor seal) threshold (90 dB) at 192 meters (629 feet), and the otariid threshold (100 dB) at 60 meters (200 feet).

TABLE 4—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) FOR EACH PILE TYPE AND HEARING GROUP

Pile type	Level A harassment					Level B harassment
	Low frequency	Mid frequency	High frequency	Otariid	Phocid	
Sheet	31.8	2.8	47	19.3	1.4	10,000
H pile	3.2	0.3	4.7	1.9	0.1	1,000

Level A Harassment Zones

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of take by Level A harassment. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as vibratory pile driving or removal using any of the methods discussed above, NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet are reported in Table 5 and the resulting isopleths are reported in Table 4 for each of the work scenarios. Note that while the inputs for driving and removal of each type of pile are different, the resulting isopleths are the same because the total time per day (number of piles per day times minutes per pile) of pile driving is identical. Therefore Table 4 includes only a single row for each pile type. The above input scenarios lead to PTS isopleth distances (Level A thresholds) of less than 1 m to 47 m.

The Level A harassment zones identified in Table 4 are based upon an animal exposed to pile driving multiple piles per day. Considering duration of driving or removing each pile (up to 30 minutes) and breaks between pile installations (to reset equipment and move pile into place), this means an animal would have to remain within the small area estimated to be ensonified above the Level A harassment threshold for multiple hours. This is highly unlikely given marine mammal movement throughout the area.

TABLE 5—NMFS TECHNICAL GUIDANCE USER SPREADSHEET INPUT TO CALCULATE LEVEL A ISOPLETHS FOR A COMBINATION OF PILE DRIVING

Method	Pile type	Source level (db RMS)	Minutes per pile	Piles per day
Vibratory Driving	Sheet	165	30	8
Vibratory Driving	H pile	150	30	8
Vibratory Removal	Sheet	165	15	16
Vibratory Removal	H pile	150	15	16

Note: Transmission Loss for all methods is 15 LogR and the weighting factor adjustment is 2.5.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. The main source of density information for the area is the U.S. Navy's database used to establish baseline density estimates for their construction and testing and training activities in Puget Sound (U.S. Navy, 2019). The Navy database includes seasonal estimates of abundance where available and appropriate. Where such estimates existed, we used the larger density estimate for the fall or summer seasons, when this project is scheduled to occur. These density estimates are shown in Table 6. No density estimates exist for the rarer short-beaked common dolphin so we used more qualitative data on observations from The Whale Museum's sightings database and project specific report to WADOT (TWM, 2020).

TABLE 6—DENSITY OF MARINE MAMMALS USED TO CALCULATE EXPECTED TAKE

Species	Density #/km^2
Harbor seal	3.91
California sea lion	0.2211
Steller sea lion	0.0478
Gray whale	0.000086
Short-beaked common dolphin	(*)
Harbor porpoise	0.86

*See text, no density estimate exists for short-beaked common dolphins.

Here we describe how the information provided above is brought together to produce a quantitative take estimate. Given the geography of the project area, the area ensonified when driving or removing H piles is 1.36 square kilometers (km^2) 0.53 square miles (mi^2)), the area ensonified when driving or removing sheetpiles is 17.9 km^2 (6.9 mi^2), and the area ensonified when using the needle gun is 0.06 km^2 (0.023 mi^2) for phocids and 0.01 km^2 (0.004 mi^2) for otariids. As noted above, there will be a total of 5 days driving or removing H piles, 9 days driving or removing sheetpiles, and 6 days of using the needle gun. For species with density estimates, the estimated take is calculated as the sum of the density times the area and days for each pile type/activity with the results for each activity added to give a total estimated take. Additional qualitative factors may be considered for species with small estimated take calculations (see below). Take by Level B harassment is authorized and summarized in Table 7.

Gray Whale

The Navy Marine Species Density Database (U.S. Navy 2019) estimates the density of gray whales in the Henderson Bay area as 0.000086/km^2. Based on this density estimate, the following number of gray whales may be present in the Level B harassment zones:

H piles: 0.000086/km^2 * 1.36 km^2 * 5 days = 0.0005848

Sheetpiles: 0.000086/km^2 * 17.9 km^2 * 9 days = 0.0138546

Total Estimated Take = 0.014 animals

The total represents less than one gray whale. In the event an individual enters the area and remains for some time and is harassed on multiple days, we are authorizing Level B harassment of 10 gray whales. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of gray whales.

Short-Beaked Common Dolphin

As mentioned above, the Navy Marine Species Density Database (U.S. Navy 2019) does not provide an estimate of density of short-beaked common dolphins in the Henderson Bay area. The Whale Museum data indicate that common dolphins have been documented in waters adjacent to the project (TWM, 2020). Nearly all sightings were in 2016 and 2017 pointing out the variability and uncertainty of their presence. Short-beaked common dolphins often occur in groups; for the Puget Sound data groups consisted of no more than five individuals (Orca Network. 2020). Due to the low likelihood of occurrence an expectation of one group of five animals in the large level B harassment zone for sheetpiles per day is a reasonable representation of occurrence. With 9 days of sheetpiling maximum this equates to 45 level B takes. Because of the smaller size of the Level B harassment zones for the H piles, we expect that one group of five animals over the course of the 5 work days with H piles is a reasonable representation of occurrence. We are thus authorizing Level B harassment of 50 short-beaked common dolphins. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of short-beaked common dolphins.

Harbor Porpoise

The Navy Marine Species Density Database (U.S. Navy 2019) estimates the density of harbor porpoise in the Henderson Bay area as 0.86/km^2. Based on this density estimate, the following number of harbor porpoises may be present in the Level B harassment zones:

H piles: 0.86/km^2 * 1.36 km^2 * 5 days = 5.848

Sheetpiles: 0.86/km^2 * 17.9 km^2 * 9 days = 138.546

Total Estimated Take = 144.4 animals

We are authorizing Level B harassment of 145 harbor porpoises. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of harbor porpoises.

California Sea Lion

The Navy Marine Species Density Database (U.S. Navy 2019) estimates the density of California sea lions in the Henderson Bay area as 0.2211/km^2. Based on this density estimate, the following number of California sea lions may be present in the Level B harassment zones:

H piles: 0.2211/km^2 * 1.36 km^2 * 5 days = 1.503

Sheetpiles: 0.2211/km² * 17.9 km² * 9 days = 35.619

Needle gun: 0.2211/km² * 0.01 km² * 6 days = 0.013

Total Estimated Take = 37.14 animals

We are authorizing Level B harassment of 38 California sea lions. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of California sea lions.

Steller Sea Lion

The Navy Marine Species Density Database (U.S. Navy 2019) estimates the density of Steller sea lions in the Henderson Bay area as 0.0478/km². Based on this density estimate, the following number of Steller sea lions may be present in the Level B harassment zones:

H piles: 0.0478/km² * 1.36 km² * 5 days = 0.325

Sheetpiles: 0.0478/km² * 17.9 km² * 9 days = 7.70

Needle gun: 0.0478/km² * 0.01 km² * 6 days = 0.007

Total Estimated Take = 8.03 animals

We are authorizing for Level B harassment of nine Steller sea lions. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of Steller sea lions.

Harbor Seal

The Navy Marine Species Density Database (U.S. Navy 2019) estimates the density of harbor seal in the Henderson Bay area as 3.91/km². Based on this density estimate, the following number of harbor seals may be present in the Level B harassment zones:

H piles: 3.91/km² * 1.36 km² * 5 days = 26.588

Sheetpiles: 3.91/km² * 17.9 km² * 9 days = 629.901

Needle gun: 3.91/km² * 0.06 km² * 6 days = 1.408

Total Estimated Take = 657.9 animals

We are authorizing for Level B harassment of 658 harbor seals. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not authorize take by Level A harassment of Steller sea lions.

TABLE 7—AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Take request	Percent of stock
Harbor seal	658	(*)
California sea lion	38	< 0.1
Steller sea lion	9	< 0.1
Gray whale	10	0.4
Short-beaked common dolphin	50	< 0.1
Harbor porpoise	145	1.3

* There is no official estimate of stock size for this stock.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are in the IHA:

- For in-water heavy machinery work other than pile driving/removal (*e.g.,* standard barges, *etc.*), and for needle gun work, if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to or around the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile);
- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving/removal activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal will shut down immediately if such species are observed within or entering the Level B harassment zone; and
- If take reaches the authorized limit for an authorized species, pile installation/removal will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following mitigation measures would apply to WADOT's in-water construction activities.

• *Establishment of Shutdown Zones*—WADOT will establish shutdown zones for all pile driving and removal activities (Table 8). The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones typically vary based on the activity type and marine mammal hearing group (Table 2). Because the zones are small in this project, and WADOT seeks to simplify their monitoring, they have requested to establish shutdown zones of the same size that apply separately to cetaceans and pinnipeds, rather than having multiple size zones within each of these marine mammal groups corresponding to each hearing group. Therefore the shutdown zones are based on the largest Level A harassment zone within the cetacean and pinniped groups, respecitively, with an absolute minimum shutdown zone size of 10 m (33 ft).

• *Pile wake-up*—When removing piles WADOT will shake the pile slightly prior to removal to break the bond with surrounding sediment to avoid pulling out large blocks of sediment. Piles they will also be removed slowly to minimize turbidity.

• The placement of Protected Species Observers (PSOs) during all pile driving and removal activities (described in detail in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible during pile installation. Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

• *Monitoring for Level B Harassment*—WADOT will monitor the Level A and B harassment and shutdown zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential halt of activity should the animal enter the shutdown zone. Placement of PSOs will allow PSOs to observe marine mammals within the Level B harassment zones that serve as monitoring zones.

• *Pre-activity Monitoring*—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence.

• Pile driving or removal must occur during daylight hours.

Based on our evaluation of the applicant's measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

TABLE 8—SHUTDOWN ZONES (RADIUS IN METERS) BY PILE TYPE, ACTIVITY AND HEARING GROUP

Pile type	Low frequency	Mid frequency	High frequency	Otariid	Phocid
Sheet	50	50	50	20	20
H pile	10	10	10	10	10

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);

• Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

• How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

• Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Monitoring Plan and section 5 of the IHA. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

• Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;

• Other PSOs may substitute education (degree in biological science or related field) or training for experience; and

• WADOT must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.

PSOs must have the following additional qualifications:

• Ability to conduct field observations and collect data according to assigned protocols;

• Experience or training in the field identification of marine mammals, including the identification of behaviors;

• Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Up to four PSOs will be employed. PSO locations will provide an unobstructed view of all water within the shutdown zone, and as much of the Level A and Level B harassment zones as possible. PSO locations are as follows:

(1) At the pile driving/removal site or best vantage point practicable to monitor the shutdown zones and the small area north into Burley Lagoon;

(2) At Purdy Spit Park to monitor the Level B harassment zone near the project site in Henderson Bay; and

(3) For the smaller Level B harassment zone associated with H pile driving/removal, an additional PSOs will be located on the southeast end of the level B harassment zone (see Monitoring Plan Figure 4);

(4) For the larger Level B harassment zone associated with sheetpile driving/removal PSOs will be at the pile/driving removal site and Purdy Spit park as described above. Two additional PSOs will be located further south in Henderson Bay (see Monitoring Plan Figure 2): One at Kopachuck State Park to monitor the southern end of the Level B harassment zone and one further south at Penrose Point State Park to monitor the approaches into Henderson Bay, especially for killer and humpback whales and other large whales not authorized for take.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving or drilling equipment is no more than 30 minutes.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

• Dates and times (begin and end) of all marine mammal monitoring;

• Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.,* impact or vibratory and if other removal methods were used);

• Weather parameters and water conditions during each monitoring period (*e.g.,* wind speed, percent cover, visibility, sea state);

• The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting;

• Age and sex class, if possible, of all marine mammals observed;

• PSO locations during marine mammal monitoring;

• Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting);

• Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within the Level A and Level B harassment zones while the source was active;

• Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone, and estimates of number of marine mammals taken, by species (a correction factor may be applied to total take numbers, as appropriate);

• Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any; and

• Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, WADOT shall report the incident to the Office of Protected Resources (OPR), NMFS and to the regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, WADOT must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

• Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

• Species identification (if known) or description of the animal(s) involved;

• Condition of the animal(s) (including carcass condition if the animal is dead);

• Observed behaviors of the animal(s), if alive;

• If available, photographs or video footage of the animal(s); and

• General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the

species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analyses applies to all the species listed in Table 7, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity. Pile driving activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level B harassment from underwater sounds generated from pile driving and removal and needle gun use. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

Takes by Level B harassment would be in the form of behavioral disturbance and/or TTS. No mortality or PTS (Level A harassment) is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

The nature of the pile driving project precludes the likelihood of serious injury or mortality. Take would occur within a limited, confined area (north-central Henderson Bay) of the stock's range. Level A and Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein, and as a result, as discussed above, Level A harassment is not anticipated to occur. Further the amount of take authorized is extremely small when compared to stock abundance.

Behavioral responses of marine mammals to pile driving and needle gun use at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities (as noted during modification to the Kodiak Ferry Dock (see 80 FR 60636, October 7, 2015)) or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the short duration of noise-generating activities per day and that pile driving and removal would occur across three months, any harassment would be temporary. There are no other areas or times of known biological importance for any of the affected species.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the fitness of any individual or the stocks' ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or Level A harassment is anticipated or authorized;
- No biologically important areas have been identified within the project area;
- For all species, Henderson Bay is a very small and peripheral part of their range;
- WADOT would implement mitigation measures such as shut downs and slow removal of piles to minimize turbidity and shaking the pile slightly prior to removal (wake up) to break the bond with surrounding sediment to avoid pulling out large blocks of sediment; and
- Monitoring reports from similar work in Puget Sound have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS authorizes is below one third of the estimated stock abundance for all stocks. For harbor seals there are no official estimates of the stock size. We do know the populations of harbor seals in Puget Sound are increasing and number at least 32,000 (Jeffries, 2013). We also know that harbor seals do not generally range over large areas (see above). Therefore, it is most likely that the number of harbor seal takes is a small number. For all stocks, these are all likely conservative estimates of percent of stock taken because they assume all takes are of different individual animals which is likely not the case. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

Based on the analysis contained herein of the proposed activity (including the mitigation and monitoring measures) and the

anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to WADOT for the potential harassment of small numbers of six marine mammal species incidental to the Purdy Bridge Rehabilitation project in Pierce, WA, provided the previously mentioned mitigation, monitoring and reporting requirements are followed.

Dated: February 1, 2021.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–02489 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA822]

Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on March 18, 2021. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the PAC will be held via web conference on March 18, 2021, from 11 a.m. to 1 p.m. Hawaii Standard Time (HST) (or until business is concluded). Members of the public may submit written comments on meeting topics or materials; comments must be received by March 13, 2021.

ADDRESSES: The public meeting will be conducted via conference call. For details on how to call in to the conference line or to submit comments, please contact Emily Reynolds, NMFS Pacific Islands Regional Office; telephone: 808–725–5039; email: *emily.reynolds@noaa.gov.* Documents to be considered by the PAC will be sent out via email in advance of the conference call. Please submit contact information to Emily Reynolds (telephone: 808–725–5039; email: *emily.reynolds@noaa.gov)* at least 3 days in advance of the call to receive documents via email. This meeting may be recorded for the purposes of generating notes of the meeting.

FOR FURTHER INFORMATION CONTACT: Emily Reynolds, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808–725–5039; facsimile: 808–725–5215; email: *emily.reynolds@noaa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the PAC, has been formed to advise the U.S. Commissioners to the WCPFC. The PAC is composed of: (i) Not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC; (ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee (or the chair's designee); and (iii) officials from the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC website: *http://www.wcpfc.int.*

Meeting Topics

The purpose of the March 18, 2021 meeting is to discuss outcomes of the 2020 regular session of the WCPFC (WCPFC17), U.S. priorities leading up to the 2021 regular session of the WCPFC (WCPFC18) and potential management measures for tropical tunas and other issues of interest.

Special Accommodations

The conference call is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Emily Reynolds at 808–725–5039 by March 4, 2021.

Authority: 16 U.S.C. 6902 *et seq.*

Dated: February 3, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–02527 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Greater Atlantic Region Dealer Purchase Reports

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, (85 FR 68307) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Northeast Regional Dealer Purchase Reports.

OMB Control Number: 0648–0229.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 680.

Average Hours per Response: 4 minutes.

Total Annual Burden Hours: 28,673.

Needs and Uses: Federally permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land by one of the available electronic reporting mechanisms approved by National Marine Fisheries Service (NMFS). The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. This is an extension request of the current approval.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, Tribal government; Federal government.

Frequency: Weekly.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0229.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02553 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Region Permit Family of Forms

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on November 30, 2020, (85 FR 76536) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Alaska Region Permit Family of Forms.

OMB Control Number: 0648–0206.

Form Number(s): None.

Type of Request: Regular submission [extension of a current information collection].

Number of Respondents: 484.

Average Hours per Response: FFP application, 21 minutes; FPP application, 25 minutes; EFP application, 100 hours.

Total Annual Burden Hours: 474 hours.

Needs and Uses: The National Marine Fisheries Services (NMFS), Alaska Region, is requesting extension of a currently approved information collection for the applications for the Federal Fisheries Permit (FFP), the Federal Processor Permit (FPP), and the Exempted Fishing Permit (EFP).

NMFS requires an FFP or FPP for participation in the groundfish fisheries of the exclusive economic zone off Alaska. NMFS issues an EFP to allow groundfish fishing activities that would otherwise be prohibited under regulations for groundfish fishing. EFPs are issued to support projects that could benefit the groundfish fisheries and the environment and result in gathering information not otherwise available through research or commercial fishing operations. Regulations governing these permits are at 50 CFR 600.745, 679.4, and 679.6.

Operators of vessels and managers of processors must have a permit on board or on site when fishing, receiving, buying, or processing groundfish and non-groundfish species. The permit information provides harvest gear types; descriptions of vessels, shoreside processors, and stationary floating processors; and expected fishery activity levels. The information requested on the permit applications is used for fisheries management and regulatory compliance by NMFS Sustainable Fisheries Division, NMFS Restricted Access Management Program, NMFS Observer Program, NOAA Office of Law Enforcement, the U.S. Coast Guard, and the North Pacific Fisheries Management Council.

Section 303(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act specifically recognizes the need for permit issuance. Requiring a permit for marine resource users is one of the regulatory steps taken to carry out conservation and management objectives. Permit issuance is essential in fishery resources management for identification of the participants and expected activity levels and for regulatory compliance.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: Annually; Every 3 years; On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits; Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0206.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02566 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2020–0057]

Extension of the Period for Comments on the National Strategy for Expanding American Innovation

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

ACTION: Extension of the comment period.

SUMMARY: The United States Patent and Trademark Office (USPTO) recently sought input from the public regarding the National Council for Expanding American Innovation (NCEAI). The USPTO is extending the comment period to ensure that all stakeholders have sufficient opportunity to submit comments on this important effort to develop a national strategy to expand innovation demographically, geographically, and economically.

DATES: To be ensured of consideration, written comments must be received on or before February 23, 2021.

ADDRESSES: For reasons of Government efficiency, comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number PTO–P–2020–0057 on the homepage and click ''Search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because written comments and testimony will be made available for public inspection, information that a respondent does not desire to be made public, such as a phone number, should not be included in the testimony or written comments.

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

FOR FURTHER INFORMATION CONTACT: Please send your questions or comments regarding this notice to *innovationcomment@uspto.gov,* or telephone Janine Scianna, Office of Governmental Affairs, USPTO, at 571–272–0502.

SUPPLEMENTARY INFORMATION: The USPTO is extending the period for public comment on the NCEAI. The goal of the NCEAI is to create a national strategy to promote and increase participation by underrepresented groups in inventing and innovation. The NCEAI includes distinguished leaders from industry, academia, government, and nonprofit organizations.

In a **Federal Register** notice, Request for Comments on the National Strategy for Expanding American Innovation, 85 FR 83906 (Dec. 23, 2020) (the Notice), the USPTO sought input from the public regarding the development of a national strategy to create opportunities to expand our innovation ecosystem. In view of the importance of this effort, and given the desire to receive input from as broad a cross-section of the public as possible, the USPTO is now extending the period to address the questions raised in the Notice, or to provide any additional comments, until February 23, 2021.

Andrew Hirshfeld,

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

[FR Doc. 2021–02571 Filed 2–5–21; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, February 4, 2021; 10:00 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTERS TO BE CONSIDERED: Decisional Matter.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7479 (Office) or 240–863–8938 (cell).

Dated: February 3, 2021.

Alberta E. Mills,

Secretary.

[FR Doc. 2021–02605 Filed 2–4–21; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS SAVANNAH (LCS 28)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS SAVANNAH (LCS 28). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective February 8, 2021 and is applicable beginning February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Steven Gonzales, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard,

DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION: Background and Purpose. Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS SAVANNAH (LCS 28) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 2(a)(i), pertaining to the vertical position of the forward masthead lights; Annex I, paragraph 3(a), pertaining to the horizontal position of the forward masthead lights; Rule 21(a) and Annex I, paragraph 2(f)(i), pertaining to masthead light obstructions; Annex I, paragraph 3(a), pertaining to the horizontal separation between the forward and aft masthead lights; Annex I, paragraph 3(c), pertaining to vertical and horizontal spacing of task lights; and Rule 27(b)(i) and Annex I, paragraph 9(b), pertaining to the obstruction of task lights.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: February 3, 2021.

K.R. Callan,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2021–02483 Filed 2–5–21; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX21–2–000]

JVR Energy Park LLC; Notice of Filing

Take notice that on January 29, 2021, pursuant to section 211 of the Federal Power Act [1] and section 9.3.3 of the San Diego Gas & Electric Company (SDG&E) Transmission Owner Tariff, JVR Energy Park LLC (JVR) filed an application requesting that the Federal Energy Regulatory Commission (Commission) issue an order requiring SDG&E to provide interconnection and transmission services for JVR's proposed Kettle Solar One solar photovoltaic and battery energy storage generating facility project.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on February 19, 2021.

Dated: February 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02503 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 824j, (2018).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5737–007]

Santa Clara Valley Water District; Notice of Availability of Supplemental Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application submitted by Santa Clara Valley Water District for the Anderson Dam Project No. 5737, to draw down the Anderson Reservoir, construct and operate a new low-level outlet tunnel, and implement downstream measures. Anderson Dam is located on Coyote Creek in Santa Clara County, California.

A supplemental environmental assessment (EA) has been prepared as part of Commission staff's review of the proposal.[1] The supplemental EA includes additional analysis to supplement staff's October 1, 2020 EA for the reservoir drawdown. The supplemental EA contains Commission staff's analysis of the probable environmental effects of the proposed action and concludes that approval of the proposal, with appropriate environmental protective measures, would not constitute a major federal

[1] On July 16, 2020, the Council on Environmental Quality (CEQ) issued a final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (Final Rule, 85 FR 43,304), which was effective as of September 14, 2020; however, the NEPA review of this project was in process at that time and was prepared pursuant to CEQ's 1978 NEPA regulations.

action significantly affecting the quality of the human environment.

The supplemental EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''elibrary'' link. Enter the docket number (P–5737) 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 Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3372, or for TTY, (202) 502–8659.

Dated: February 2, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02498 Filed 2–5–21; 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 rate filings:

Docket Numbers: ER19–2462–002; ER18–2264–005; ER19–289–005; ER11–4111–002.

Applicants: Macquarie Energy LLC, Macquarie Energy Trading LLC, Cleco Cajun LLC, Hudson Ranch Power I LLC.

Description: Supplement to November 30, 2020 Notice of Non-Material Change in Status of Macquarie Energy LLC, et al.

Filed Date: 2/2/21.

Accession Number: 20210202–5023.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER10–2906–017; ER10–2908–017; ER11–4393–011; ER11–4669–009; ER11–4670–009; ER12–709–008; ER19–1716–005.

Applicants: Morgan Stanley Capitol Group Inc., MS Solar Solutions Corp., Morgan Stanley Energy Structuring, L.L.C, TAQA Gen X LLC, Naturener Montana Wind Energy, LLC, NaturEner Power Watch, LLC, NaturEner Wind Watch, LLC.

Description: Notice of Non-Material Change in Status of Morgan Stanley Capital Group Inc., et al.

Filed Date: 2/1/21.

Accession Number: 20210201–5264.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: ER20–1743–001.

Applicants: Gulf Power Company.

Description: Compliance filing: Notice of Effective Date and Compliance Filing to be effective 1/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5188.

Comments Due: 5 p.m. ET 2/19/21.

Docket Numbers: ER20–2283–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–02–02_SA 3517 Substitute Deficiency Response NSP–MDU FSA (J316) to be effective 7/1/2020.

Filed Date: 2/2/21.

Accession Number: 20210202–5083.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER21–304–001.

Applicants: Cherokee County Cogeneration Partners, LLC.

Description: Tariff Amendment: Response to Request for Additional Information to be effective 1/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5216.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: ER21–610–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Request to Defer Action: Revised ISA, SA No. 1503; Queue No. AD2–001 to be effective 12/31/9998.

Filed Date: 2/1/21.

Accession Number: 20210201–5202.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: ER21–1015–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: OATT Revised Ancillary Services Rate Case Settlement Filing to be effective 1/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5213.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: ER21–1016–000.

Applicants: PJM Interconnection, L.L.C.

Description: Petition for Limited Waiver of PJM Interconnection, L.L.C.

Filed Date: 1/29/21.

Accession Number: 20210129–5439.

Comments Due: 5 p.m. ET 2/19/21.

Docket Numbers: ER21–1017–000.

Applicants: NorthWestern Corporation.

Description: Annual Filing of Revised Costs and Accruals for Post-Employment Benefits Other than Pensions of NorthWestern Corporation.

Filed Date: 2/1/21.

Accession Number: 20210201–5265.

Comments Due: 5 p.m. ET 2/22/21.

Docket Numbers: ER21–1018–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205: Procuring Operating Reserves and Supplemental Reserves in the NYCA to be effective 12/31/9998.

Filed Date: 2/2/21.

Accession Number: 20210202–5058.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER21–1019–000.

Applicants: Duke Energy Florida, LLC.

Description: Tariff Cancellation: DEF–DEF Notice of Termination RS No. 331 to be effective 4/4/2021.

Filed Date: 2/2/21.

Accession Number: 20210202–5092.

Comments Due: 5 p.m. ET 2/23/21.

Docket Numbers: ER21–1020–000.

Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.

Description: § 205(d) Rate Filing: 2021–02–02_ALLETE Depreciation Rate Filing to be effective 1/1/2020.

Filed Date: 2/2/21.

Accession Number: 20210202–5107.

Comments Due: 5 p.m. ET 2/23/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02502 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–42–000]

Quincy-Columbia Basin Irrigation District, East Columbia Basin Irrigation District; Notice of Petition for Declaratory Order

Take notice that, on January 22, 2021, pursuant to Rule 207 of the Federal Energy Regulatory Commission's

(Commission) Rules of Practice and Procedure, 18 CFR 385.207, Quincy-Columbia Basin Irrigation District and East Columbia Basin Irrigation District (Petitioners), filed a petition for declaratory order (Petition) requesting that the Commission issue a declaratory order declaring that Section 211A of the Federal Power Act does not grant the Commission jurisdiction over an unregulated transmitting utility solely as a result of the utility establishing different transmission rates by customer class or by contract, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioners.

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.

The Commission strongly encourages electronic filings of comments, protests, and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern time on February 22, 2021.

Dated: February 2, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02499 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–25–000.
Applicants: NorthWestern Corporation.
Description: Tariff filing per 284.123(b),(e)/: Revised Transportation & Storage Rates (Tax Tracker) to be effective 1/1/2021.
Filed Date: 2/1/2021.
Accession Number: 202102015055.
Comments/Protests Due: 5 p.m. ET 2/22/2021.

Docket Numbers: RP11–1711–000.
Applicants: Texas Gas Transmission, LLC.
Description: Report Filing: 2020 Cash Out Filing.
Filed Date: 1/29/21.
Accession Number: 20210129–5041.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–232–002.
Applicants: Cheniere Corpus Christi Pipeline, LP.
Description: Compliance filing Section 157.20(c)(2) Compliance in Docket No. CP18–513, et al—Eff 1/26/2021 to be effective 1/26/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5199.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–415–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 2–1–2021 to be effective 2/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5008.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–416–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: Eastern GTS—January 29th, 2021—Negotiated Rate Agreement to be effective 2/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5012.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–417–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Compliance filing Penalty Revenue Crediting Report-KMLP 12 months ending December 2020.
Filed Date: 1/29/21.
Accession Number: 20210129–5018.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–418–000.
Applicants: Kinder Morgan Illinois Pipeline LLC.
Description: Compliance filing Penalty Revenue Annual Report for 2020.
Filed Date: 1/29/21.
Accession Number: 20210129–5021.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–419–000.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing Semi-Annual Transporter's Use Report January 2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5036.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–420–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2021 ACA Update to FERC Link to be effective 3/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5051.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–421–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Negotiated Rate Filing on 1–29–21 to be effective 2/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5068.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–422–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Gulfport 911377 Release eff 2–1–21 to be effective 2/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5071.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–423–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: FL&U Quarterly Update to be effective 3/1/2021.
Filed Date: 1/29/21.
Accession Number: 20210129–5073.
Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–424–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta 8438

releases eff 2–1–2021) to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5097.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–425–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Marathon releases eff 2–1–2021) to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5099.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–426–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20210129 Negotiated Rate to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5100.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–427–000.

Applicants: LA Storage, LLC.

Description: § 4(d) Rate Filing: Filing of Negotiated Rate, Conforming IW Agreement (Indigo) to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5134.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–428–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: MRT Filing to Correct Tariff Record—Feb 1, 2021 to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5135.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–429–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2021–01–29 Negotiated Rate Agreements to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5141.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–430–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Feb 2021 to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5144.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–431–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: New Service Agreements—Topaz to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5165.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–432–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: § 4(d) Rate Filing: Annual Modernization Capital Cost Recovery Mechanism- Eff. March 1, 2021 to be effective 3/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5167.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–433–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Update Non-Conforming List (Topaz) to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5168.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–434–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Non-Conforming Rate Agreement Filing-Corpus Christi Liquefaction, LLC to be effective 3/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5178.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–435–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rates—Essential Power K210032 eff 02–01–21 to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5182.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–436–000.

Applicants: Steckman Ridge, LP.

Description: § 4(d) Rate Filing: Steckman Title Transfer Process Update eff 3–4–21 to be effective 3/4/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5204.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–437–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2021–01–29 Non-Conforming Negotiated Rate Amendment to be effective 2/1/2021.

Filed Date: 1/29/21.

Accession Number: 20210129–5208.

Comments Due: 5 p.m. ET 2/10/21.

Docket Numbers: RP21–438–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Ascent Resources Negotiated Rate Amendment to be effective 2/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5021.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–439–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: Eastern GTS—Modifications to ACA Links to be effective 3/4/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5031.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–440–000.

Applicants: Cove Point LNG, LP.

Description: § 4(d) Rate Filing: Cove Point—Modifications to ACA Links to be effective 3/4/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5041.

Comments Due: 5 p.m. ET 2/16/21

Docket Numbers: RP21–441–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Rate Case Filed on 2–1–21 to be effective 3/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5087.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–442–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Consolidated Edison 510371 eff 2–2–2021 to be effective 2/2/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5106.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–443–000

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Consolidated Edison 510371 eff 2–1–2021 to be effective 2/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5110.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–444–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Uniper 46406) to be effective 2/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5123.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–445–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Perm Rel Devon 51759 to BKV 53579, re-release to Concord 53582 filing to be effective 2/1/2021.

Filed Date: 2/1/21.

Accession Number: 20210201–5124.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–446–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation 53545 to Exelon 53591) to be effective 2/1/2021.
Filed Date: 2/1/21.
Accession Number: 20210201–5125.
Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–447–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing eff 2–1–2021 to be effective 2/1/2021.
Filed Date: 2/1/21.
Accession Number: 20210201–5141.
Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–448–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210201 Annual PRA to be effective 4/1/2021.
Filed Date: 2/1/21.
Accession Number: 20210201–5172.
Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–449–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—2/1/2021 to be effective 2/1/2021.
Filed Date: 2/1/21.
Accession Number: 20210201–5191.
Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–450–000.
Applicants: White River Hub, LLC.
Description: § 4(d) Rate Filing: Non-conforming TSAs V. 4.0.0 to be effective 3/3/2021.
Filed Date: 2/1/21.
Accession Number: 20210201–5198.
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: February 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02501 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–31–000]

Texas Eastern Transmission, LP; Notice of Waiver Period for Water Quality Certification Application

On January 15, 2021, Texas Eastern Transmission, LP submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Pennsylvania Department of Environmental Protection, in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the Pennsylvania Department of Environmental Protection of the following:

Date of Receipt of the Certification Request: November 16, 2020.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: November 16, 2021.

If the Pennsylvania Department of Environmental Protection fails or refuses to act on the water quality certification request by the above waiver date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: February 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02504 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–31–000]

Texas Eastern Transmission, LP; Notice of Application and Establishing Intervention Deadline

Take notice that on January 15, 2021, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, TX 77056–5310, filed an application under section 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization of its Perulack Compressor Units Replacement Project (Project). Texas Eastern seeks authorization to: (1) Abandon and remove four existing compressor units, (2) construct two new compressor units, and (3) construct auxiliary appurtenant facilities at its existing Perulack Compressor Station located in Juniata County, Pennsylvania. The Project is designed to comply with air emission reduction requirements in Pennsylvania and will not create new capacity. Texas Eastern estimates the total cost of the Project to be $135.7 million, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Texas Eastern's application states that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Pennsylvania Department of Environmental Protection. The request for certification must be submitted to the certifying agency and to the Commission concurrently. Proof of the certifying agency's receipt date must be filed no later than five (5) days after the request is submitted to the certifying agency.

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 Lisa A. Connolly, Director, Regulatory, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by phone at (713) 627–4102, or by email at *lisa.connolly@enbridge.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

[1] 18 CFR (Code of Federal Regulations) 157.9.

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 23, 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 23, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP21–31–000 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. Your written comments must reference the Project docket number (CP21–31–000).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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,[2] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [3] and the regulations under the NGA [4] by the intervention deadline for the project, which is February 23, 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 CP21–31–000 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. Your motion to intervene must reference the Project docket number CP21–31–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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 1642, Houston, Texas 77251–1642 or at *lisa.connolly@enbridge.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 [5] motions to intervene are automatically granted by operation of Rule 214(c)(1).[6] Motions to

[2] 18 CFR 385.102(d).

[3] 18 CFR 385.214.

[4] 18 CFR 157.10.

[5] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[6] 18 CFR 385.214(c)(1).

intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[7] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the 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 23, 2021.

Dated: February 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02507 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

[7] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15057–000]

One Drop Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 23, 2020, One Drop Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Manville Dam Project (project), on the Blackstone River in Providence County, Rhode Island. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) An existing 246-foot-long, 18-foot-high stone masonry, arch-gravity dam with a crest elevation of 105.72 feet North American Vertical Datum of 1988 (NAVD 88); (2) an existing impoundment with a surface area of 2.83 acres and a total storage capacity of 45.45-acre-feet at a surface elevation of 106.22 feet NAVD 88; (3) two new 125-kilowatt (kW) Siphon Kaplan turbine-generator units for a total installed capacity of 250 kW; (4) a new transformer and 528-foot-long, 13-kilovolt transmission line connecting the turbine-generator units to the regional grid; and (5) appurtenant facilities. The estimated annual generation of the Manville Dam Project would be 1,839 megawatt-hours.

Applicant Contact: Mr. Justin P. Bristol, Manager, One Drop Hydro, LLC, P.O. Box 2033, Kingston, Rhode Island 02881; phone: (401) 793–6041; email: *jbristol@onedrophydro.com.*

FERC Contact: Arash Barsari; phone: (202) 502–6207; email: *Arash.JalaliBarsari@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.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. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15057–000.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659. Enter the docket number (P–15057) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 2, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02500 Filed 2–5–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10012–95–Region 5]

Proposed Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Settlement Agreement for Crest Rubber Superfund Site, Alliance, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) is giving notice of a proposed administrative settlement for recovery of past response costs concerning the Crest Rubber Superfund Site in Alliance, Ohio with the following settling parties: Bridgestone Americas Tire Operations, LLC; Bridgestone Americas, Inc.; Firestone Polymers, LLC; FSPC Holdco, LLC; Firestone Industrial Products Company, LLC; and Bridgestone Bandag, LLC. The

EPA invites written public comments on the Settlement for thirty (30) days following publication of this notice. The settlement requires the settling parties to pay $1,489,333 to the Hazardous Substance Superfund.

DATES: Comments must be received on or before March 10, 2021.

ADDRESSES: The proposed settlement and related documents can be viewed at the Superfund Records Center (SRC–7J), United States Environmental Protection Agency, Region 5, 77 W Jackson Blvd., Chicago, IL 60604, (312) 886–4465 and on-line at *https://response.epa.gov/site/site_profile.aspx?site_id=9619.*

You may send comments, referencing the Crest Rubber Superfund Site in Alliance, Ohio and identified by Docket ID No. V–W–20–C–012, to the following address:

William Greaves, Superfund & Emergency Management Division (S–6J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Thomas Krueger, Office of Regional Counsel (C–14J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Thomas Krueger may be reached by telephone at (312) 886–0562 or via electronic mail at *Krueger.Thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Crest Rubber Site in Alliance, Ohio with the following settling parties: Bridgestone Americas Tire Operations, LLC; Bridgestone Americas, Inc.; Firestone Polymers, LLC; FSPC Holdco, LLC; Firestone Industrial Products Company, LLC; and Bridgestone Bandag, LLC. EPA completed a removal action at the Site that began on May 15, 2017. The Site is located in an industrial/commercial area and is approximately 3.6 acres in size. The settlement requires the settling parties to pay $1,489,333 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a).

II. Opportunity To Comment

A. General Information

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Settlement. The Agency will consider all comments received and may modify or withdraw its consent to the Settlement if comments received disclose facts or considerations which indicate that the Settlement is inappropriate, improper, or inadequate.

B. Where do I send my comments or view responses?

Your comments should be mailed to William Greaves, Superfund & Emergency Management Division (S–6J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590. Be sure to label the comments with the Docket Number at the top of this notice and/or the property name. The Agency's response to any comments received will be available for public inspection at the Superfund Records Center.

C. What should I consider as I prepare my comments for EPA?

1. Submitting Confidential Business Information (CBI). Do not submit ANY information you think or know is CBI to EPA through an agency website or via email. Clearly mark on your written comments all the information that you claim to be CBI. If you mail EPA your comments on a disk or CD–ROM (CD), mark the outside of the CD as CBI and then identify electronically within the CD the specific information that is claimed as CBI. In addition to one complete version of your comments that includes all the information claimed as CBI, you must submit for inclusion in the public docket a second copy of your comments that does not contain the information claimed as CBI. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the subject of your comments by the docket number and the site name in the title of this notice or the **Federal Register** publication date and page number.
- Follow directions—the agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree with the terms of the Settlement; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the identified comment period deadline.

Dated: November 30, 2020.

Douglas Ballotti,

Director, Superfund & Emergency Management Division.

[FR Doc. 2021–02508 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0599; FRL–10017–95–OAR]

Notice of Request for Approval of Alternative Means of Emission Limitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for comments.

SUMMARY: This action provides public notice and solicits comment on a request by Rohm and Haas Chemicals LLC, a subsidiary of The Dow Chemical Company (Dow), under the Clean Air Act (CAA), for an alternative means of emission limitation (AMEL) for the Standards of Performance for Volatile Organic Liquid Storage Vessels, that would apply to a proposed new vinyl acetate bulk storage tank to be used at its chemical plant in Kankakee, Illinois.

DATES: Comments must be received on or before March 25, 2021.

Public hearing: If anyone contacts us requesting a public hearing on or before February 16, 2021, the EPA will hold a virtual public hearing on February 23, 2021. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2020–0599, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2020–0599 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2020–0599.

• *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2020–0599, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

• *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday – Friday (except Federal holidays).

Instructions. All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Ms. Angela Carey, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards (OAQPS), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2187; fax number: (919) 541–0516; and email address: *carey.angela@epa.gov.*

SUPPLEMENTARY INFORMATION:

Participation in virtual public hearing. Please note that the EPA is deviating from its typical approach for public hearings because the President has declared a national emergency. Due to the current Centers for Disease Control and Prevention (CDC) recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, the EPA cannot hold in-person public meetings at this time.

To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* If requested, the virtual hearing will be held on February 23, 2021. The hearing will convene at 9:00 a.m. Eastern Time (ET) and will conclude at 3:00 p.m. ET. The EPA may close a session 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce further details at *https://www.epa.gov/stationary-sources-air-pollution/volatile-organic-liquid-storage-vessels-including-petroleum-storage.*

If a public hearing is requested, the EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/stationary-sources-air-pollution/volatile-organic-liquid-storage-vessels-including-petroleum-storage* or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be February 22, 2021. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers in approximate order at: *https://www.epa.gov/stationary-sources-air-pollution/volatile-organic-liquid-storage-vessels-including-petroleum-storage.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

Each commenter will have 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to Angela Carey, email address: *carey.angela@epa.gov.* The EPA also recommends submitting the text of your oral testimony as written comments to the rulemaking docket.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/stationary-sources-air-pollution/volatile-organic-liquid-storage-vessels-including-petroleum-storage.* While the EPA expects the hearing to go forward as set forth above, if requested, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or a special accommodation such as audio description, please pre-register for the hearing with the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov* and describe your needs by February 16, 2021. The EPA may not be able to arrange accommodations without advance notice.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2020–0599. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. With the exception of such material, publicly available docket materials are available electronically in *Regulations.gov.*

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2020–0599. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statue. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

https://www.epa.gov/dockets/commenting-epa-dockets.

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* as there may be a delay in processing mail and faxes. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2020–0599. Note that written comments containing CBI and submitted by mail may be delayed and no hand deliveries will be accepted.

Acronyms and abbreviations. We use multiple acronyms and terms in this document. While this list may not be exhaustive, to ease the reading of this document and for reference purposes, the EPA defines the following terms and acronyms here:

AMEL alternative means of emission limitation
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
EPA Environmental Protection Agency
HAP hazardous air pollutant(s)
MTVP maximum true vapor pressure
NESHAP national emission standards for hazardous air pollutants
NSPS new source performance standards
OAQPS Office of Air Quality Planning and Standards
PRD pressure relief device
PRV pressure relief valve
scf standard cubic feet
VAM vinyl acetate monomer
VOC volatile organic compound(s)

Organization of this document. The information in this document is organized as follows:

I. Background
II. Request for AMEL
III. AMEL for the Rohm and Haas Chemicals LLC facility
IV. Request for Comments

I. Background

Rohm and Haas is requesting an AMEL for the Standards of Performance for Volatile Organic Liquid Storage Vessels, 40 CFR part 60, subpart Kb (40 CFR 60.112b), that would apply to a proposed new vinyl acetate bulk storage tank to be used at its chemical plant in Kankakee, Illinois. In this **Federal Register** document, the EPA is soliciting comment on all aspects of this AMEL request, including the corresponding operating conditions that would demonstrate that the requested AMEL would achieve a reduction in emissions of volatile organic compounds (VOC) at least equivalent to the reduction in emissions required by the new source performance standards (NSPS) at 40 CFR 60.112b. The AMEL request states that a new storage tank will be installed at the site to replace the existing vinyl acetate monomer (VAM) (CAS 108–05–4) tank (TK–72). Such tank functions as a buffer for the facility's manufacturing needs between bulk deliveries of VAM. The facility receives VAM predominantly by railcar, but occasionally some VAM is supplied via tank truck. Due to the facility's demand for VAM, the tank experiences a significant number of turnovers per year.

Because the new storage tank will be used to store VAM, a volatile organic liquid as defined at 40 CFR 60.111b, it is subject to NSPS subpart Kb. Rohm and Haas is submitting this AMEL request because the proposed tank design does not contain either an external or internal floating roof or a closed vent system and control device that are specified by 40 CFR 60.112b; rather, it is designed to reduce emissions through vapor balancing and pressure containment. Rohm and Haas states that breathing losses will not occur from the proposed new tank because there are no vents and the tank can withstand pressures up to 9 pounds per square inch gauge (psig) before activation of a pressure relief device (PRD). Rohm and Haas further states that the proposed system will control emissions from working losses by complying with the requirements associated with the use of a vapor balancing system in the National Emission Standards for Organic Hazardous Air Pollutants (NESHAP) from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 CFR part 63, subpart G.[1]

The VOC standards at 40 CFR 60.112b were established as work practice standards pursuant to CAA section 111(h)(1). For standards established according to that provision, CAA section 111(h)(3) allows the EPA to

[1] Rohm and Haas states in its application that ''[c]ompliance with 40 CFR 119(g) will address both working losses and breathing losses from this tank.'' Rohm and Haas letter at 1. To the extent that Rohm and Haas is suggesting 40 CFR 119(g) addresses breathing losses, we disagree; rather, as discussed in the prior sentence, breathing losses are addressed through pressure containment.

permit the use of an AMEL by a source if, after notice and opportunity for public hearing, it is established to the Administrator's satisfaction that such AMEL will achieve emissions reductions at least equivalent to the reductions required under the applicable CAA section 111(h)(1) standards. NSPS subpart Kb also includes specific regulatory provisions (*i.e.,* 40 CFR 114b) allowing sources to request an AMEL for the VOC standards at 40 CFR 112b.

Rohm and Haas included in its AMEL application information to demonstrate that the proposed bulk storage tank, through its vapor balancing system and pressure containment design, will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by the VOC standards at 40 CFR 60.112b. Rohm and Haas's AMEL request was submitted on June 17, 2020. For Rohm and Haas's AMEL request, including any supporting materials Rohm and Haas submitted, see Docket ID No. EPA–HQ–OAR–2020–0599.

II. Request for AMEL

Pursuant to 40 CFR 60.114b, Rohm and Haas is seeking an AMEL for the VOC standards set forth at 40 CFR 60.112b for a proposed bulk storage tank to be used at its chemical plant in Kankakee, Illinois. Rohm and Haas's application includes an engineering evaluation to support its request, as required by 40 CFR 60.114b(c).[2] We, therefore, deem this AMEL application by Rohm and Haas to be complete. Rohm and Haas submitted this AMEL request because the proposed tank design does not contain either an external or internal floating roof or a closed vent system and control device that are specified by 40 CFR 60.112b. Rohm and Haas is proposing an alternative tank design that will eliminate breathing losses by storing material in a pressure tank and control working losses using vapor balancing.

The information provided by Rohm and Haas states that the proposed new tank is an American Petroleum Institute (API)–620, 160,000 gallon (approximately 600 cubic meter) fixed-roof storage tank used for the storage of VAM. An API–620 specification tank is designed to contain pressures up to 15 psig. According to Rohm and Haas, breathing losses will not occur because there are no vents, and the tank can withstand pressures up to 9 psig before activation of a PRD. Rohm and Haas's engineering evaluation indicates the tank is not expected to exceed these pressures. The published vapor pressure of VAM is 1.72 pounds per square inch (psi) (89.1 millimeters of mercury) at 68 degrees Fahrenheit (°F); however, the EPA defines the maximum true vapor pressure (MTVP) as the vapor pressure of a specific material at the maximum average monthly temperature, which is 74.7 °F and occurs during the month of July in the Kankakee locale. At the specified maximum temperature, using the Antoine equation and appropriate coefficients, the MTVP of vinyl acetate was estimated to be 2.09 psi, which is well below the 9 psig rupture disk and PRD settings for the proposed tank. Therefore, PRDs will be designed to open only in emergency instances (*i.e.,* external fire or uncontrolled polymerization).

The PRDs will consist of two pressure relief assemblies. The primary assembly will include in series a rupture disk, a pressure indicator, and a pressure relief valve (PRV). The rupture disk and PRV will both be set at 9 psig. The purpose of this assembly is to provide early controlled remediation in case of fire/polymerization/over-pressurization. Because the PRV is downstream of the rupture disk, the design will allow the assembly to return to its closed position once the pressure release event ends. The secondary pressure relief assembly will consist of a rupture disk set at 13 psig, followed by a pressure indicator. This assembly is designed to contain extreme fire/polymerization in the event the first assembly is unable to do so. In such event, the rupture disk will vent to protect against vessel rupture.

To demonstrate that the PRV does not open, the tank vapor space pressure and the space between the rupture disk and PRV will be continuously monitored for pressure and recorded. If a release occurs, a new rupture disk will be installed, and the corresponding PRV will be reseated properly. This PRV will be checked quarterly to ensure the PRV is seated properly using EPA Method 21 following 40 CFR 63.119(g)(5)(i), part of the vapor balancing provisions in NESHAP subpart G (40 CFR 63.119(g)). In the event that a PRV opens, this would qualify as an excess emission event and must be reported on the semiannual compliance report. If designed and operated as described above, there will not be any emission events, therefore, this alternative is equivalent with the standard.

No PRD on the storage tank, railcar, or tank truck is expected to open during loading or as a result of diurnal temperature changes (breathing losses). During filling of the tank, any displaced vapors will be collected and routed through the vapor balancing line. There are no PRDs associated with the vapor balancing line itself, and the PRDs on the railcar are set at 165 psig and tank trucks are set between 25 to 50 psig to prevent an opening of a PRD while the vessel is being unloaded.

The tank will also be equipped with a vacuum relief system that will be used when VAM is transferred to the process area, and both the vacuum relief system and a vapor balance system will be used when VAM is added to the tank. The vacuum relief system only serves to allow ambient air into the tank's head space to equalize pressure decreases as material is removed. The vapor balance system operation collects and contains vapors discharged during tank filling operations.

In its request, Rohm and Haas states that the proposed tank would comply with the vapor balancing requirements in NESHAP subpart G, 40 CFR 63.119(g) to confirm proper vapor balancing.

The facility unloads VAM from tank trucks or railcars, which are connected to the tank system's vapor balance system. The Kankakee facility's bulk unloading Standard Operating Procedure requires that each U.S. Department of Transportation (DOT)-specification tank truck or railcar containing vinyl acetate be inspected to verify that its DOT qualification inspections and tests are current. VAM will be unloaded only from tank trucks or railcars which are connected to the tank system's vapor balance system.

The site will require that railcars and tank trucks that deliver VAM will be reloaded or cleaned only at facilities which utilize the control techniques specified at 40 CFR 63.119(g)(6)(i) or (ii) of NESHAP subpart G. The site will mandate that each railcar or tank truck is connected to a closed-vent system with a control device that reduces inlet emissions of HAP by 95 percent by weight or greater.

The Kankakee facility will request, maintain, and submit to the Administrator a written certification from the VAM supplier that each supplier's current reloading or cleaning facility meets the above requirements. If the supplier(s) of the VAM changes in the future, the Kankakee facility will obtain a written certification that the new supplier(s) meet these requirements.

Rohm and Haas believes that this tank, as designed and operated, will

[2] As explained in the preamble to the proposed NSPS subpart Kb, equivalence ''could be demonstrated by a number of methods including: (1) An actual emissions test that uses a full size or scale-model storage vessel that accurately collects and measures all VOC emissions from the storage vessel, or (2) an engineering evaluation as approved by the Administrator.'' *(Emphasis added).* 49 FR 29698, 29706 (July 23, 1984).

result in a reduction in emissions equivalent to or better than the amount achieved by the VOC standards set forth in 40 CFR 60.112b of NSPS subpart Kb. Rohm and Haas, therefore, asks that the EPA approve this AMEL request.

III. AMEL for the Rohm and Haas Chemicals LLC Facility

Based upon our review of the AMEL request, we believe that, by complying with the operating conditions specified below, the proposed new tank at Dow's Rohm and Haas Chemicals LLC facility will achieve emission reductions at least equivalent to reduction in emissions required by NSPS subpart Kb, 40 CFR 60.112b. We are seeking the public's input on this request. Specifically, the EPA seeks the public's input on the conditions specified in this document in the following paragraphs.

(1) No PRD on the storage tank, or on the railcar or tank truck, shall open during loading or as a result of diurnal temperature changes (breathing losses).

(2) Both PRDs on the storage tank must be set to release at no less than 9 psig at all times. Any release from a PRD as indicated by pressure reading greater than 9 psig is an excess emissions event. To demonstrate that the PRD does not open, the tank vapor space pressure and the space between the rupture disk and PRD will be continuously monitored for pressure and recorded. If a release occurs, the tank must follow 40 CFR 63.165(d)(2).

(3) Each of the PRDs and components of the vapor collection system on the tank must be monitored on a quarterly basis, using EPA Method 21. An instrument reading of 500 parts per million by volume or greater is an excess emissions event.

(4) VAM must be transferred from either railcars or truck trailers via welded steel piping into the new bulk storage tank. The tank must be equipped with a welded steel vapor balance line that returns displaced vinyl acetate vapors from the headspace within the tank to the railcar or tank truck during tank filling operations. The vapor balance line must be hard piped from the tank, crossing a pipe bridge, before terminating at the off-loading station. The tank vapor balance line must not contain any PRDs or release points. Displaced vapors must be transferred to a vapor return fitting on the offloading bulk vehicle through a hose from the offloading station. Both the transfer hoses and the vapor balance return line must incorporate dry-disconnect fittings to prevent vapor discharge to the atmosphere when the line is not connected. Tank trucks and railcars must have a current certification in accordance with the DOT pressure test requirements of 49 CFR part 180 for tank trucks and 49 CFR 173.31 for railcars. Railcars, tank trucks, or barges that deliver VAM to a storage tank must be reloaded or cleaned at a facility that utilizes the control techniques specified in paragraph (4)(a) or (b).

(a) The railcar, tank truck, or barge must be connected to a closed-vent system with a control device that reduces inlet emissions of VAM by 95 percent by weight or greater.

(b) A vapor balancing system designed and operated to collect organic VAM vapor displaced from the tank truck or railcar during reloading must be used to route the collected HAP vapor to the storage tank from which the liquid being transferred originated.

(5) Rohm and Haas must submit to the Administrator a written certification that the reloading or cleaning facility meets the requirements of paragraph 4; and the requirements for closed vent system and control device specified at 40 CFR 63.119 through 63.123. The notification and reporting requirements at 40 CFR 63.122 do not apply to the owner or operator of the offsite cleaning or reloading facility.

(6) Recordkeeping requirements.

(a) The facility must keep a record of the equipment to be used and the procedures to be followed when reloading the railcar, tank truck, or barge and displacing vapors to the storage tank from which the liquid originates, as well as a record of all components of the PRDs, including PRVs and rupture disks.

(b) Records must be kept as long as the storage vessel is in operation.

(7) Reporting requirements. The facility must submit excess emissions and monitoring systems performance reports to the Administrator semiannually. All reports must be postmarked by the 30th day following the end of each 6-month period. Written reports of excess emissions must include the following information:

(a) The date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(b) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(c) The report must include a list of the affected sources or equipment, an estimate of the volume of VAM emitted, and a description of the method used to estimate the emissions.

(d) When the continuous pressure monitoring systems have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

IV. Request for Comments

We solicit comments on all aspects of Rohm and Haas's requests for approval of an AMEL for these new requirements to be used to comply with the applicable standards. We specifically seek comment regarding whether or not the operating requirements listed in section III above will achieve emission reductions at least equivalent to emissions being controlled by complying with the applicable requirements in the 40 CFR part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels requirements in 40 CFR 60.112b.

Dated: December 8, 2020.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2021–02518 Filed 2–5–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0271; FRL–10005–44]

Certain New Chemicals or Significant New Uses; Statements of Findings for September Through December 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from September 1, 2019 to December 31, 2019.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001;

telephone number: 202–564–1667; email address: *edelstein.rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0271, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from September 1, 2019 to December 31, 2019.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

○ The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;

○ The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;

○ The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;

○ The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or

○ The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

○ EPA case number assigned to the TSCA section 5(a) notice.

○ Chemical identity (generic name, if the specific name is claimed as CBI).

○ Website address to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA case No.	Chemical identity	Website address
J–19–0024, J–19–0025.	Biofuel producing Saccharomyces cerevisiae modified, genetically stable (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-296.*
P–15–0632	Mixed amine salt (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-327.*

EPA case No.	Chemical identity	Website address
P–16–0291	1,3-cyclohexanedimethanamine adduct (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-331.*
P–16–0451	Reaction product of bisalkoxysilylalkylamine, alkoxy oxiranylalkoxyalkylsilane and silica (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-329.*
P–16–0486	Polychloropropane (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-330.*
P–17–0109	Alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl-(generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-313.*
P–17–0184	1-Propanaminium, 2-hydroxy-N,N-dimethyl-N-[3-[(1-oxooctyl)amino]propyl]-3-sulfo-, inner salt (CASRN 1612795–77–3).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-328.*
P–17–0233	Oxyalkylene modified polyalkyl amine alkyl diacid polymer with 2-(chloromethyl)oxirane (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-352.*
P–17–0234	Oxirane, 2-(chloromethyl)-, polymer with 2-methyloxirane polymer with oxirane bis(2-aminopropyl) ether (CASRN: 78390–60–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-351.*
P–17–0298	Formaldehyde, homopolymer, reaction products with N-propyl-1-propanamine (CASRN: 1374859–50–3).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-340.*
P–17–0325	2-Propenoic acid, polymer with 2-methyl-2-((1-oxo-2-propenyl)amino)-1-propanesulfonic acid (CASRN: 40623–75–4).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-342.*
P–17–0360	2-Propanol, 1-amino-, compd. with .alpha.-sulfo-.omega.-(octyloxy)poly(oxy-1,2-ethanediyl) (1:1), CASRN 2098904–74–4; 2-Propanol, 1-amino-, compd. with .alpha.-sulfo- .omega.-(decyloxy)poly(oxy-1,2-ethanediyl) (1:1) (CASRN 2098904–80–2).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-315.*
P–17–0396	Aminoalkylated imidazole (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-319.*
P–17–0400	Terpolymer of vinylidene fluoride, tetrafluoroehylene and 2,3,3,3-tetrafluoropropene (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-337.*
P–18–0019	Substituted Benzene, 4-[2-[2-hydroxy-3-[[(3-nitrophenyl)amino]carbonyl]-1-naphthalenyl]diazenyl]-, sodium salt (1:1) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-317.*
P–18–0029	Fatty acids and fatty acid unsatd., reaction products with ethyleneamines and maleic anhydride (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-318.*
P–18–0034	Polyetheramine carboxylate salt (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-298.*
P–18–0092	Phosphonium, tributylmethyl-, iodide (1:1) (CASRN: 1702–42–7)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-314.*
P–18–0105	Phosphorous acid, triisotridecyl ester (CASRN: 77745–66–5)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-299.*
P–18–0114	Propanoic acid, hydroxy- (hydroxyalkyl)-alkyl-, polymer with 1,6-diisocyanatoalkane and poly[oxy(alkyl-alkanediyl)] ether with alkyl-(hydroxyalkyl)-alkanediol, 2-propenoate (ester), lithium salt, glycerol monoacrylate 1-neodecanoate- and alkylene glycol monoacrylate-blocked (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-343.*

EPA case No.	Chemical identity	Website address
P–18–0121	Benzene, 1,1′-oxybis-, branched eicosyl derivs. (CASRN 1800419–55–9)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-316.*
P–18–0133	Polyol adduct of bisaldehyde (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-335.*
P–18–0165, P–18–0166.	(P–18–0165) 2,5-Furandione, polymer with ethenylbenzene, 4-hydroxy-substituted butyl amide, sodium salts; (P–18–0166) 2,5-Furandione, polymer with ethenylbenzene, 4-hydroxy-substituted butyl [3-[2-[1-[[(2-methoxyphenyl)amino]carbonyl]-2-oxopropyl]diazenyl]phenyl]substituted, sodium salts (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-321.*
P–18–0167	Butanamide, 2-[2-[(substituted phenyl)diazenyl]-N-(2-methoxyphenyl)-3-oxo- (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-322.*
P–18–0192	Benzenesulfonic acid, (alkenediyl)bis[[[(hydroxyalkyl)amino]-(phenylamino)-triazin-2-yl]amino]-, N-(hydroxyalkyl) derivs., salts, compds. with polyalkyl-substituted(alkanol) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-297.*
P–18–0207	Metal, oxo alkylcarboxylate complexes (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-311.*
P–18–0213	1,3-Benzenedicarboxylic acid, 5-sulfo-, calcium salt (2:1) (CASRN 24806–09–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-323.*
P–18–0214, P–18–0215, P–18–0216.	(P–18–0214) Polycyclic substituted alkane, polymer with cyclicalkylamine, epoxide, and polycyclic epoxide ether, reaction products with dialkylamine substituted alkyl amine; (P–18–0215) Polycyclic alkane, polymer with monocyclic amine, polycyclic epoxide ether, reaction products with dialkylamine alkyl amine; (P–18–0216) Polycyclic substituted alkane, polymer with epoxide, reaction products with cyclicalkylamine and dialkylamine substituted alkyl amine (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-336.*
P–18–0232	Polyol, reaction products with formaldehyde and methanol (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-341.*
P–18–0258, P–18–0259.	(P–18–0258) Dioic acids, polymers with caprolactam and alkyldiamines; (P–18–0259) Fatty acids, dimers, hydrogenated, polymers with caprolactam and alkyldiamine (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-320.*
P–18–0264	Phosphonomethylated ether diamine (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-332.*
P–18–0295	1,3-Butanediol, (3R)-(CASRN: 6290–03–5)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-300.*
P–18–0299	Alkenoic acid, alkyl-, polymers with alkyl methacrylate, cycloalkyl methacrylate, alkylene dimethacrylate, and polyalkene glycol hydrogen sulfate [(branched alkyloxy)alkyl]-(alkenyloxy)alkyl ethers ammonium salts, metal salts (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-301.*
P–18–0302	D-Glucaric acid, ammonium salt (1:1) (CASRN: 6614–39–7)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-310.*
P–18–0329	Substituted carbopolycyclic dicarboxylic acid dialkyl ester, polymer with alkanediol and carbopolycyclic bis (substituted carbopolycycle) bisalkanol (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-344.*
P–18–0341, P–18–0342, P–18–0343, P–18–0344.	(P–18–0341) Alkane dicarboxylic acid, polymer with alkoxylated polyalcohol , alkyl polyglycol, alkyl dialcohol, and functionalized carboxylic acid; (P–18–0342) Alkane dicarboxylic acid, polymer with alkyl polyglycol, alkyl dialcohol, and functionalized carboxylic acid; (P–18–0343) Alkane dicarboxylic acid, polymer with alkoxylated polyalcohol, and alkyl dialcohol, (hydroxy alkyl) ester; (P–18–0344) Aromatic dicarboxylic acid, polymer with alkane dicarboxylic acid, alkoxylated polyalcohol, and alkyl dialcohol (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-345.*

EPA case No.	Chemical identity	Website address
P–18–0385	D-Glucopyranose, oligomeric, Bu glycosides, polymers with epichlorohydrin, 2-hydroxy-3-sulfopropyl ethers, sodium salts (CASRN: 2139271–53–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-333.*
P–18–0392	Heteromonocycle, alkenyl alkyl (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-334.*
P–18–0393	Alkenoic acid, alkyl, alkyl ester, polymer with alkyl propenoate, vinyl carbomonocyle, substituted alkyl propenoate, alkyl 2-alkyl 2-propenoate, alkanediol mono(2-alkyl-2-propenoate) and bicarbomonocylo alkyl 2-alkyl-2-alkenoate, tertiary alkyl substituted alkane peroxoate initiated (polymer exemption flag) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-346.*
P–19–0058	Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with butyl 2-propenoate, ethenylbenzene, methyl 2-methyl-2-propenoate and 2-methyl-2-popenoic acid, ammonium salt (CASRN 2131811–80–6) (polymer exemption flag).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-324.*
P–19–0113	Metal oxide-chloro (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-302.*
P–19–0117	Polycyclic amine, reaction products with polyalkylalkene, polymers (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-303.*
P–19–0121	Plant based oils, polymer with 1,1′-methylenebis[4-isocyanatobenzene], pentaerythritol, phthalic esters, polypropylene glycol and polypropylene glycol ether with glycerol (3:1) (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-304.*
P–19–0130	Aminohydroxy naphthalenesulfonic acid, coupled with diazotized[(aminophenyl) sulfonyl]ethyl hydrogen sulfate and diazotized amino[[(sulfooxy)ethyl]sulfonyl]benzenesulfonic acid, salts (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-305.*
P–19–0132	Fatty acid, polymer with alkanedioic acid dialkyl ester, alkanoic acid, oxo alkyl ester, substituted carbomonocycle, alkyl substituted alkanediol, and alkylol substituted alkane (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-306.*
P–19–0135	Alkyl polyoxyethylene ethers, carboxymethylated (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-347.*
P–19–0137	Alkyl oligomeric reaction products (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-307.*
P–19–0146	Modified dimethyl sulfoxide (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-325.*
P–19–0148, P–19–0149, P–19–0150, P–19–0151.	(P–19–0148) Iron, complexes with ethylenediamine-4-hydroxycarbomonocycle hetero-acid-2-oxoacetic acid reaction products, potassium salts; (P–19–0149) Iron, complexes with ethylenediamine-4-hydroxycarbomonocycle hetero-acid potassium salt (1:1)-potassium 2-oxoacetate (1:1) reaction products, potassium salts; (P–19–0150) Iron, complexes with ethylenediamine-4-hydroxycarbomonocycle hetero-acid-2-oxoacetic acid reaction products, sodium salts; (P–19–0151) Iron, complexes with ethylenediamine-4-hydroxycarbomonocycle hetero-acid sodium salt (1:1)-sodium 2-oxoacetate (1:1) reaction products, sodium salts (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-349.*
P–19–0152	Alkaneic acid, dialkyl ester polymer with alkanediol, [[(isocyanatocarbomonocycle) alkyl]carbomonocycle]carbamate (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-326.*
P–19–0155, P–19–0156, P–19–0157.	(P–19–0155) Amides, from C8–18 and C18-unsatd. glycerides and diethylenetriamine, ethoxylated (CASRN: 2173332–72–2); (P–19–0156) Amides, from diethylenetriamine and palm kernel-oil, ethoxylated (CASRN: 2173332–69–7); (P–19–0157) Amides, from coconut oil and diethylenetriamine, ethoxylated (CASRN: 2173332–70–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-350.*
P–20–0002	Fatty Acids, C18-unsatd., dimers, hydrogenated, polymers with .alpha-.hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl) and nonanoic acid (CASRN 2359671–57–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-339.*

EPA case No.	Chemical identity	Website address
P–20–0004	Fatty Acids, C18-unsatd., dimers, hydrogenated, polymers with hexanoic acid and .alpha.-hydro-.omega.hydroxypoly(oxy-1,4-butanediyl) (CASRN: 2359671–53–5).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-338.*
SN–18–0005	Butanoic acid, 3-mercapto-,1,1′-[2-(hydroxymethyl)-2-[(3-mercapto-1-oxobutoxy)methyl]-1,3-propanediyl] ester; CASRN: 1027326–93–7; and Butanoic acid, 3-mercapto-,1,1′-[2,2-bis[(3-mercapto-1-oxobutoxy)methyl]-1,3-propanediyl] ester (CASRN: 31775–89–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-308.*
SN–19–0004	Coke (coal), secondary pitch (CASRN: 94113–91–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-309.*

(Authority: 15 U.S.C. 2601 *et seq.*)

Dated: November 6, 2020.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–02525 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1196; FRL–10019–49–OAR]

Recent Postings of Broadly Applicable Alternative Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the broadly applicable alternative test method approval decisions that the Environmental Protection Agency (EPA) made under and in support of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) between January 1, 2020, and December 31, 2020. This notice also announces the removal of a previously approved broadly applicable alternative test method.

FOR FURTHER INFORMATION CONTACT: An electronic copy of each alternative test method approval document is available at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods.* For questions about this notice, contact Mrs. Lula H. Melton, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov.* For technical questions about individual alternative test method decisions, refer to the contact person identified in the individual approval document(s).

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this notice apply to me?

This notice will be of interest to entities regulated under 40 Code of Federal Regulations (CFR) parts 59, 60, 61, 63 and 65; state, local, and tribal agencies; and the EPA Regional offices responsible for implementation and enforcement of regulations under 40 CFR parts 59, 60, 61, 63, and 65.

B. How can I get copies of this information?

You may access copies of the broadly applicable alternative test method approval documents at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods.*

II. Background

This notice identifies broadly applicable alternative test methods that the EPA approved in 2020 under the New Source Performance Standards (NSPS), 40 CFR part 60, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) programs, 40 CFR parts 61 and 63. See Table 1 of this notice for the summary of these test methods. Source owners and operators may voluntarily use these broadly applicable alternative test methods in lieu of otherwise required test methods or related testing procedures. Use of these broadly applicable alternative test methods are not intended to and should not change the applicable emission standards. This notice also announces the removal of ALT–109 as an approved broadly applicable alternative test method given our subsequent revisions to certain requirements in Method 22. 83 FR 56713 (November 14, 2018).

The Administrator has the authority to approve the use of alternative test methods for compliance with requirements under 40 CFR parts 60, 61, and 63. This authority is found in 40 CFR 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). Additional and similar authority can be found in 40 CFR 59.104(f) and 65.158(a)(2). The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are explained in a previous **Federal Register** notice published at 72 FR 4257 (January 30, 2007) and located at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods.* As explained in this notice, we will announce approvals for broadly applicable alternative test methods at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* as they are issued and publish an annual notice that summarizes approvals for broadly applicable alternative test methods during the preceding year.

As also explained in the January 30, 2007 notice, our approval decisions involve thorough technical reviews of numerous source-specific requests for alternatives and modifications to test methods and procedures. Based on these reviews, we have often found that these modifications or alternatives would be equally valid and appropriate to apply to other sources within a particular class, category, or subcategory. Consequently, we have concluded that where a method modification or an alternative method is clearly broadly applicable to a class, category, or subcategory of sources, it is both equitable and efficient to simultaneously approve its use for all appropriate sources and situations.

Use of approved alternative test methods are not mandatory but rather permissive. Sources are not required to employ such a method but may choose to do so in appropriate circumstances. As specified in 40 CFR 63.7(f)(5), however, a source owner or operator electing to use an alternative method for 40 CFR part 63 standards must continue to use the alternative method until otherwise authorized. Source owners or operators should, therefore, review the specific broadly applicable alternative method approval decision at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods*

before electing to employ any alternative method.

III. Approved Alternative Test Methods and Modifications To Test Methods

This notice specifies four broadly applicable alternative test methods that the EPA approved between January 1, 2020, and December 31, 2020. The alternative method decision letter/memo designation numbers, test methods affected, sources allowed to use this alternative, and method modifications or alternative methods allowed are summarized in Table 1 of this notice. A summary of approval documents was previously made available on our Technology Transfer Network between January 1, 2020, and December 31, 2020. For more detailed information, please refer to the complete copies of these approval documents available at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods.*

As also explained in our January 30, 2007 notice, we will revisit approvals of alternative test methods in response to written requests or objections indicating that a particular approved alternative test method either should not be broadly applicable or that its use is not appropriate or should be limited in some way. Any objection to a broadly applicable alternative test method, as well as the resolution of that objection, will be announced at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* and in a subsequent **Federal Register** notice. If we decide to retract a broadly applicable test method, we will likely consider the need for an appropriate transition period for users either to request case-by-case approval or to transition to an approved method.

This notice also announces our removal of ALT–109 as a broadly applicable alternative test method from the Broadly Applicable Approved Alternative Test Methods web page. In the February 10, 2016 **Federal Register** notice (81 FR 7092), we announced the approval of ALT–109 as an alternative method that would allow the use of digital photographs as a compliance option for specific recordkeeping requirements in Method 22. On November 14, 2018, we incorporated this compliance option into Method 22 (83 FR 56713). Therefore, ALT–109 is no longer an alternative test method.

Dated: January 15, 2021.

Peter Tsirigotis,

Director, Office of Air Quality Planning and Standards.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61, AND 63 POSTED BETWEEN JANUARY 2020 AND DECEMBER 2020 [a]

Alternative method decision letter/memo number	As an alternative or modification to . . .	For . . .	You may . . .
ALT–136	Gas Chromatography (GC) in Method 18.	Sources subject to 40 CFR parts 59, 60, 61, 63, and 65.	Use High-Performance Liquid Chromatograph (HPLC) to measure acetic acid, formic acid, and lactic acid under Method 18.
ALT–137	ASTM D2879	Sources subject to 40 CFR part 60, subparts K, Ka, and Kb; 40 CFR part 61, subpart FF; 40 CFR part 63, subparts G, Y, CC, WW, EEEE, and GGGGG; and 40 CFR part 65, subpart C.	Use ASTM D6377–16 and ASTM D6378–20 in accordance with the provisions specified in the approval letter dated June 19, 2020.
ALT–138	ASTM D6522–00	Sources subject to 40 CFR part 60, subpart JJJJ and 40 CFR part 63, subparts ZZZZ and DDDDD.	Use Other Test Method–39.
ALT–139	Method 29-Determination of Total Vapor Phase Mercury Emissions from Coal-Fired Combustion Sources Using Carbon Sorbent Traps.	Sources subject to 40 CFR part 63, subpart LL-National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.	Use Method 30B-Determination of Total Vapor Phase Mercury Emissions from Coal-Fired Combustion Sources Using Carbon Sorbent Traps.

[a] Source owners or operators should review the specific broadly applicable alternative method approval letter at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* before electing to employ any alternative test method.

[FR Doc. 2021–02519 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0271; FRL–10000–99]

Certain New Chemicals or Significant New Uses; Statements of Findings for August 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from August 1, 2019 to August 31, 2019.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1667; email address: *edelstein.rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–

1404; email address: *TSCA–Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0271, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from August 1, 2019 to August 31, 2019.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices (PMNs, MCANs and SNUNs) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture or engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Website link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA case No.	Chemical identity	Website link
P–19–0120	Alkenoic acid, polymer with alkanediyl bis substituted alkylene bis heteromonocycle, substituted carbomonocycle and (alkylalkenyl) carbomonocycle, alkali metal salt (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-293.*
P–19–0118	Substituted polyalkylenepoly, reaction products with alkene polymer (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-292.*
P–19–0099	Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with dimethyl carbonate, 1,2-ethanediamine, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,6-hexanediol and 1,1'-methylenebis[4-isocyanatocyclohexane], compd. with N,N-diethylethanamine (CASRN: 1178511–46–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-291.*

EPA case No.	Chemical identity	Website link
P–19–0047	Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 5-amino-1,3,3-trimethylcyclohexanemethanamine, .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 1,1'-methylenebis[4-isocyanatobenzene], Pr alc.-blocked (CASRN: 2283318–90–9).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-290.*
P–19–0024	Silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4Si04) tetra-Et ester, (2-hydroxyethoxy)- and methoxyterminated, chlorides (CASRN: 2231249–14–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-289.*
P–18–0384	Lithium, isotope of mass 6 (CASRN: 14258–72–1)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-288.*
P–18–0358	1H-Imidazole-1-propanenitrile, 2-ethyl-ar-methyl- (CASRN: 568591–00–4)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-287.*
P–18–0276	Benzenesulfonamide, N-[2-[[(phenylamino)carbonyl]amino]phenyl]- (CASRN: 215917–77–4).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-286.*
P–18–0197	Metal, alkylcarboxylate oxo complexes (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-285.*
P–18–0172	Calcium, carbonate 2-ethylhexanoate neodecanoate propionate complex (specific name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-284.*
P–18–0109	2-Alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-(dialkylamino)alkyl 2-alkyl-2-alkenoate, alkyl 2-alkyl-2-alkenoate and a-(2-alkyl-1-oxo-2-alken-1-yl)-o-alkoxypoly(oxy-1,2-alkanediyl), [(1-alkoxy-2-alkyl-1-alken-1-yl)oxy]trialkylsilane-initiated (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-283.*
P–17–0347, P–17–0348, P–17–0349, P–17–0350, P–17–0351, P–17–0352.	(P–17–0347) Oxirane, 2-methyl-, polymer with oxirane, mono(2-butyloctyl) ether (CASRN:252756–20–0), (P–17–0348) oxirane, 2-methyl-, polymer with oxirane, mono(2-hexyldecyl) ether (CASRN: 125005–52–9), (P–17–0349) oxirane, 2-methyl-, polymer with oxirane, mono(2-octyldodecyl) ether (CASRN: 102640–44–8), (P–17–0350) oxirane, 2-methyl-, polymer with oxirane, mono(2-decyltetradecyl) ether (CASRN: 72484–69–6), (P–17–0351) oxirane, 2-methyl-, polymer with oxirane, mono(2-dodecylhexadecyl) ether (CASRN: 102640–42–6), (P–17–0352) oxirane, 2-methyl-, polymer with oxirane, mono(2-tetradecyloctadecyl) ether (CASRN: 102640–46–0).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-294.*
P–16–0541	Specific: Soybean meal, reaction products with phosphoric trichloride (CASRN: 1962913–92–3).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-282.*
P–18–0387, P–18–0388.	(P–18–0387) Alkanal, reaction products with alkanediyl bis[alkyl-tris(alkyl-heterocycle)-1,3,5-triazine-2,4,6-triamine and hydrogen peroxide, (P–18–0388) 1,3,5-triazine-2,4,6-triamine, alkanediyl bis[alkyl-tris(alkyl-heterocycle)-, allyl derivs., oxidized, hydrogenated (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-281.*
P–17–0299	2-Propenoic acid, alkyl-, polymers with alkyl acrylate and polyethylene glycol methacrylate alkyl ether (generic name).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-280.*
P–18–0155, P–18–0156.	(P–18–0155) Crosslinked polymer of alkyl acrylamides, acrylate esters, and alkyl acrylamide sulfonate salt, (P–18–0156) Crosslinked polymer of alkyl acrylamides, acrylate esters, and alkyl acrylamide sulfonic acid (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-279.*
SN–19–0005	Functionalized multi-walled carbon nanotubes (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-278.*
P–19–0085	Aliphatic hydrocarbons, C16–18-branched and linear (generic name)	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-277.*
P–18–0190, P–18–0191.	(P–18–0190) 2,5-Furandione, polymer with ethenylbenzene, 4-hydroxy-substituted butyl amide, polymers with epichlorohydrin and trimethylolpropane, sodium salts, (P–18–0191) 2,5-Furandione, polymer with ethenylbenzene, 4-hydroxy-substituted butyl [3-[2-[1-[[(substituted phenyl)amino]carbonyl]-2-oxopropyl]diazenyl]phenyl]methyl amide, polymers with epichlorohydrin and trimthylolpropane, sodium salts (generic names).	*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-276.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 30, 2020.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–02523 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0052; FRL–10016–94]

Pesticide Product Registration; Receipt of Applications for New Uses (October 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration number of interest as shown in the body of this document, by one of the following methods:

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

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipts—New Uses

1. *EPA Registration Number(s):* 100–811, 100–828, 100–953, 100–1663, and 100–1664. *Docket ID number:* EPA–HQ–OPP–2020–0417. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Cyprodinil. *Product type:* Fungicide. *Proposed Use(s):* Brassica, leafy greens, subgroup 4–16B, except watercress; celtuce; fennel, Florence, fresh leaves and stalk; kohlrabi; leaf petiole vegetable subgroup 22B; leafy greens subgroup 4–16A, except parsley, fresh leaves; lemon/lime subgroup 10–10B; sugar apple; tropical and subtropical, small fruit, inedible peel, subgroup 24A; and vegetable, brassica, head and stem, group 5–16. *Contact:* RD.

2. *EPA Registration Numbers:* 100–1462, 100–1463, 100–1465 and 100–1467. *Docket ID number:* EPA–HQ–OPP–2020–0375. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Bicyclopyrone. *Product type:* Herbicide. *Proposed uses:* Banana; broccoli; garlic, bulb; hops, dried cones; horseradish; onion, bulb; onion, green; papaya; plantains; strawberry; sweet potato, roots; timothy, forage; timothy, hay; and watermelon. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 9, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02539 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ– OAR–2019–0588; FRL–10016–40–OAR]

Alternative Method for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From Nissan North America, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on applications from Nissan North America, Inc., (Nissan) for off-cycle carbon dioxide (CO_2) credits under

EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately or entirely captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' carbon dioxide (CO_2) credits. Under the regulations, a manufacturer may apply for CO_2 credits for technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Nissan has submitted applications that describe methodologies for determining off-cycle credits from low-power-consumption compressor clutch technology. The application for compressor clutch technology includes test data to establish the 0.3 grams CO2/mile credit value compared to the industry standard clutch with similar performance characteristics (circa 2012). Nissan's application is limited to 2017 and later model year vehicles. Pursuant to applicable regulations, EPA is making descriptions of the manufacturers' off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments referencing Docket ID No. EPA–HQ–OAR–2019–0588, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David Wright, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4467. Fax: (734) 214–4869. Email address: *wright.davida@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately or entirely captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements. In cases where additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. Credits determined according to either of these methodologies do not undergo additional public review. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option for model years prior to 2014 to demonstrate off-cycle CO_2 reductions for technologies that are on the predetermined list, or to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology, and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

[4] See 40 CFR 86.1869–12(d)(2).

decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

Using the alternative methodology approach discussed above, Nissan is applying for credits for model years 2017 and later. Nissan has applied for off-cycle credits using the alternative demonstration methodology pathway for the low-power-consumption clutch technology. The application covers 2017 model year and later vehicles. The methodologies described by Nissan are generally consistent with those used by other manufacturers to determine similar credit values. The requested credit value is 0.3 grams CO2/mile.

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by Nissan (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/ve-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.* EPA is providing a 30-day comment period on the applications for off-cycle credits described in this notice, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. An EPA decision regarding these off-cycle credit requests will only apply to the vehicles and model years specified in the applications submitted by each manufacturer. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at *https://www.epa.gov/ve-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.* An EPA decision to approve off-cycle credit requests would only apply to the manufacturers, model years, vehicles, and technologies specified in the credit applications. Such decision would not apply to other vehicles or vehicles from other manufacturers. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: November 10, 2020.

Byron Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2021–02517 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0049; FRL–10016–92]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (October 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 10, 2021.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

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

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at

https://www.epa.gov/dockets/commenting-epa-dockets.

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

New Active Ingredients

1. *File Symbol:* 70051–REI. *Docket ID number:* EPA–HQ–OPP–2020–0326. *Applicant:* Certis USA LLC, 9145 Guilford Rd., Suite 175, Columbia, MD 21046. *Product name:* NPV003 Technical. *Active Ingredient:* Insecticide—*Spodoptera frugiperda* multiple nucleopolyhedrovirus isolate NPV003 at 100%. *Proposed use:* Manufacturing use. *Contact:* BPPD.

2. *File Symbol:* 70051–REO. *Docket ID number:* EPA–HQ–OPP–2020–0326. *Applicant:* Certis USA LLC, 9145 Guilford Rd., Suite 175, Columbia, MD 21046. *Product name:* NPV003 50% MUP. *Active ingredient:* Insecticide—*Spodoptera frugiperda* multiple nucleopolyhedrovirus isolate NPV003 at 50%. *Proposed use:* Manufacturing use. *Contact:* BPPD.

3. *File Symbol:* 70051–RGN. *Docket ID number:* EPA–HQ–OPP–2020–0326. *Applicant:* Certis USA LLC, 9145 Guilford Rd., Suite 175, Columbia, MD 21046. *Product name:* NPV003 WP. *Active ingredient:* Insecticide—*Spodoptera frugiperda* multiple nucleopolyhedrovirus isolate NPV003 at 0.71%. *Proposed use:* To control fall armyworm (by killing larvae) on or in berries and small fruit; *Brassica* head and stem vegetables; cereal grains; cucurbit vegetables; forage, fodder, and straw of cereal grains; fruiting vegetables; grass forage, fodder, and hay; hemp; leafy vegetables; legume vegetables; nongrass animal feeds; oilseeds; ornamental flowers and plants; pastures; pome fruit; root and tuber vegetables; sugarcane; tobacco; and turf via ground sprayers, aerial sprayers, or overhead sprinkler irrigation equipment. *Contact:* BPPD.

4. *File Symbol:* 70051–RGR. *Docket ID number:* EPA–HQ–OPP–2020–0326. *Applicant:* Certis USA LLC, 9145 Guilford Rd., Suite 175, Columbia, MD 21046. *Product name:* NPV003 LC. *Active ingredient:* Insecticide—*Spodoptera frugiperda* multiple nucleopolyhedrovirus isolate NPV003 at 25%. *Proposed use:* To control fall armyworm (by killing larvae) on or in berries and small fruit; *Brassica* head and stem vegetables; cereal grains; cucurbit vegetables; forage, fodder, and straw of cereal grains; fruiting vegetables; grass forage, fodder, and hay; hemp; leafy vegetables; legume vegetables; nongrass animal feeds; oilseeds; ornamental flowers and plants; pastures; pome fruit; root and tuber vegetables; sugarcane; tobacco; and turf via ground sprayers, aerial sprayers, or overhead sprinkler irrigation equipment. *Contact:* BPPD.

5. *File Symbols:* 94609–R and 94609–E. *Docket ID number:* EPA–HQ–OPP–2020–0533. *Applicant:* Meiji Seika Pharma Co., Ltd, c/o Landis International, Inc., 3185 Madison Highway, P.O. Box 5126, Valdosta, GA 31603–5126. *Product names:* L-Glufosinate Free Acid and L-Glufosinate Liquid Formulation. *Active ingredient:* Herbicide—L- Glufosinate Free Acid at 92.3% (L-Glufosinate Free Acid) and 10.26% (L-Glufosinate Liquid Formulation). *Proposed uses:* Apple; Beet, sugar; Bushberry subgroup 13B ; Canola; Corn, field; Corn, sweet; Cotton; Fruit, citrus, crop group 10–10; Fruit, pome, crop group 11–10; Fruit, stone, crop group 12–12; Grape; Nut, tree, crop group 14–12; Olive; Potato; Soybean. *Contact:* RD.

6. *File Symbol:* 94713–E. *Docket ID number:* EPA–HQ–OPP–2020–0496. *Applicant:* AFS32321 Crop Protection, Inc., P.O. Box 14069, Research Triangle Park, NC 27709. *Product name:* Theia Fungicide. *Active ingredient:* Bactericide and Fungicide—*Bacillus subtilis* strain AFS032321 at 100.0%. *Proposed use:* To control or suppress foliar and soilborne diseases of plants (*e.g.,* berries, cucurbit vegetables, hemp, legume vegetables, pome fruit, or turf) in fields, forests, greenhouses, nurseries, post-harvest facilities, residential areas, or shadehouses via banded spray, bare root dip, broadcast spray, chemigation, foliar spray, hydroponics operations, in-furrow treatment, seed treatment, shanked-in treatment, soil drench, soil injection, transplant water, or tray drench. *Contact:* BPPD.

7. *File Symbol:* 94713–R. *Docket ID number:* EPA–HQ–OPP–2020–0496. *Applicant:* AFS32321 Crop Protection, Inc., P.O. Box 14069, Research Triangle Park, NC 27709. *Product name:* AFS032321 Technical. *Active ingredient:* Bactericide and Fungicide—*Bacillus subtilis* strain AFS032321 at 100.0%. *Proposed use:* Manufacturing use. *Contact:* BPPD.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: November 6, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02526 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10019–67–OAR]

Proposed Information Collection Request; Comment Request; 43 Source Categories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is planning to submit the below listed Information Collection Requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. These are proposed extensions of the currently approved ICRs. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 9, 2021.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *https://www.regulations.gov/* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Out of an abundance of caution for members of

the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on the EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Muntasir Ali, Sector Policies and Programs Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov/* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the EPA Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Burden is defined at 5 CFR 1320.03(b). The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

General Abstract: For all the listed ICRs in this document, owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions of 40 CFR part 60, subpart A or 40 CFR part 63, subpart A, as well as the applicable specific standards. This includes submitting initial notifications, performance tests, and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by the EPA to determine compliance with the standards.

(1) *Docket ID Number:* EPA–HQ–OAR–2020–0628; Standards of Performance for Sulfuric Acid Plants (40 CFR part 60, subpart H) (Renewal); EPA ICR Number 1057.15; OMB Control Number 2060–0041; Expiration date October 31, 2021.

Respondents: Sulfuric acid manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart H).

Estimated number of respondents: 53.

Frequency of response: Semiannually.

Estimated annual burden: 13,500 hours.

Estimated annual cost: $1,660,000, includes $239,000 annualized capital or operations and maintenance (O&M) costs.

Changes in estimates: There is no change in burden from the previous ICR.

(2) *Docket ID Number:* EPA–HQ–OAR–2020–0633; Standards of Performance for Polymeric Coating of Supporting Substrates Facilities (40 CFR part 60, subpart VVV) (Renewal); EPA ICR Number 1284.12; OMB Control Number 2060–0181; Expiration date October 31, 2021.

Respondents: Facilities performing polymeric coating of supporting substrates.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart VVV).

Estimated number of respondents: 61.

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 14,200 hours.

Estimated annual cost: $2,190,000, includes $700,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(3) *Docket ID Number:* EPA–HQ–OAR–2020–0623; National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities (40 CFR part 63, HHH) (Renewal); EPA ICR Number 1789.11; OMB Control Number 2060–0418; Expiration date October 31, 2021.

Respondents: Natural gas transmission and storage facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, HHH).

Estimated number of respondents: 55.

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,910 hours.

Estimated annual cost: $306,000, includes no annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(4) *Docket ID Number:* EPA–HQ–OAR–2020–0637; National Emission Standards for Hazardous Air Pollutants for Source Categories: Carbon Black, Ethylene, Cyanide, and Spandex (40 CFR part 63, subpart YY) (Renewal); EPA ICR Number 1983.11; OMB Control Number 2060–0489; Expiration date November 30, 2021.

Respondents: Carbon black, ethylene, cyanide, and spandex manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YY).

Estimated number of respondents: 61.

Frequency of response: Semiannually and annually.

Estimated annual burden: 41,800 hours.

Estimated annual cost: $4,930,000, includes $351,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(5) *Docket ID Number:* EPA–HQ–OAR–2020–0635; National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting (40 CFR part 63, subpart QQQ) (Renewal); EPA ICR Number 1850.09; OMB Control Number 2060–0476; Expiration date November 30, 2021.

Respondents: Primary copper smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQ).

Estimated number of respondents: 3.

Frequency of response: Semiannually and annually.

Estimated annual burden: 9,440 hours.

Estimated annual cost: $999,000, includes $8,220 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(6) *Docket ID Number:* EPA–HQ–OAR–2020–0631; Standards of Performance for Hot Mix Asphalt Facilities (40 CFR part 60, subpart I) (Renewal); EPA ICR Number 1127.13; OMB Control Number 2060–0083; Expiration date December 31, 2021.

Respondents: Hot mix asphalt facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart I).

Estimated number of respondents: 4,955.

Frequency of response: Initially.

Estimated annual burden: 8,547 hours.

Estimated annual cost: $2,620,000, includes no annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(7) *Docket ID Number:* EPA–HQ–OAR–2020–0627; Standards of Performance for Petroleum Refineries (40 CFR part 60, subpart J) (Renewal); EPA ICR Number 1054.14; OMB Control Number 2060–0022; Expiration date December 31, 2021.

Respondents: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart J).

Estimated number of respondents: 149.

Frequency of response: Semiannually.

Estimated annual burden: 15,800 hours.

Estimated annual cost: $2,500,000, includes $826,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(8) *Docket ID Number:* EPA–HQ–OAR–2020–0629; Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973; and Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 (40 CFR part 60, subparts N and Na) (Renewal); EPA ICR Number 1069.13; OMB Control Number 2060–0029; Expiration date December 31, 2021.

Respondents: Basic oxygen process steelmaking facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts N and Na).

Estimated number of respondents: 18.

Frequency of response: Semiannually.

Estimated annual burden: 6,280 hours.

Estimated annual cost: $690,000, includes $29,700 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(9) *Docket ID Number:* EPA–HQ–OAR–2020–0632; Standards of Performance for Lime Manufacturing Plants (40 CFR part 60, subpart HH) (Renewal); EPA ICR Number 1167.13; OMB Control Number 2060–0063; Expiration date December 31, 2021.

Respondents: Lime manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart HH).

Estimated number of respondents: 41.

Frequency of response: Semiannually.

Estimated annual burden: 3,820 hours.

Estimated annual cost: $463,000, includes $61,500 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(10) *Docket ID Number:* EPA–HQ–OAR–2020–0710; Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004 (40 CFR part 60, subpart FFFF) (Renewal); EPA ICR Number 2164.07; OMB Control Number 2060–0562; Expiration date December 31, 2021.

Respondents: Very small municipal waste combustion and institutional waste incineration facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFFF).

Estimated number of respondents: 99.

Frequency of response: Initially, semiannually, and annually.

Estimated annual burden: 70,200 hours.

Estimated annual cost: $8,190,000, includes $495,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(11) *Docket ID Number:* EPA–HQ–OAR–2020–0625; National Emission Standard for Vinyl Chloride (40 CFR part 61, subpart F) (Renewal); EPA ICR Number 0186.15; OMB Control Number 2060–0071; Expiration date December 31, 2021.

Respondents: Facilities that produce ethylene dichloride, vinyl chloride (VC), and one or more polymers containing any fraction of polymerized VC.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart F).

Estimated number of respondents: 16.

Frequency of response: Quarterly and annually.

Estimated annual burden: 6,540 hours.

Estimated annual cost: $1,410,000, includes $720,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(12) *Docket ID Number:* EPA–HQ–OAR–2020–0630; National Emission Standards for Inorganic Arsenic Emissions from Glass Manufacturing Plants (40 CFR part 61, subpart N) (Renewal); EPA ICR Number 1081.13; OMB Control Number 2060–0043; Expiration date December 31, 2021.

Respondents: Glass manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart N).

Estimated number of respondents: 16.

Frequency of response: Semiannually.

Estimated annual burden: 3,100 hours.

Estimated annual cost: $382,000, includes $56,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(13) *Docket ID Number:* EPA–HQ–OAR–2020–0634; National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting (40 CFR part 63, subpart X) (Renewal); EPA ICR Number 1686.12; OMB Control Number 2060–0296; Expiration date December 31, 2021.

Respondents: Secondary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart X).

Estimated number of respondents: 12.

Frequency of response: Semiannually and annually.

Estimated annual burden: 21,700 hours.

Estimated annual cost: $2,630,000, includes $251,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(14) *Docket ID Number:* EPA–HQ–OAR–2020–0622; National Emission Standards for Wood Furniture Manufacturing Operations (40 CFR part 63, subpart JJ) (Renewal); EPA ICR Number 1716.11; OMB Control Number 2060–0324; Expiration date December 31, 2021.

Respondents: Wood furniture manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart JJ)

Estimated number of respondents: 856.

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 70,800 hours.

Estimated annual cost: $7,780,000, includes $24,600 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(15) *Docket ID Number:* EPA–HQ–OAR–2020–0624; National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 CFR part 63, subpart MM) (Renewal); EPA ICR Number 1805.11; OMB Control Number 2060–0377; Expiration date December 31, 2021.

Respondents: Kraft, soda, sulfite, and stand-alone semichemical pulp mill facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart MM).

Estimated number of respondents: 107.

Frequency of response: Initially and semiannually.

Estimated annual burden: 122,000 hours.

Estimated annual cost: $14,700,000, includes $831,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(16) *Docket ID Number:* EPA–HQ–OAR–2020–0636; National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting (40 CFR part 63, subpart TTT) (Renewal); EPA ICR Number 1856.12; OMB Control Number 2060–0414; Expiration date December 31, 2021.

Respondents: Primary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTT).

Estimated number of respondents: 1.

Frequency of response: Quarterly and semiannually.

Estimated annual burden: 6,270 hours.

Estimated annual cost: $855,000, includes $169,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(17) *Docket ID Number:* EPA–HQ–OAR–2020–0640; National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands (40 CFR part 63, subpart PPPPP) (Renewal); EPA ICR Number 2066.10; OMB Control Number 2060–0483; Expiration date December 31, 2021.

Respondents: Engine test cells/stand facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPPPP).

Estimated number of respondents: 19.

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,150 hours.

Estimated annual cost: $216,000, includes $6,200 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(18) *Docket ID Number:* EPA–HQ–OAR–2020–0639; National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities (40 CFR part 63, subpart QQQQQ) (Renewal); EPA ICR Number 2025.09; OMB Control Number 2060–0481; Expiration date December 31, 2021.

Respondents: Friction materials manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQQ).

Estimated number of respondents: 2.

Frequency of response: Semiannually.

Estimated annual burden: 659 hours.

Estimated annual cost: $69,700, includes $544 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(19) *Docket ID Number:* EPA–HQ–OAR–2020–0641; National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (40 CFR part 63, subpart ZZZZZ) (Renewal); EPA ICR Number 2267.08; OMB Control Number 2060–0605; Expiration date December 31, 2021.

Respondents: Iron and steel foundry area source facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart ZZZZZ).

Estimated number of respondents: 392.

Frequency of response: Semiannually and annually.

Estimated annual burden: 9,140 hours.

Estimated annual cost: $1,000,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(20) *Docket ID Number:* EPA–HQ–OAR–2020–0638; National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations (40 CFR part 63, subpart TTTT) (Renewal); EPA ICR Number 1985.10; OMB Control Number 2060–0478; Expiration date February 28, 2022.

Respondents: Leather finishing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTTT).

Estimated number of respondents: 4.

Frequency of response: Annually.

Estimated annual burden: 138 hours.

Estimated annual cost: $12,500, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(21) *Docket ID Number:* EPA–HQ–OAR–2020–0643; Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994, and Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 (40 CFR part 60, subparts Ea and Eb) (Renewal); EPA ICR Number 1506.14; OMB Control Number 2060–0210; Expiration date March 31, 2022.

Respondents: Municipal waste combustor facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts Ea and Eb).

Estimated number of respondents: 23.

Frequency of response: Initially, quarterly, semiannually, and annually.

Estimated annual burden: 34,900 hours.

Estimated annual cost: $3,440,000, includes $226,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(22) *Docket ID Number:* EPA–HQ–OAR–2020–0657; Standards of Performance for Kraft Pulp Mills (40 CFR part 60, subpart BB) (Renewal); EPA ICR Number 1055.13; OMB Control Number 2060–0021; Expiration date March 31, 2022.

Respondents: Kraft pulp mill facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BB).

Estimated number of respondents: 97.

Frequency of response: Semiannually.

Estimated annual burden: 13,900 hours.

Estimated annual cost: $5,020,000, includes $3,510,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(23) *Docket ID Number:* EPA–HQ–OAR–2020–0626; Standards of Performance for Surface Coating of Metal Furniture (40 CFR part 60, subpart EE) (Renewal); EPA ICR Number 0649.14; OMB Control Number 2060–0106; Expiration date March 31, 2022.

Respondents: Metal furniture surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart EE).

Estimated number of respondents: 400.

Frequency of response: Quarterly and semiannually.

Estimated annual burden: 56,500 hours.

Estimated annual cost: $7,280,000, includes $840,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(24) *Docket ID Number:* EPA–HQ–OAR–2020–0655; Standards of Performance for Metallic Mineral Processing Plants (40 CFR part 60, subpart LL) (Renewal); EPA ICR Number 0982.13; OMB Control Number 2060–0016; Expiration date March 31, 2022.

Respondents: Metallic mineral processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart LL).

Estimated number of respondents: 20.

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,330 hours.

Estimated annual cost: $268,000, includes $13,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(25) *Docket ID Number:* EPA–HQ–OAR–2020–0654; Standards of Performance for the Beverage Can Surface Coating Industry (40 CFR part 60, subpart WW) (Renewal); EPA ICR Number 0663.14; OMB Control Number 2060–0001; Expiration date March 31, 2022.

Respondents: Beverage can surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart WW).

Estimated number of respondents: 48.

Frequency of response: Semiannually.

Estimated annual burden: 5,190 hours.

Estimated annual cost: $669,000, includes $101,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(26) *Docket ID Number:* EPA–HQ–OAR–2020–0660; Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR part 60, subpart OOO) (Renewal); EPA ICR Number 1084.15; OMB Control Number 2060–0050; Expiration date March 31, 2022.

Respondents: Nonmetallic mineral processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOO).

Estimated number of respondents: 5,095.

Frequency of response: Initially and occasionally.

Estimated annual burden: 20,200 hours.

Estimated annual cost: $2,450,000, includes $228,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(27) *Docket ID Number:* EPA–HQ–OAR–2020–0645; Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification On or After May 30, 1991, But Before July 18, 2014 (40 CFR part 60, subpart WWW) (Renewal); EPA ICR Number 1557.11; OMB Control Number 2060–0220; Expiration date March 31, 2022.

Respondents: Municipal solid waste landfills.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart WWW).

Estimated number of respondents: 661.

Frequency of response: Annually.

Estimated annual burden: 760 hours.

Estimated annual cost: $86,600, includes no annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated existing sources modifying and becoming subject to 40 CFR 60, subpart XXX.

(28) *Docket ID Number:* EPA–HQ–OAR–2020–0668; Emission Guidelines for Compliance Times for Commercial and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart DDDD) (Renewal); EPA ICR Number 2385.08; OMB Control Number 2060–0664; Expiration date March 31, 2022.

Respondents: Commercial and industrial solid waste incineration facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DDDD).

Estimated number of respondents: 78.

Frequency of response: Semiannually and annually.

Estimated annual burden: 10,400 hours.

Estimated annual cost: $11,200,000, includes $10,000,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(29) *Docket ID Number:* EPA–HQ–OAR–2020–0665; Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced On or After June 16, 2006 (40 CFR part 60, subpart EEEE) (Renewal); EPA ICR Number 2163.08; OMB Control Number 2060–0563; Expiration date March 31, 2022.

Respondents: Very small municipal waste combustion and institutional waste incineration facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart EEEE).

Estimated number of respondents: 55.

Frequency of response: Initially, semiannually, and annually.

Estimated annual burden: 80,800 hours.

Estimated annual cost: $11,900,000, includes $2,720,000 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to a decrease in the number of sources subject to the regulation.

(30) *Docket ID Number:* EPA–HQ–OAR–2020–0669; Emissions Guidelines and Compliance Times for Sewage Sludge Incineration Units (40 CFR part 60, subpart MMMM) (Renewal); EPA ICR Number 2403.06; OMB Control Number 2060–0661; Expiration date March 31, 2022.

Respondents: Sewage sludge incinerators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart MMMM).

Estimated number of respondents: 86.

Frequency of response: Semiannually and annually.

Estimated annual burden: 32,800 hours.

Estimated annual cost: $4,790,000, includes $1,350,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(31) *Docket ID Number:* EPA–HQ–OAR–2020–0653; Standards of Performance for Industrial Surface Coating: Large Appliances (40 CFR part 60, subpart SS) (Renewal); EPA ICR Number 0659.15; OMB Control Number 2060–0108; Expiration date April 30, 2022.

Respondents: Facilities conducting surface coating of large appliance products.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart SS).

Estimated number of respondents: 72.

Frequency of response: Quarterly and semiannually.

Estimated annual burden: 7,220 hours.

Estimated annual cost: $830,000, includes $8,400 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(32) *Docket ID Number:* EPA–HQ–OAR–2020–0656; Standards of Performance for Petroleum Dry Cleaners (40 CFR part 60, subpart JJJ) (Renewal); EPA ICR Number 0997.13; OMB Control Number 2060–0079; Expiration date April 30, 2022.

Respondents: Petroleum dry cleaning facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart JJJ).

Estimated number of respondents: 1,120.

Frequency of response: Initially.

Estimated annual burden: 1,850 hours.

Estimated annual cost: $202,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(33) *Docket ID Number:* EPA–HQ–OAR–2020–0670; Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and On or Before September 18, 2015 (40 CFR part 60, subpart OOOO) (Renewal); EPA ICR Number 2437.05; OMB Control Number 2060–0673; Expiration date April 30, 2022.

Respondents: Oil and natural gas production, natural gas processing, natural gas transmission, and natural gas distribution facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOOO).

Estimated number of respondents: 532.

Frequency of response: Semiannually and annually.

Estimated annual burden: 69,300 hours.

Estimated annual cost: $9,110,000, includes $1,220,000 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown or modification of existing sources, which would become subject to 40 CFR 60, subpart OOOO.

(34) *Docket ID Number:* EPA–HQ–OAR–2020–0667; Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after May 14, 2007 (40 CFR part 60, subpart Ja) (Renewal); EPA ICR Number 2263.07; OMB Control Number 2060–0602; Expiration date May 31, 2022.

Respondents: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ja).

Estimated number of respondents: 150.

Frequency of response: Initially and semiannually.

Estimated annual burden: 355,000 hours.

Estimated annual cost: $143,000,000, includes $102,000,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(35) *Docket ID Number:* EPA–HQ–OAR–2020–0662; Standards of Performance for Secondary Lead Smelters (40 CFR part 60, subpart L) (Renewal); EPA ICR Number 1128.13; OMB Control Number 2060–0080; Expiration date May 31, 2022.

Respondents: Secondary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart L).

Estimated number of respondents: 12.

Frequency of response: Initially.

Estimated annual burden: 32 hours.

Estimated annual cost: $3,620, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(36) *Docket ID Number:* EPA–HQ–OAR–2020–0658; New Source Performance Standards for the Phosphate Fertilizer Industry (40 CFR part 60, subparts T, U, V, W, and X) (Renewal); EPA ICR Number 1061.15; OMB Control Number 2060–0037; Expiration date May 31, 2022.

Respondents: Phosphate fertilizer manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts T, U, V, W, and X).

Estimated number of respondents: 13.

Frequency of response: Semiannually.

Estimated annual burden: 1,390 hours.

Estimated annual cost: $478,000, includes $320,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(37) *Docket ID Number:* EPA–HQ–OAR–2020–0659; Standards of Performance for Coal Preparation and Processing Plants (40 CFR part 60, subpart Y) (Renewal); EPA ICR Number 1062.16; OMB Control Number 2060–0122; Expiration date May 31, 2022.

Respondents: Coal preparation and processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Y).

Estimated number of respondents: 757.

Frequency of response: Semiannually.

Estimated annual burden: 35,300 hours.

Estimated annual cost: $4,090,000, includes $65,600 annualized capital or O&M costs.

Changes in estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(38) *Docket ID Number:* EPA–HQ–OAR–2020–0663; Standards of Performance for Synthetic Fiber Production Facilities (40 CFR part 60, subpart HHH) (Renewal); EPA ICR Number 1156.14; OMB Control Number 2060–0059; Expiration date May 31, 2022.

Respondents: Synthetic fiber production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart HHH).

Estimated number of respondents: 22.

Frequency of response: Quarterly and semiannually.

Estimated annual burden: 1,880 hours.

Estimated annual cost: $380,000, includes $165,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(39) *Docket ID Number:* EPA–HQ–OAR–2020–0661; Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines (40 CFR part 60, subpart TTT) (Renewal); EPA ICR Number 1093.13; OMB Control Number 2060–0162; Expiration date May 31, 2022.

Respondents: Facilities conducting surface coating of plastic parts for business machines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTT).

Estimated number of respondents: 10.

Frequency of response: Quarterly and semiannually.

Estimated annual burden: 992 hours.

Estimated annual cost: $113,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(40) *Docket ID Number:* EPA–HQ–OAR–2020–0664; Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (40 CFR part 60, subpart BBBB) (Renewal); EPA ICR Number 1901.08; OMB Control Number 2060–0424; Expiration date May 31, 2022.

Respondents: Small municipal waste combustion facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BBBB).

Estimated number of respondents: 23.

Frequency of response: Semiannually and annually.

Estimated annual burden: 102,000 hours.

Estimated annual cost: $11,500,000, includes $1,040,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(41) *Docket ID Number:* EPA–HQ–OAR–2020–0666; Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40 CFR part 60, subpart IIII) (Renewal); EPA ICR Number 2196.07; OMB Control Number 2060–0590; Expiration date May 31, 2022.

Respondents: Stationary compression ignition internal combustion engine facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart IIII).

Estimated number of respondents: 206,885.

Frequency of response: Annually.

Estimated annual burden: 408,000 hours.

Estimated annual cost: $46,700,000, includes $167,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(42) *Docket ID Number:* EPA–HQ–OAR–2020–0671; Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR part 60, subpart QQQQ) (Renewal); EPA ICR Number 2442.04; OMB Control Number 2060–0693; Expiration date May 31, 2022.

Respondents: Residential hydronic heater and forced-air furnace manufacturers, EPA-approved testing laboratories, and third-party certifiers.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart QQQQ).

Estimated number of respondents: 50.

Frequency of response: Annually.

Estimated annual burden: 4,270 hours.

Estimated annual cost: $4,770,000, includes $4,280,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(43) *Docket ID Number:* EPA–HQ–OAR–2020–0647; Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 (40 CFR part 60, subpart K) (Renewal); EPA ICR Number 1797.09; OMB Control Number 2060–0442; Expiration date June 30, 2022.

Respondents: Facilities that store petroleum liquids in storage vessels with a storage capacity greater than 151,416 liters (40,000 gallons) but not exceeding 246,052 liters (65,000 gallons).

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart K).

Estimated number of respondents: 69.

Frequency of response: Annually.

Estimated annual burden: 321 hours.

Estimated annual cost: $36,500, includes no annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

Dated: January 20, 2021.

Penny Lassiter,

Director, Sector Policies and Programs Division.

[FR Doc. 2021–02520 Filed 2–5–21; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2021–6003]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The collection provides EXIM staff with the information necessary to monitor the borrower's payments for exported goods covered under its short and medium-term export credit insurance policies. It also alerts EXIM staff of defaults, so they can manage the portfolio in an informed manner.

DATES: Comments must be received on or before April 9, 2021 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Mia Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW Washington, DC 20571. Form can be viewed at *https://www.exim.gov/sites/default/files/forms/eib10-05.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–29 Export-Import Bank Report of Premiums Payable for Exporters Only.

OMB Number: 3048–0017.

Type of Review: Regular.

Need and Use: The ''Report of Premiums Payable for Exporters Only'' form is used by exporters to report and pay premiums on insured shipments to various foreign buyers under the terms of the policy and to certify that premiums have been correctly computed and remitted. Individual transactions that an exporter may have with the same foreign borrower can be sub-totaled and entered as a single line item for the specific month provided the length of payment term is identical. The use of sub-totals reduces the administrative burden on the exporter. The 'Report of Premiums Payable for Exporters Only' is used by the Bank to determine the eligibility of the shipment(s) and to calculate the premium due to Ex-Im Bank for its support of the shipment(s) under its insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 2600.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 650 hours.

Frequency of Reporting or Use: Monthly.

Government Expenses:

Reviewing Time per Year: 1,950 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $82,875.

Benefits and Overhead: 20%.

Total Government Cost: $99,450.

Bassam Doughman,

IT Specialist.

[FR Doc. 2021–02541 Filed 2–5–21; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget (OMB) clearance for information collection

requirements in the Commission's rules and regulations under the Wool Products Labeling Act of 1939 (Wool Rules). That clearance expires on May 31, 2021.

DATES: Comments must be received on or before April 9, 2021.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Wool Rules; PRA Comment: FTC File No. P072108'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title: Rules and Regulations under the Wool Products Labeling Act of 1939, 16 CFR part 300.

OMB Control Number: 3084–0100.

Type of Review: Extension of a currently approved collection.

Likely Respondents: Manufacturers, importers, processors and marketers of wool products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated annual hours burden: 1,880,000 hours (160,000 recordkeeping hours + 1,720,000 disclosure hours).

Recordkeeping: 160,000 hours [4,000 wool firms incur an average 40 hours per firm].

Disclosure: 1,720,000 hours [240,000 hours for determining label content + 480,000 hours to draft and order labels + 1,000,000 hours to attach labels].

Estimated annual cost burden: $25,620,000 (solely relating to labor costs).

Abstract: The Wool Products Labeling Act of 1939 (Wool Act) prohibits the misbranding of wool products. The Wool Rules establish disclosure requirements that assist consumers in making informed purchasing decisions and recordkeeping requirements that assist the Commission in enforcing the Rules.

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Commission's Wool Rules.

Burden Statement

Staff's burden estimates for the Wool Rules are based on data from the Department of Commerce's Bureau of the Census, the International Trade Commission, the Department of Labor's Bureau of Labor Statistics (BLS), and data or other input from the main industry association, the American Apparel and Footwear Association (AAFA), and from *SICCode.com,* which specializes in the business classification of SIC (Standard Industrial Classification) and NAICS (North American Industry Classification System) codes for business identification, verification, and targeting. The AAFA, a national trade association which represents U.S. apparel, footwear and other sewn products companies and their suppliers, has stated that ''[t]he use of labels on textiles and apparels is beneficial to consumers, manufacturers, and business in general as it allows for the necessary flow of information along the supply chain.'' [1] The relevant information collection requirements in these rules and staff's corresponding burden estimates follow. The estimates address the number of hours needed and the labor costs incurred to comply with the requirements. Staff believes that a significant portion of hours and labor costs currently attributable to burden below are time and financial resources usually and customarily incurred by persons in the course of their regular activity (*e.g.,* industry participants already have and/or would have care labels regardless of the Rules) and could be excluded from PRA-related burden.[2]

Estimated annual hours burden: 1,880,000 hours (160,000 recordkeeping hours + 1,720,000 disclosure hours).

Recordkeeping: Staff estimates that approximately 4,000 wool firms are subject to the Wool Rules' recordkeeping requirements. Based on an average annual burden of 40 hours per firm, the total recordkeeping burden is 160,000 hours.

Disclosure: Approximately 8,000 wool firms, producing or importing about 600,000,000 wool products annually, are subject to the Wool Rules' disclosure requirements. Staff estimates the burden of determining label content to be 30 hours per year per firm, or a total of 240,000 hours, and the burden of drafting and ordering labels to be 60 hours per firm per year, or a total of 480,000 hours. Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 360,000,000 items (60 percent of 600,000,000), the process is semi-automated and requires an average of approximately ten seconds per item, for a total of 1,000,000 hours per year. Thus, the total estimated annual burden for all firms is 1,720,000 hours (240,000 hours for determining label content + 480,000 hours to draft and order labels + 1,000,000 hours to attach labels). Staff believes that any additional burden associated with advertising disclosure requirements would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $25,620,000, rounded to the nearest thousand (solely relating to labor costs). The chart below summarizes the total estimated costs.

[1] Page one from comment by Kevin M. Burke, President and CEO, American Apparel & Footwear Association, March 26, 2012, *Advance Notice of Proposed Rulemaking; Request for Public Comment; Rules and Regulations under the Wool Products Labeling Act of 1939;* 77 FR 4498 (Jan. 30, 2012).

[2] 5 CFR 1320.3(b)(2).

Task	Hourly rate	Burden hours	Labor cost
Determine label content	[3] $29.00	240,000	$6,960,000
Draft and order labels	[4] 9.00	480,000	9,120,000
Attach labels	[5] 6.50	1,000,000	6,500,000
Recordkeeping	[6] 19.00	160,000	3,040,000
Total			25,620,000

Staff believes that there are no current start-up costs or other capital costs associated with the Wool Rules. Because the labeling of wool products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Rules. Based on knowledge of the industry, staff believes that much of the information required by the Wool Act and Rules would be included on the product label even absent their requirements. Similarly, recordkeeping and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Rules.

Request for Comments

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of maintaining records and providing disclosures to consumers. All comments must be received on or before April 9, 2021.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before April 9, 2021. Write ''Wool Rules; PRA Comment: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

Due to the public health emergency in response to the COVID–19 outbreak and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Wool Rules; PRA Comment: FTC File No. P072108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will become publicly available at *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . . is privileged or confidential'' —as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2) —including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 9, 2021. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2021–02471 Filed 2–5–21; 8:45 am]

BILLING CODE 6750–01–P

[3] The wage rate for supervisors of office and administrative support workers is based on data through May 2019 from the Bureau of Labor Statistics Occupational Employment Statistics Survey at *https://www.bls.gov/news.release/ocwage.htm* (released on March 31, 2020).

[4] The wage rate for correspondence clerks is based on recent data from the Bureau of Labor Statistics Occupational Employment Statistics Survey at *https://www.bls.gov/news.release/ocwage.htm.*

[5] For imported products, the labels generally are attached in the country where the products are manufactured. According to information compiled by an industry trade association using data from the U.S. Department of Commerce, International Trade Administration and the U.S. Census Bureau, approximately 97.5% of apparel used in the United States is imported. With the remaining 2.5% attributable to U.S. production at an approximate domestic hourly wage of $12 to attach labels, staff has calculated a weighted average hourly wage of $6.50 per hour attributable to U.S. and foreign labor combined.

[6] This estimate includes the wage rate for correspondence clerks.

GOVERNMENT ACCOUNTABILITY OFFICE

System of Records

AGENCY: Government Accountability Office.

ACTION: Notice of modified system of records.

SUMMARY: The Government Accountability Office (GAO) proposes to revise its system of personnel records under its privacy regulations, Privacy Procedures for Personnel Records. This system of records encompasses records collected, maintained, used and disseminated in the course of conducting GAO human capital management activities. Further, this notice is intended to notify individuals about personally identifiable information (PII) maintained in this system of records and the manner in which that information is maintained and protected.

DATES: Comments may be submitted on or before March 10, 2021. Unless comments are received that would result in a contrary determination, this revised system of records will become effective thereafter.

ADDRESSES: Comments should be sent to: Government Accountability Office, Chief Agency Privacy Officer, Room 1127, 441 G St. NW, Washington, DC 20548, or by email to *records@gao.gov*. Please include reference to ''Comment: Human Capital System of Records'' at the top of a comment letter or in the subject line of an email.

FOR FURTHER INFORMATION CONTACT: For information about the management of personally identifiable information (PII) maintained in this system of records, contact Sonya R. Johnson, Records and Privacy Office, Infrastructure Operations, Government Accountability Office, Room 1127, 441 G St. NW, Washington, DC 20548; 202–512–9576; email, *records@gao.gov*. For information about GAO privacy protections, contact the Chief Agency Privacy Officer, Government Accountability Office, Room 1127, 441 G St., NW, Washington, DC 20548; email, *records@gao.gov*.

SUPPLEMENTARY INFORMATION:

Background

A. *GAO.* GAO is an independent, non-partisan legislative branch agency that examines government activities and provides analyses, recommendations, and other assistance to help Congress in making sound oversight, policy, and funding decisions. As a legislative branch agency, GAO is not subject to the privacy and information security laws applicable to executive branch agencies, such as the Privacy Act of 1974 (Privacy Act), Federal Information Security Modernization Act of 2014 (FISMA), the E-Government Act of 2002 (E-Government Act), and Office of Management and Budget (OMB) and National Institute of Standards and Technology (NIST) guidance issued under those laws. Nonetheless, it is GAO policy to conduct its activities, to the maximum extent practicable, in a manner consistent with the spirit of the laws and guidance generally applicable to the executive branch agencies. Accordingly, as a matter of policy, GAO has established an agency-wide privacy program. Notwithstanding the similarities between GAO's privacy program and information security laws, regulations, or policies applicable to executive branch agencies, GAO's application of, or compliance with, those laws, regulations, or policies shall not be interpreted as controlling legal authorities over GAO.

GAO's regulations at 4 CFR part 83, Privacy Procedures for Personnel Records, provide the basis for this notice.

B. *Human Capital System of Records.* The Human Capital System of Records, managed by GAO's Human Capital Office, is a series of systems comprised of information collected and maintained in the course of activities relating to hiring and separation management; pay, benefits, and performance management; and related talent management activities. The system of records includes GAO-operated systems which track employee performance reviews, compile GAO employee contact information, maintain GAO staff's Federal employment information over the course of their career, and record time and attendance for GAO employees.

GAO Human Capital Management information is also maintained and managed in systems of records operated by the U.S. Department of Agriculture (USDA), the U.S. Department of the Treasury (Treasury) (hereafter shared service providers), and by contractors supporting these agencies. USDA's National Finance Center (NFC) provides payroll processing-related services. Treasury operates an automated human resources system, HRConnect, to support human capital management activities in Treasury and other Federal agencies through cross-servicing agreements.

Authorized GAO employees access human capital information maintained in GAO systems and in systems maintained by GAO's shared service providers and their contractors. Information is securely transmitted to and from GAO and its shared service providers and their contractors as necessary to support agreed-upon human capital management activities (*e.g.,* employment application processing, recruiting, hiring, pay, promotions, employee awards processing, and compiling reports).

Privacy protections for GAO information maintained by contractors of shared service providers are provided under contracts between the shared service providers and their contractors. Privacy risks, and steps taken to mitigate such risks, associated with the use of information systems to collect, maintain, and disseminate this information have been evaluated in privacy impact assessments conducted by both GAO and the applicable shared service provider. The text of GAO's human capital management system of records is set forth below.

For a description of the protections provided by USDA/NFC and Treasury, see the following: Treasury Privacy Act System of Records Notice, 81 FR 78266; USDA/NFC Privacy Act System of Records Notice, USDA/OP–1; OPM Privacy Act System of Records Notice for General Personnel Records, 77 FR 73694.

SYSTEM NAME AND NUMBER:

Government Accountability Office, Human Capital Management System of Records.

SECURITY CLASSIFICATION:

This system of records contains no classified information.

SYSTEM LOCATION:

Information maintained in this system of records is located at GAO headquarters in Washington, DC, and GAO field offices. Major service providers and their systems are: USDA's National Finance Center (NFC), which provides payroll processing-related services; and the Treasury-operated HRConnect, which is an automated human resources system that supports Federal human capital management activities. GAO human capital information maintained by contractors of those shared service providers is maintained at information processing facilities under the control of those contractors.

SYSTEM MANAGER(S):

The GAO official responsible for this system of records is the Chief Human Capital Officer, U.S. Government Accountability Office, Room 1193, 441 G St. NW, Washington, DC, 20548.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 711 of title 31, United States Code; General Authority of the Comptroller General, U.S. Government Accountability Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records contains PII concerning:

(a) Individuals who are or have been employed by GAO (including interns, consultants, volunteers, and reemployed annuitants), individuals who have applied for employment by GAO; and

(b) Family members or other individuals who have been identified for personnel records purposes by an individual otherwise covered by this system of records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

(a) Biographic/identifying information (*e.g.* name, Social Security number, address, telephone numbers), or

(b) Other information about an individual (*e.g.* information about a person's education, employment, performance appraisals, payroll data, and medical or physical condition if mandated by the position an employee occupies).

These records are maintained for identification and data analysis purposes. The information in this system of records generally originates from the individual or the individual's current or previous agency or organization of employment.

RECORD SOURCE CATEGORIES:

The information is collected through various means, including but not limited to: Directly by GAO staff via interviews, reports, sign-in sheets, or forms; extracted from other GAO systems or systems maintained by third parties, such as the U.S. Department of Agriculture's National Finance Center; or created through audio, photographic, or video recording.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The purpose of this system of records is to maintain records that are relevant and necessary to ensure GAO personnel, information, property, and assets receive an appropriate level of protection.

The purpose of this system of records is to maintain records as are relevant and necessary to efficiently and effectively manage human capital functions such as hiring and separation of employees; pay, benefits, and performance; employee relations; and telework applications.

DISCLOSURES:

PII in this system of records may be disclosed, as permitted by 4 CFR part 83 to those GAO employees and contractors who have a need for the record in the performance of their official duties that is consistent with the purpose of the use of the information as described in this notice. In addition, PII in this system of records may be otherwise disclosed under the following circumstances as a use consistent with the specified purpose of the use of the information identified in this notice:

(a) Information from this system of records may be disclosed to other Federal agencies, such as General Services Administration, Office of Personnel Management, U.S. Department of Agriculture, and U.S. Department of Transportation; and

(b) Information from this system of records may be released to the public in response to a request for records under 4 CFR part 81, Public Availability of GAO Records (similar to provisions of the Freedom of Information Act, 5 U.S.C. 552, which applies to executive branch agencies).

Records released under 4 CFR part 81 may be exempted from public release as information the release of which would cause an unwarranted invasion of privacy, or is otherwise confidential or covered by a legal privilege (4 CFR 81.6). Further, to the extent the requested information is contained in records originating in another agency or nonfederal organization, the requester will be referred to such agency or organization, and GAO will not release the records (4 CFR 81.5).

For other permitted disclosures of PII in this system of records, see 4 CFR 83.5.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information maintained in this system of records may be retrieved only by employees of GAO who have a need for the information in the performance of their official duties. Information is retrieved primarily by the individual's name and/or Social Security number, in combination with any other biographical identifier such as date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with GAO record retention schedule, the majority of records in this system of records are administrative in nature and must be destroyed or deleted after seven years. Official Personnel Folders (OPFs) are retained pursuant to GAO's Records Schedule 1.1, NARA General Records Schedule 2.2, and 4 CFR 83.11—Official Personnel Folder. Certain transitory records are destroyed when no longer needed for business purposes. Compelling legal or policy purposes (*e.g.,* ongoing or potential litigation) may require retention of certain records beyond the retention periods identified above. Extra copies of records in this system of records are destroyed when no longer needed. Disposal is by shredding if paper, purging if in an electronic records management system (*e.g.,* DM/ERMS), or pulverizing if in electronic media (*e.g.,* tapes and disks). Disposal of information contained in electronic systems owned or operated by external service providers is subject to that organization's retention policy.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Pursuant to 4 CFR part 83, information maintained in this system of records is safeguarded under GAO information systems security policies and procedures which are consistent with the requirements of the Federal Information Security Management Act (FISMA) and related National Institute of Standards and Technology (NIST) standards and guidelines, approved for the processing of controlled unclassified information (CUI). Strict controls are imposed to minimize the risk of compromising the information maintained in this system of records and any of its supporting information systems. Any information maintained by external service providers, including the FBI and USDA, is protected under memorandums of understanding (MOUs), contracts, and other agreements with those providers. Physical security protections are required for handling any information maintained in paper formats or otherwise removed from the GAO network.

RECORD ACCESS PROCEDURES:

Individuals interested in knowing whether this system of records contains information about them, how to obtain access to such information, or how to contest any element of such information may submit a request in writing to the Chief Agency Privacy Officer, U.S. Government Accountability Office, Room 1137, 441 G St. NW, Washington, DC 20548, or by email to *records@gao.gov*.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Records contained in this system of records may be exempt from access, amendment, and other procedural requirements to the extent 4 CFR 83.21 applies to such records.

HISTORY:

86 FR 8645, February 8, 2021.

Terrell Dorn,

Managing Director, Infrastructure Operations/ Chief Agency Privacy Officer Government Accountability Office.

[FR Doc. 2021–02554 Filed 2–4–21; 4:15 pm]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–21–1054]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled, ''Drug Overdose Response Investigation (DORI) Data Collections'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on August 13,2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Drug Overdose Response Investigation (DORI) Data Collections (OMB Control No. 0920–1054, Exp. 03/31/2021)—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2015, CDC received OMB approval (OMB Control No. 0920–1054) for this Generic clearance for a three-year period to collect information to response to urgent requests from state and local health authorities to provide epidemiological information that allows for the selection of interventions to curb local epidemics of drug overdose. CDC seeks OMB approval for an Extension of this Generic clearance for a three-year period.

Drug Overdose Response Investigations (DORI) are to be conducted in response to urgent requests from state and local health authorities to provide epidemiological information that allows for the selection of interventions to curb local epidemics of drug overdose. Of particular interest is response to increasing trends in, or changing characteristics of, overdose from prescription drugs (with a special interest in opioid analgesics such as oxycodone or methadone; benzodiazepines such as alprazolam) and/or illicit drugs (*e.g.,* heroin). CDC's National Center for Injury Prevention and Control (NCIPC) is frequently called upon to conduct DORIs at the request of state or local health authorities seeking support to respond to urgent public health problems resulting from drug use, misuse, addiction, and overdose. Such requests are typically, but not always, made through the Epi-Aid mechanism; in most investigations, CDC's epidemiological response entails rapid and flexible collection of data that evolves during the investigation period.

Generic clearance is requested to ensure that timely information is collected during a DORI, which allows NCIPC to maintain critical mission function by working with state and local health authorities to protect the public's health. During an unanticipated rise in nonfatal or fatal drug overdose where the substances responsible for the health event need to be identified, drivers and risk factors are undetermined, and/or subgroups at risk need to be identified, immediate action by CDC is necessary to minimize or prevent public harm. CDC must have the ability to rapidly deploy data collection tools to understand the scope of the problem and determine appropriate action. Procedures for each investigation, including specific data collection plans, depend on the time and resources available, number of persons involved, and other circumstances unique to the urgent conditions at hand. Data are collected by epidemiologists, psychologists, medical professionals, subject matter experts, and biostatisticians.

Data collected during a DORI are used to understand sudden increases in drug use and misuse associated with fatal and nonfatal overdoses, understand the drivers and risk factors associated with those trends, and identify the groups most affected. This allows CDC to effectively advise states on actions that could be taken to control the local epidemic. During a DORI, data are collected once, with the rare need for follow-up. The estimated annual burden hours are 2000, there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Drug Overdose Response Investigation Participants	DORI Data Collection Instruments	4,000	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02550 Filed 2–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–20QN]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Availability, Use, and Public Health Impact of Emergency Supply Kits among Disaster-Affected Populations'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on August 28, 2020 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Availability, Use, and Public Health Impact of Emergency Supply Kits among Disaster-Affected Populations—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Environmental Health (NCEH) is submitting a New Information Collection Request (ICR), for two-year approval. NCEH will conduct this cross-sectional study among two disaster-affected populations, at one site per year. NCEH will select geographic sites (*e.g.,* city, town, region) for inclusion in the study after a disaster (*e.g.,* hurricane, wildfire, flood, tornado) has occurred in the area. Parameters for site selection include a major or state-level disaster declaration for a natural disaster that affects a mid- to high-density area (*e.g.,* population of 100,000 people) within the United States.

An all-of-society approach to disaster risk reduction emphasizes inclusion and engagement in preparedness activities. A common recommendation is to promote household preparedness through the preparation of an emergency supply kit that can be used to shelter-in-place or during evacuation. Lack of household preparedness is a public health concern, especially in medically frail populations, because it consumes first responders' time, taking them away from relief and recovery efforts, and can easily deplete community health resources. The Federal Emergency Management Agency (FEMA) states that individuals or households are prepared for a disaster if they have thought about and planned for the types of disaster for which they are at most risk, have developed a family communication and evacuation plan in the event of a disaster, and have assembled a complete disaster (emergency) supply kit. However, the prevalence of emergency supply kits across households in the United States ranges considerably from a community-level low of 10% to a regional high of 68%. This lack and variation of emergency supply kits across households makes household disaster preparedness a public health concern.

Self-sufficiency (defined as the ability to shelter-in-place without needing to leave your home or call for outside assistance for ~3 days following a disaster) can help reduce the demands placed on first responders during critical times, which has downstream public health impacts. Among persons with an existing physical or mental health condition at the time of the disaster, having an adequate supply of prescription and over-the-counter medications and medical supplies allows people to maintain treatment and prevent worsening or exacerbation of their existing condition or illness. It also can reduce their need for emergency medical services following a disaster. The FEMA definition of an emergency supply kit is one that can sustain each member of a household with food, water, and medication for up to three days. However, there are several knowledge gaps and challenges related to emergency supply kit use and effectiveness, including whether the current recommendations are adequate or need expansion. We identified the following gaps:

- *Lack of consistency for what supplies to include in an emergency supply kit:* While the public can access information on what contents are likely important to include in emergency supply kits, there is a lack of information as to whether there is a standard set of supplies that is consistently needed across disaster types
- Lack of a standard tool for evaluation of emergency supply kit use and effectiveness
- *Lack of information on how emergency supply kit items are used during or following disasters:* Currently we lack detailed information on how households use emergency supply kit items during or following disasters and what, if any, are barriers to their use
- *Lack of information on effectiveness of emergency supply kits in preventing adverse outcomes:* To our knowledge, there is no information on whether the use of emergency supply items prevents adverse health outcomes. Among individuals with health conditions, it remains unclear whether preparing an emergency supply kit with adequate medications and medical supplies prevents the worsening of conditions or the need for emergency medical services
- *Lack of data to support emergency supply kit recommendations:* It is unclear whether having essential supplies improves self-sufficiency and lessens the need for outside assistance

This general lack of research on the efficacy and use of emergency supply kits impedes our ability to make data-driven recommendations regarding emergency supply kit promotion. The cross-sectional disaster survey and focus group(s) on the public's knowledge, preparedness, and use of emergency supply kits will identify and inform public health officials about the most useful items to include in an emergency supply kit, ideally across two different types of disasters.

Survey participants will be selected via address-based sampling in the defined geographic area impacted by the disaster and given the choice to complete the survey via paper (*i.e.,* Teleform) or online via a web-based instrument. Survey participants will also be recruited using an existing, nonprobability web panel and be directed to the online, web-based instrument to create a larger, more cost-effective dataset. Focus group participants will be randomly selected among survey respondents and/or recruited via targeted social media (*e.g.,* Facebook, Craigslist) to provide context and enhancement to the survey.

The estimated annualized burden is 384 hours. The estimated burden is based on conducting the survey at one site per year, taking 15 minutes per respondent via the web or 30 minutes via paper survey, and up to two focus groups in each site taking approximately five minutes for the focus group screener and two hours for the focus group. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General public	Web survey	667	1	15/60
	Paper survey	333	1	30/60
	Focus group screener	24	1	5/60
	Focus group	24	1	2

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02549 Filed 2–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–21–20OS]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''COVID–19 Pandemic Response, Laboratory Data Reporting'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 5th, 2020 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th

Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

COVID–19 Pandemic Response, Laboratory Data Reporting—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Efforts are underway to ensure that laboratory data—including diagnostic viral testing data and serologic testing data—are comprehensive and readily available from laboratories and other facilities providing testing, including point-of-care (POC) testing sites for the public health response to SARS-CoV–2 and COVID–19.

Ensuring a rapid and thorough public health response to the COVID–19 pandemic necessitates comprehensive laboratory testing data. These data contribute to understanding disease incidence and trends: Initiating epidemiologic case investigations, assisting with contact tracing, assessing availability and use of testing resources, and identifying supply chain issues for reagents and other material. Laboratory testing data, in conjunction with case reports and other data, also provide vital guidance for mitigation and control activities. The total estimated annualized burden is 65,936 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State epidemiologist or informatics staff.	CDC-provided CSV file or HL7 messages	54	180	1
	CDC-provided CSV file or HL7 messages (retrospective data entry).	54	1	4
IT professional	LIMS interface configuration	7,000	1	8

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02548 Filed 2–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–21–20OM]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Medical Monitoring Project Facility Survey to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 2, 2020 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Medical Monitoring Project Facility Survey—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention requests a one year approval for a new information collection, ''Medical Monitoring Project (MMP) Facility Survey.'' The primary objective of the MMP Facility Survey will be to conduct a one-time survey of the characteristics of HIV care facilities in order to collect information on the nation's existing HIV care infrastructure and the capacity of facilities to implement the strategies of the U.S. Ending the HIV Epidemic federal initiative. CDC will also use the findings to guide national and local HIV prevention and care efforts and identify gaps as part of the Division of HIV/AIDS Prevention's Strategic Plan. Specifically, information is needed about the capacity of care facilities to deliver care and prevention services, provide HIV prevention messaging, partner with public health programs, offer services for HIV negative partners of HIV positive persons, engage and retain patients, offer PrEP, medication-assisted therapy (MAT), and substance use

treatment/referrals, etc. Information on facility location, key populations served, and workforce capacity is also needed to identify areas in need of expanded support to deliver these services. There is no other data source that comprehensively collects this information.

The participation of respondents is voluntary. There is no cost to the respondents other than their time. Through their participation, respondents will help to improve programs to prevent HIV infection as well as services for those who already have HIV. The total estimated annualized burden is 618 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Facility administrative staff	MMP Facility Survey	1,200	1	30/60
Facility administrative staff	Short MMP Facility Survey	225	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02547 Filed 2–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1227]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Assessment of Ill Worker Policies Study'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on September 14, 2020, to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Assessment of Ill Worker Policies Study (OMB Control No. 0920–1227, Exp. 5/31/2021)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC is requesting a three-year Paperwork Reduction Act (PRA) clearance for a Revision information collection request (ICR) for a research program focused on identifying the environmental causes of foodborne illness and improving environmental public health practice. This research program is conducted by the Environmental Health Specialists Network (EHS-Net), a collaborative project of the CDC, U.S. Food and Drug Administration (FDA), U.S. Department of Agriculture (USDA), and eight state and local public health programs (Franklin County, OH; Tennessee; Minnesota; Rhode Island; New York; New York City, NY; Southern Nevada Health District, NV; and Harris County, TX).

This ICR aims to assess whether an educational intervention will result in either the development or enhancement of restaurant ill worker policies. This will be accomplished by interviewing restaurant managers and observing restaurant practices in 320 randomly selected and assigned restaurants in the EHS-Net catchment areas. There will be two or three site visits depending upon which group the restaurants are assigned to, that is, the intervention or the control group. An initial visit will be used to observe baseline conditions and to provide the intervention only to the restaurants selected to receive it. A second visit will be used to determine if the policies have changed and to introduce the intervention to the control restaurants (if it is deemed successful), and a final follow up visit to the control restaurants that received the intervention on the second visit (if they receive the intervention). Initial success for the intervention will be measured by whether three or more intervention restaurants in each EHS-Net catchment area either develop a written ill worker management plan (if they did not have one at the pre-intervention evaluation) or enhanced their policies (*e.g.,* added provisions addressing reasons why ill workers reported working while ill).

Although approved in 2018, NCEH and its program partners needed to prioritize other data collections over this study, and then delayed the current study due to the COVID–19 pandemic.

NCEH partners provided feedback to refine this research protocol, to revise the ICR, and to begin this study in 2021. NCEH is requesting approval for revisions which fall into three categories: (1) Changes to strengthen the study, based on recent experience and stakeholder feedback; (2) changes to respond to the COVID–19 pandemic, and (3) a change in one participating site.

NCEH is requesting a revised PRA clearance for 820 responses per year and for a time burden of 261 hours per year. These changes result in a decrease of 1,307 responses and 91 hours per year relative to the 2018 PRA clearance. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Restaurant Managers (Intervention and Control Restaurants).	Manager Recruiting Script	237	1	3/60
Restaurant Managers (Intervention Restaurants)	Manager Informed Consent and Interview.	53	2	20/60
	Intervention Log	53	1	30/60
Restaurant Managers (Control Restaurants)	Manager Informed Consent and Interview.	53	3	20/60
	Intervention Log	53	1	30/60
Health Department Workers (Intervention and Control Restaurants).	Restaurant Observation Form	106	2	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02551 Filed 2–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–148]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 10, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes, Medicaid and Supporting Regulations in 42 CFR 433.68 through 433.74; *Use:* States may elect to submit a waiver to CMS for the broad based and/or uniformity requirements for any health care related tax program which does not conform to the broad based and uniformity requirements. It is also the responsibility of each State to demonstrate that their tax program(s) do not violate the hold harmless provision. For a waiver to be approved and a determination that the hold harmless provision is not violated, States must submit written documentation which satisfies the regulatory requirements. Without this information, the amount of FFP (Federal financial participation) payable to a State cannot be correctly determined. *Form Number:* CMS–R–148

(OMB control number: 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694.)

Dated: February 3, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–02524 Filed 2–5–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Device-Based Treatments for Substance Use Disorders (UG3/UH3, Clinical Trial Optional).

Date: February 26, 2021.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5833, *ivan.navarro@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Advancing HIV/AIDS Research through Computational Neuroscience FOA (R01—Clinical Trial Optional).

Date: March 3, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892 (301) 827–5819 *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 2, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02495 Filed 2–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Integrative and Clinical Endocrinology and Reproduction Study Section, February 18, 2021, 09:00 a.m. to February 19, 2021, 07:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 22, 2021, 86 FR 6659.

This notice is being amended to change the meeting date from 2/18/2021—2/19/2021 to 2/18/2021. The meeting is closed to the public.

Dated: February 2, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02492 Filed 2–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders C Translational Neural, Brain, and Pain Relief Devices.

Date: March 1–2, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Diana M. Cummings, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Neurological Disorders and Stroke, NIH, NSC, 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, *cummingsdi@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 2, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02496 Filed 2–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; IRAP: Infectious Disease Epidemiology.
Date: March 2–3, 2021.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, PSE IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *steeleln@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: CounterACT—Countermeasures against Chemical Threats.
Date: March 3, 2021.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Industrial Partnerships for Translation of Medical Technologies.
Date: March 4–5, 2021.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237–9870, *xuguofen@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Renal/Urological Small Business Activities.
Date: March 4, 2021.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435–5947, *banerjees5@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Novel Genomic Technology Development.
Date: March 4, 2021.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200 Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Therapeutic Development and Preclinical Studies.
Date: March 4–5, 2021.
Time: 9:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Richard D. Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, Bethesda, MD 20817, 301–402–3995, *richard.schneiderman@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Organization and Delivery of Health Services.
Date: March 4, 2021.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158 Bethesda, MD 20892, 301–827–4446, *bellingerjd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.
Date: March 4–5, 2021.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Tina Tze-Tsang Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Suite 3030, Bethesda, MD 20817, (301) 435–4436, *tangt@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Topics in Instrumentation and Systems Development.
Date: March 4, 2021.
Time: 9:30 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301–272–4865, *kee.forbes@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neuroscience, Cognition and Perception
Date: March 4–5, 2021.
Time: 9:30 a.m. to 7:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Cibu P. Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20894 (301) 402–4341, *thomascp@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: CounterACT—Countermeasures Against Chemical Threats (CounterACT) Research Centers of Excellence.
Date: March 4–5, 2021.
Time: 10:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 2, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02491 Filed 2–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–01]

60-Day Notice of Proposed Information Collection: Application for Roster Personnel (Appraisers) Designation and Appraisal Reports

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information.

The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 9, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov.* This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Application for Fee or Roster Personnel (Appraisers). Designation and Appraisal Reports.

OMB Approval Number: 2502–0538.

Type of Request: Extension.

Form Number: HUD 92563–A, HUD 92564–CN, Fannie Mae Forms: 1004, 1004C, 1004D, 1004MC, 1025, and 1073.

Description of the need for the information and proposed use: Accurate and thorough Appraisal reporting is critical to the accuracy of underwriting for the mortgage insurance process. The need for accuracy is increased for a Federal Housing Administration (FHA) insured mortgage since buyers tend to have more limited income and lower equity in the properties. This collection of information provides a more thorough and complete appraisal of prospective HUD-insured single-family properties ensuring that mortgages are acceptable for FHA insurance and thereby protect the interest of HUD, the taxpayers, and the FHA insurance fund. The collection allows HUD to maintain an effective appraisal program with the ability to discipline appraisers and inform potential homeowners of the benefits of purchasing an independent home inspection.

Respondents: Business or other for profit.

Estimated Number of Respondents: 22,345.

Estimated Number of Responses: 495,676.

Frequency of Response: On occasion.

Average Hours per Response: .56.

Total Estimated Burdens: $843,541.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Acting Assistant Secretary for Housing—Federal Housing Commissioner, Janet M. Golrick, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Nacheshia Foxx,

Federal Liaison for the Department of Housing and Urban Development.

[FR Doc. 2021–02542 Filed 2–5–21; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1245]

Certain Electronic Devices With Wireless Connectivity, Components Thereof, and Products Containing Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 4, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ericsson Inc. of Plano, Texas; Telefonaktiebolaget LM Ericsson of Sweden; and Ericsson AB of Sweden. Supplements were filed on January 5, 8, 12, 14, 21, and 27, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices with wireless connectivity, components thereof, and products containing same by reason of infringement of certain claims of U.S. Patent No. 7,151,430 (''the '430 patent''); U.S. Patent No. 6,879,849 (''the '849 patent''); U.S. Patent No. 7,286,823 (''the '823 patent''); and U.S. Patent No. 9,313,178 (''the '178 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S.

International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 2, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–3, 6–8, 11, 13, 16–18, 20, and 21 of the '430; claims 1, 2, and 12–14 of the '849; claims 8–20 of the '823 patent; and claims 1–4, 7–10, and 16–19 of the '178 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''electronic devices with wireless connectivity, specifically mobile phones, tablet computers, and smart televisions'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Ericsson Inc., 6300 Legacy Drive, Plano, TX 75024

Telefonaktiebolaget LM Ericsson, Torshamnsgatan 21, Kista, SE–164 83 Stockholm, Sweden

Ericsson AB, Torshammnsgartan 23, Kista, 16480 Stockholm, Sweden

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd., 129 Samsung-Ro, Maetan-3dong, Yoeongtong-Gu, Suwon, Gyeonggi, 16677, Republic of Korea

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ, 07660–2112

Samsung Electronics Vietnam Thai Nguyen Co., Ltd., Yen Binh I Industrial Zone, Dóng Tién, Pho Yen District, Thai Nguyen Province, Thai Nguyen 250000, Vietnam

Samsung Electronics Vietnam Co., Ltd., 1 Industrial Park, Commune, Yen Trung, Yen Phong District, Bac Ninh Province 16000, Vietnam

Samsung Electronics HCMC CE Complex, Co., Ltd., Lot I–11, D2 Road, Saigon Hi-Tech Park, Tang Nhon Phu B Ward, District 9, Ho Chi Minh City 700000, Vietnam

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 2, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02476 Filed 2–5–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January, 29, 2021, the United States lodged a proposed consent decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States* v. *Chains and Links, Inc. et al., Case No. 3:18–cv–50268* (N.D. Ill.). The proposed consent decree, if approved by Court after public comment, will fully resolve claims of the United States Environmental Protection Agency (''EPA'') against two of the four defendants named in the complaint, which seeks to recover response costs incurred by EPA in cleaning up a portion of the Bautsch Gray Mine Superfund site (''Site'') near Galena, Illinois. To resolve claims against them under Sections 106, 107, and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606, 9607(a), and 9613(g)(2), the settling defendants—Thomas Wienen and Chains and Links, Inc. (''C&L'')—will reimburse the United States for $1,292,000 in response costs, which they shall pay in three installments over an 18-month period. In addition, the settling defendants must (1) use ''best efforts'' to secure the cooperation of a non-settling defendant in executing an environmental covenant with respect to a portion of the Site that C&L and the non-settling defendant jointly own and (2) pay to EPA 75% of the net proceeds if the property is sold after construction of the remedy at the Site. The proposed consent decree will provide the settling defendants with a ''Covenant Not to Sue,'' under which the United States will covenant not to sue or take administrative action against the settling defendants pursuant to Sections 106 and 107(a) of CERCLA regarding the Site, except as specifically provided in the ''Reservation of Rights'' clause. The proposed Consent Decree does not affect the United States' claims in the amended complaint with respect to the two non-settling defendants—West Galena Development, Inc. and the Estate of Lois Jean Wienen.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer *United States* v. *Chains and Links, Inc. et al.,* D.J. Ref. No. 90–11–3–10235. All comments must be submitted no

later than thirty (30) days after the publication date of this revised 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 proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will also 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 $17 (68 pages at 25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is $8.5.

Patricia McKenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–02486 Filed 2–5–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Brenda Massey,* was lodged with the United States District Court for the Southern District of Mississippi, Southern Division, on February 2, 2021, Case No. 1:21cv17–HSO–JCG.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant Brenda Massey, pursuant to Sections 309, 402, and 404 of the Clean Water Act (''CWA''), 33 U.S.C. 1319, 1342, and 1344, for discharging pollutants into waters of the United States in George County, Mississippi without a permit, in violation of CWA Section 301(a), 33 U.S.C. 1311(a). The proposed Consent Decree resolves injunctive claims for relief by requiring the Defendant to perform environmental restoration and provide for mitigation of temporal losses through a monetary payment to an approved mitigation bank.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Michael Augustini, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044–7611, *pubcomment_eds.enrd@usdoj.gov,* and refer to *United States* v. *Brenda Massey,* DJ #90–5–1–1–21358.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Mississippi, Southern Division, Dan M. Russell, Jr., United States Courthouse, 2012 15th Street, Suite 403, Gulfport, MS 39501. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021–02479 Filed 2–5–21; 8:45 am]

BILLING CODE 4410–15–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2019–6]

Unclaimed Royalties Study

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

ACTION: Notice of public roundtables.

SUMMARY: The U.S. Copyright Office will be holding public roundtables as part of its study to evaluate best practices that the newly established mechanical licensing collective may implement to identify and locate musical work copyright owners and unclaimed accrued royalties held by the collective, encourage musical work copyright owners to claim their royalties, and reduce the incidence of unclaimed royalties. Music industry participants and others interested in participating in the roundtables are invited to submit requests to participate pursuant to the instructions set forth below.

DATES: The public roundtables will be held on March 25, 2021. Requests to participate must be received no later than 11:59 p.m. Eastern time on February 26, 2021. Once the roundtable agenda is finalized, the Office will notify all participants and post the times and dates of the roundtables at *https://copyright.gov/policy/unclaimed-royalties/.*

ADDRESSES: The Office will conduct the roundtables remotely using the Zoom videoconferencing platform. Requests to participate should be submitted through the request form available at *https://www.copyright.gov/policy/unclaimed-royalties/roundtable-request.html.* Additional information will be made available at *https://www.copyright.gov/policy/unclaimed-royalties/roundtable.*

FOR FURTHER INFORMATION CONTACT: Jason E. Sloan, Assistant General Counsel, by email at *jslo@copyright.gov;* or Cassandra G. Sciortino, Attorney-Advisor, by email at *csciortino@copyright.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION: The U.S. Copyright Office (''Office'') is undertaking a policy study as directed by the Music Modernization Act to evaluate best practices that the newly established mechanical licensing collective (''MLC'') may implement to reduce the incidence of unclaimed royalties. The Office initiated the study on December 6, 2019, with an all-day educational symposium to facilitate discussion on these issues by a broad range of industry participants and members of the public.[1] The Office also commissioned a report on matching and royalty distribution practices of various collective management organizations (''CMOs'') around the world. A transcript of the symposium as well as the report of global collective rights management practices are provided on the Office's website for public consideration.[2] On June 2, 2020, the Office issued a notice of inquiry (''NOI'') which solicited public comment on several topics concerning best practices to identify and locate musical work copyright owners and unclaimed accrued royalties held by the collective, encourage musical work copyright owners to claim their royalties, and reduce the incidence of unclaimed royalties, including by commenting

[1] 84 FR 58176 (Oct. 30, 2019); U.S. Copyright Office, *Unclaimed Royalties Study Kickoff Symposium, https://www.copyright.gov/policy/unclaimed-royalties/symposium/.*

[2] Susan Butler, *Collective Right Management Practices Around the World: A Survey of CMO Practices to Reduce the Occurrence of Unclaimed Royalties in Musical Works* (2020), *https://www.copyright.gov/policy/unclaimed-royalties/cmo-full-report.pdf.* The transcript of the symposium is available at *https://www.copyright.gov/policy/unclaimed-royalties/transcript.pdf.*

upon the prior symposium and comparative report.[3] The Office received two rounds of public comments in August 2020. Information about the study, including the NOI, public comments, symposium materials, and comparative report may be accessed on the Office's website at *https://www.copyright.gov/policy/unclaimed-royalties/.*

The Office will now hold roundtable discussions to allow interested members of the public to discuss and provide additional information on the topics of the study. The Office also will provide sign-up information for members of the public who wish to observe, but not participate in, one or more of the roundtable sessions. The sessions will be video recorded and transcribed, and copies of the recording and transcript will be made available on the Office's website.

A. Submitting Requests To Participate

A request to participate should be submitted to the Office using the form on the Office's website indicated in the **ADDRESSES** section above by February 26, 2021. Shortly thereafter, the Office will notify participants of their selection and session assignments. In order to accommodate the expected level of interest, the Office plans to assign no more than one representative per organization to each session. If multiple persons from the same organization wish to participate on *different* issues, each should submit a separate request. Depending upon the number and nature of the requests, the Office may not be able to accommodate all requests to participate.

The public roundtables will offer an opportunity for interested parties to comment on the information submitted to the Office to date and offer additional views concerning the best practices the MLC may implement to reduce the incidence of unclaimed royalties. While the Office will tailor sessions based on expressions of interest, it expects that sessions will address various issues related to data matching and identification of musical work copyright owners; user experience and accessibility of the public database and claiming portal; education and outreach to promote awareness and encourage royalty claiming; and holding and distribution of accrued royalties. Although the primary focus of the statutorily-mandated study must remain on best practices the Office may recommend for the MLC to consider in order to reduce the overall incidence of unclaimed accrued royalties, the Office will also entertain discussion of how other actors in the music ecosystem may support the successful administration of the section 115 blanket license.

All requests to participate must clearly identify:

- The name of the person desiring to participate;
- The organization or organizations represented, if any;
- Contact information; and
- A two- to three-sentence summary of the substantive issues the participant expects to discuss.

Following receipt of the requests to participate, the Office will prepare an agenda listing the participants, dates, and times for each session. These will be circulated to participants and posted at *https://www.copyright.gov/policy/unclaimed-royalties/roundtable* on or about March 18, 2021.

B. Format of Public Roundtables

Each roundtable session will cover a topic relevant to the study, as discussed above. Depending on the level of interest, the Office may hold multiple sessions on the same topic to accommodate a greater number of participants and provide additional time for discussion. Following a discussion of the various agenda topics by roundtable participants, members of the public will be provided a limited opportunity to offer additional comments for the record, but parties who wish to provide detailed information to the Office are encouraged to submit a request to participate.

Dated: February 2, 2021.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2021–02460 Filed 2–5–21; 8:45 am]

BILLING CODE 1410–30–P

[3] 85 FR 33735 (June 2, 2020).

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; 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: Astronomy and Astrophysics Advisory Committee (#13883)—(Zoom Meeting).

Date and Time: June 2, 2021; 12 p.m.–4 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Zoom).

Type of Meeting: Open.

Attendance information for the meeting will be forthcoming on the website: *https://www.nsf.gov/mps/ast/aaac.jsp.*

Contact Person: Dr. Martin Still, Program Director, Division of Astronomical Sciences, Suite W 9188, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–4290.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them. Discuss the Committee's draft annual report due 15 March 2021.

Dated: February 2, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–02463 Filed 2–5–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF

will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://www.nsf.gov/events/advisory.jsp.* This information may also be requested by telephoning, 703/292–8687.

Dated: February 3, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–02497 Filed 2–5–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0147]

Information Collection: NRC Form 354, Data Report on Spouse

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''NRC Form 354, Data Report on Spouse.''

DATES: Submit comments by March 10, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0147 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0147. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2020–0147 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML21025A411. The supporting statement is available in ADAMS under Accession No. ML21013A035.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0147 in your comment submission.

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 OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''NRC Form 354, Data Report on Spouse.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 20, 2020, 85 FR 66588.

1. *The title of the information collection:* NRC Form 354, Data Report on Spouse.
2. *OMB approval number:* 3150–0026.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 354.
5. *How often the collection is required or requested:* On Occasion.
6. *Who will be required or asked to respond:* NRC contractors, licensees, applicants, and others (*e.g.,* intervener's who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance.
7. *The estimated number of annual responses:* 50.
8. *The estimated number of annual respondents:* 50.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 12.5.
10. *Abstract:* NRC Form 354 must be completed by NRC contractors, licensees, applicants who marry or

cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance. Form 354 identifies the respondent, the marriage, and data on the spouse and spouse's parents. This information permits the NRC to make initial security determinations and to assure there is no increased risk to the common defense and security.

Dated: February 3, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–02510 Filed 2–5–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of February 8, 15, 22, March 1, 8, 15, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of February 8, 2021

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.

Week of March 15, 2021—Tentative

There are no meetings scheduled for the week of March 15, 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: February 4, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–02672 Filed 2–4–21; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–614, OMB Control No. 3235–0682]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 13h–1 and Form 13H.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 13h–1 (17 CFR 240.13h–1) and Form 13H—registration of large traders [1] submitted pursuant to Section 13(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 13h–1 and Form 13H under Section 13(h) of the Exchange Act established a large trader reporting framework.[2] The framework assists the Commission in identifying and obtaining certain baseline information about traders that conduct a substantial amount of trading activity, as measured by volume or market value, in the U.S. securities markets.

The identification, recordkeeping, and reporting framework provides the Commission with a mechanism to identify large traders and obtain additional information on their trading activity. Specifically, the system requires large traders to identify themselves to the Commission and file certain interim updates with the Commission on Form 13H. Upon receipt of Form 13H, the Commission issues a unique identification number to the large trader, which the large trader then provides to its registered broker-dealers. Certain registered broker-dealers are required to maintain transaction records for each large trader, and are required to report that information to the Commission upon request.[3] In addition, certain registered broker-dealers are required to adopt procedures to monitor their customers for activity that would

[1] Rule 13h–1(a)(1) defines ''large trader'' as any person that directly or indirectly, including through other persons controlled by such person, exercises investment discretion over one or more accounts and effects transactions for the purchase or sale of any NMS security for or on behalf of such accounts, by or through one or more registered broker-dealers, in an aggregate amount equal to or greater than the identifying activity level or voluntarily registers as a large trader by filing electronically with the Commission Form 13H.

[2] *See* Securities Exchange Act Release No. 64976 (July 27, 2011), 76 FR 46959 (August 3, 2011).

[3] The Commission, pursuant to Rule 17a–25 (17 CFR 240.17a–25), currently collects transaction data from registered broker-dealers through the Electronic Blue Sheets (''EBS'') system to support its regulatory and enforcement activities. The large trader framework added two new fields, the time of the trade and the identity of the trader, to the EBS system.

trigger the identification requirements of the rule.

The respondents to the collection of information required by Rule 13h–1 and Form 13H are large traders and registered broker-dealers. The Commission estimates that the total annual time burden associated with Rule 13h–1 and Form 13H is approximately 185,200 hours per year. This burden is comprised of 23,500 hours for initial filings by large traders on Form 13H, 58,500 hours for updates by large traders, 96,000 hours for broker-dealer reporting, and 7,200 hours for broker-dealer monitoring.

Compliance with Rule 13h–1 is mandatory. The information collection under proposed Rule 13h–1 is considered confidential subject to the limited exceptions provided by the Freedom of Information Act.[4]

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 3, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02505 Filed 2–5–21; 8:45 am]

BILLING CODE 8011–01–P

[4] *See* 5 U.S.C. 552 and 15 U.S.C. 78m(h)(7).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91039; File No. SR–NYSEAMER–2021–05]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Amend Rule 970NY and Rule 970.1NY To Eliminate the Use of Dark Series on the Exchange

February 2, 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 26, 2021, NYSE American LLC (''NYSE American'' 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 Rule 970NY (Firm Quotes) and Rule 970.1NY (Quote Mitigation) to eliminate the use of dark series on the Exchange. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to eliminate the exclusion of inactive or ''dark'' series (as described below) from the requirements of Rule 970NY (Firm Quotes). In addition, the Exchange proposes to delete Rule 970.1NY (Quote Mitigation) in its entirety.

Rule 970NY describes the obligations of the Exchange to collect, process and make available to quotation vendors the best bid and best offer for each option series that is a reported security.[4] However, under Rule 970.1NY, the only quote messages that the Exchange sends to Options Price Reporting Authority (''OPRA'') are quotes for ''active'' series, which are defined as any series that: (i) Has traded on any options exchange in the previous 14 calendar days; (ii) is solely listed on the Exchange; (iii) has been trading ten days or less; or (iv) is a series in which the Exchange has an order.[5] Any options series that falls outside of the above categories of ''active'' series are deemed inactive or ''dark'' series. As such, under Rule 970.1NY, the Exchange still accepts quotes from ATP Holders in these series; however, such quotes are not disseminated to OPRA. The Exchange proposes to modify Rule 970NY and to delete Rule 970.1NY to eliminate the use of ''dark'' series.

By way of background, Rules 970NY and 970.1NY were adopted over a decade ago in conformance with the NYSE Arca Rule 6.86–O in connection with the Penny Pilot Program, which has since been made permanent.[6] In 2007, when NYSE Arca Rule 6.86–O was adopted, there were five options exchanges and an industry-wide concern about ''capacity issues related

[4] *See* Rule 970.10NY.

[5] A series may be considered ''active'' on an intraday basis if: (i) the series trades at any options exchange; (ii) the Exchange receives an order in the series; or (iii) the Exchange receives a request for quote from a Customer in that series.'' *See* Rule 970.1NY.

[6] *See* Securities Exchange Act Release Nos. 59142 (December 22, 2008), 73 FR 80494, 80501 (December 31, 2008) (notice citing fact that Rules 970NY and 970.1NY copy the NYSE Arca quote mitigation rule); 59472 (February 29, 2009), 74 FR 9843 (March 6, 2009) (order approving adoption of Rules 970NY and 970.1NY) *See also* Securities Exchange Act Release Nos. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (File No. 4–443) (order approving Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures to Facilitate the Listing and Trading of Standardized Options); 55162 (January 24, 2007), 72 FR 4738 (February 1, 2007) (SR–Amex–2006–106) (approval of Penny Pilot Program and original quote mitigation strategy).

to excessive quoting rates.'' [7] However, since that time, 11 new exchanges launched, resulting in a total 16 options exchanges. With the increase in the number of exchanges, and associated quote traffic, OPRA capacity has been increased without issue.

As discussed further below, the Exchange believes that OPRA has the capacity to accommodate any increase in quote traffic from the Exchange arising from the publication of quotes in ''dark series.'' As an OPRA participant, the Exchange makes capacity requests to OPRA. Notwithstanding Rule 970.1NY, when the Exchange makes capacity requests to OPRA, it has always factored the total quote traffic it receives from Market Makers, including quotes in dark series.[8] In other words, the Exchange presumes that all series will be active and therefore requests capacity to accommodate sending quotes for all series to OPRA. As such, the Exchange does not believe the proposed rule change would impact or change its capacity requests to OPRA. Nor would it change the total amount of capacity needed at OPRA to accommodate quotes in dark series from the Exchange because those series have already been factored into the Exchange's capacity requests to OPRA. Similarly, because OPRA publishes quote capacity information to the market (which already incorporates capacity planning that includes quotes in dark series that would be disseminated to OPRA), market participants (including data vendors and subscribers) have the opportunity to prepare for and make any necessary accommodations for anticipated quote traffic. Accordingly, the elimination of the Exchange's suppression of quotes in dark series should not impact market participants or downstream users that consume Exchange or OPRA data. Thus, the Exchange believes that this proposal would not impact its capacity requests to OPRA nor would it impact market participants or downstream consumers of OPRA data.

The Exchange also believes that the proposed discontinuation of its suppression of quotes in dark series would increase transparency and enhance price discovery. Specifically, as proposed, all Market Maker quotes (including in ''inactive series'' under the current Rule) would be displayed and reflected in the market to the benefit of all market participants who would be on notice of such liquidity. The Exchange also notes that, over the years, certain market participants have expressed confusion regarding what quotes are being published and which are being suppressed. Therefore, the Exchange believes that the proposal would remove the element of potential confusion among market participants by publishing all quotes (not just those in active series) in the disseminated quote feed.

Importantly, since the adoption of Rule 970.1NY, the Exchange has implemented the following measures that serve as additional safeguards against excessive quoting:

—Monitoring: The Exchange actively monitors the quotation activity of its Market Makers. When the Exchange detects that a Market Maker is disseminating an unusual number of quotes, the Exchange contacts that Market Maker and alerts it to such activity. Such monitoring may reveal that the Market Maker may have internal system issues or has incorrectly set system parameters that were not immediately apparent. Alerting a Market Maker to the heightened levels of activity will usually result in a change that reduces the number of quotes sent to the Exchange by the Market Maker.

—Codification of select provisions of the Options Listing Procedures Plan (''OLPP'') in Rule 903A.[9] The OLPP is a national market system plan that, among other things, sets forth procedures governing the listing of new options series. From the OLPP, the Exchange incorporated in Rule 903A ''applied uniform standards to the range of options series exercise (or strike) prices available for trading on the [Exchange] as a quote mitigation strategy.'' [10] In approving the OLPP provisions, subsequently incorporated in Rule 903A, the Commission indicated that ''adopting uniform standards to the range of options series exercise (or strike) prices available for trading on the [Exchange] should reduce the number of option series available for trading, and thus should reduce increases in the options quote message traffic because market participants will not be submitting quotes in those series.'' [11] The Exchange believes that adherence to the OLPP standard for strike listings has contributed to the decline of the number of strikes listed, which has in turn, reduced the amount of quotes in ''dark series.'' that were held back from OPRA. [12]

—Refined Market Maker Quoting Obligations: One year after adopting select provisions of the OLPP, the Exchange refined the quoting obligations applicable to Market Makers as a quote mitigation strategy.[13] Specifically, the Exchange adopted Commentary .01 to Rule 925.1NY, which states that Specialists' and Market Makers' continuous quoting obligations ''shall not apply to Market Makers with respect to adjusted option series, and series with a time to expiration of nine months or greater, for options on equities and Exchange Traded Fund Shares, and series with a time to expiration of twelve months or greater for Index options.'' [14] Because there are no Market Maker quoting obligations associated with adjusted options series, there is a reduction in quote traffic that is sent to OPRA. Indeed, in approving the text of Commentary .01 to Rule 925.1NY, the Commission noted, ''. . . the Exchange's proposal would reduce the burden on market makers to submit continuous quotes that the Exchange may not submit to OPRA.'' [15]

The Exchange believes that these quote mitigation strategies would allow the Exchange to continue to effectively mitigate quote message traffic.

In connection with the foregoing, the Exchange proposes to amend paragraphs (b)(1) and (b)(2) of Rule 970NY to delete references to the ''Quote Mitigation

[7] *See* Securities Exchange Act Release No. 54590 (October 12, 2006), 71 FR 61525, 61527 (October 18, 2006) (SR–NYSEArca–2006–73) (notice regarding adoption of NYSE Arca Rule) (''Arca Notice''). For example, in 2006–2007, OPRA had the capacity to process 360,000 message per second and, at its peak message rate, the Exchange accounted for 15% of OPRA capacity, sending 55, 248 message per second for active series.

[8] OPRA has delegated certain functions pertaining to planning the capacity of the OPRA System to an Independent System Capacity Advisor (''ISCA'') that ''may provide less than all of the capacity that has been requested if it determines (a) that the capacity requests of one or more of the parties are unreasonable, or (b) that it is not reasonable to develop or maintain a System that has capacity sufficient to satisfy the requests of the parties.'' *See* the OPRA Capacity Guidelines, at p. 1, *available here, https://assets.website-files.com/5ba40927ac854d8c97bc92d7/5bf419b52de21fff3e88107f_capacity_guidelines.pdf.* The Exchange has never been informed by the ISCA that the capacity it has requested cannot be met for any reason, including because the ISCA had deemed the request to be unreasonable. Thus, the Exchange believes that any increase in quote traffic that might be sent to OPRA as a result of the current proposal should not impact any other exchange's capacity at OPRA.

[9] *See* Securities Exchange Act Release No. 61978 (April 23, 2010), 75 FR 22886 (April 30, 2010) (SR–NYSEAmex–2010–3). *See also* OLPP, *available at, http://www.theocc.com/clearing/industry-services/olpp.jsp.*

[10] Rule 903A codified Amendment No. 3 to the OLPP. *See* Securities Exchange Act Release No. 60531 (August 19, 2009), 74 FR 43173 (File No. 4–443). *See also* Rule 903A.

[11] *Id.,* 74 FR at 43174.

[12] When NYSE Arca adopted its quote mitigation rule, which the Exchange copied, it estimated that deployment of the rule would reduce its quote traffic by 20–30%. *See supra* note 7, Arca Notice, 71 FR at 61527. In actuality, the rule has resulted in a reduction of approximately 10% of quote message traffic to OPRA. The Exchange believes this disparity was a result of the number of ''inactive'' series being much lower than anticipated because of increased competition and quoting activity as well as limitations on proliferation of unnecessary strikes, per the OLPP.

[13] *See* Securities Exchange Act Release No. 65572 (October 14, 2011), 76 FR 65310 (October 20, 2011) (NYSEAmex–2011–61). *See also* Commentary .01 to Rule 925.1NY.

[14] An ''adjusted series'' is ''an option series wherein, as a result of a corporate action by the issuer of the underlying security, one option contract in the series represents the delivery of other than 100 shares of underlying stock or Exchange-Traded Fund Shares.'' *See* Commentary .01 to Rule 925.1NY.

[15] *See supra* note 13, 76 FR at 65311.

Plan,'' which refer to the plan set forth in Rule 970.1NY. In addition, the Exchange proposes to delete Rule 970.1NY in its entirety.

Implementation

The Exchange will announce the implementation date of the proposed rule change in a Trader Update within 60 days of rule approval.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to 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.

The Exchange believes that the proposed elimination of Rule 970.1NY (and references to quote mitigation in Rule 970NY) would promote just and equitable principles of trade, as well as serve to remove impediments to and perfect the mechanism of a free and open market because the Exchange's systems capacity is more than sufficient to accommodate any increase in quote traffic to OPRA as a result of the proposed rule change. First, the Exchange believes that the proposed elimination of Rule 970.1NY would promote just and equitable principles of trade, as well as serve to remove impediments to and perfect the mechanism of a free and open market because the proposed change would increase transparency and enhance price discovery. Specifically, as proposed, all Market Maker quotes (including those in ''inactive series'' under the current Rule) would be displayed and reflected in the market to the benefit of all market participants who would be on notice of such liquidity. The Exchange also believes that the proposal would remove the element of potential confusion among market participants by publishing all quotes (not just those in active series) in the disseminated quote feed.

In addition, the proposed change would promote just and equitable principles of trade, as well as serve to remove impediments to and perfect the mechanism of a free and open market because the Exchange's capacity requests already presume that all series are active. Hence, the Exchange believes that the existing capacity planning at OPRA already factors in quotes in dark series being lit and therefore does not believe that the elimination of this rule (and any resulting increase in quote traffic) would have a negative impact on capacity.

The Exchange further believes that the existing quote mitigation strategies (*i.e.,* monitoring of quoting activity, codification of the OLPP, and refined Market Maker quoting obligations) employed by the Exchange serve to reduce the potential for excessive quoting and therefore reduce quote traffic.

Importantly, the circumstances giving rise to the NYSE Arca rule that the Exchange copied—industry-wide concern about ''capacity issues related to excessive quoting rates''—has subsided given that OPRA capacity has increased exponentially over the last decade coincident with the influx of new options exchanges. In addition, the proposed increase in quote traffic as a result of this proposal is minimal and therefore unlikely to adversely impact the flow of message traffic and/or harm downstream consumers of OPRA data. As noted above, the increase in quotes message traffic in dark series is already considered in the Exchange's capacity requests to OPRA and already published to downstream users of OPRA data. As such, the Exchange believes the proposed change would not impede the protection of investors and the public interest.

Thus, the Exchange believes there is sufficient capacity at OPRA to accommodate any additional quote traffic that will result from elimination of dark series. The Exchange therefore believes that its proposal will not impact the protection of investors and the public interest.

Finally, as discussed above, the Exchange does not anticipate that its proposal would negatively impact systems capacity. However, to the extent it does, the Exchange has analyzed its capacity and represents that it and the OPRA have the necessary systems capacity to handle any incremental additional traffic associated with this proposed rule change.

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. Specifically, as discussed above, the Exchange believes that any increase in quote traffic that might be sent to OPRA as a result of the proposed rule change would be minimal and should not impact any other exchange's capacity at OPRA. The Exchange likewise believes that there would be no adverse impact on any downstream consumers of OPRA data given that any increase in quote traffic would be minimal and has already been included in the Exchange's capacity planning requests to OPRA.

Intramarket Competition. The elimination of ''dark series'' would increase intra market competition and improve quote quality, because prices and sizes of all Exchange quotations would be sent to OPRA to be published and updated. At present, Market Makers cannot ''see'' the internal best bid and offer in a dark series, nor can they improve upon the displayed market to establish price/time priority. This proposal to publish the quotes in inactive series will enhance intramarket competition because Market Makers will be able to submit more competitive quotes.

Intermarket Competition. For reasons similar to those described in the Intramarket Competition section, eliminating the use of dark series and publishing to OPRA the Exchange's previously unpublished quotes on such series would increase competition between markets, because NYSE American's quotes would now be visible and included in the calculation of the NBBO. Including all NYSE American quotes in the NBBO (including those in dark series), an options participant will know if an order should be sent to NYSE American to get the best price. Market Makers that use a strategy to ''match'' the NBBO will now need to factor NYSE American quotes into their calculations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2021–05 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–NYSEAMER–2021–05. 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–NYSEAMER–2021–05 and should be submitted on or before March 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02465 Filed 2–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 7759, February 1, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, February 4, 2021 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, February 4, 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: February 4, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–02692 Filed 2–4–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91044; File No. SR–NYSEARCA–2021–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges and the NYSE Arca Options Fees and Charges Related to Co-Location Services

February 2, 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 19, 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 the NYSE Arca Equities Fees and Charges and the NYSE Arca Options Fees and Charges (together, the ''Fee Schedules'') related to co-location services to add two Partial Cabinet Solution bundles. The proposed 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 Fee Schedules related to co-location[4] services to add two Partial Cabinet Solution (''PCS'') bundles that would be offered to Users.[5]

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[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100).

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). As specified in the Fee Schedules, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC, NYSE American LLC, NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). *See* Securities Exchange Act Release No. 70173 (August 13, 2013), 78 FR 50459 (August 19, 2013) (SR–NYSEArca–2013–80). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–05, SR–NYSEAMER–2021–04, SR–NYSECHX–2021–01, and SR–NYSENAT–2021–01.

Proposed Addition of Option E and Option F PCS Bundles

The Fee Schedules currently list four PCS bundles, Options A through D. As originally formulated, each PCS bundle option included a partial cabinet powered to a maximum of 2 kilowatts (''kW''); access to the liquidity center network (''LCN'') and internet protocol (''IP'') networks, the local area networks available in the data center; two fiber cross connections; and connectivity to one of two time feeds.[6] The PCS bundles are designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet are too burdensome.[7] Users are only eligible to purchase PCS bundles if they meet specified requirements, set forth in General Note 2 of Fee Schedules.[8]

In May 2020, the Exchange amended PCS bundle Options C and D to each include two 10 Gb connections to the NMS Network, an alternate dedicated network connection that Users could use to access the NMS feeds for which the Securities Industry Automation Corporation (''SIAC'') is engaged as the securities information processor (''SIP'').[9] These two 10 Gb NMS Network connections were added to the Option C and D bundles at no additional cost.

In response to customer interest, the Exchange now proposes to add two new PCS bundles to the Fee Schedules. Proposed Options E and F would be substantially similar to Options C and D, respectively, with the difference that each connection included in the proposed bundles would be upgraded to 40 Gb from 10 Gb: That is, proposed Options E and F would include a 1 kw (Option E) or 2 kw (Option F) partial cabinet, one 40 Gb LCN connection, one 40 Gb IP network connection, two 40 Gb NMS Network connections, and either the Network Time Protocol Feed or the Precision Timing Protocol. Users selecting an Option E or F bundle would be charged the same initial charge of $10,000 that currently applies to Options C and D. In addition, Users would be charged monthly recurring charges (''MRC'') of $18,000 for an Option E bundle and $19,000 for an Option F bundle. The Exchange proposes that Users that purchase Option E or F bundles on or before December 31, 2021 would receive a 50% reduction in the MRC for the first 12 months.

The amended portion of the Fee Schedules would read as follows (proposed additions *italicized*):

Type of service	Description	Amount of charge
Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for a Partial Cabinet Solution bundle. See Note 2 under ''General Notes.''	*Option E: 1 kW partial cabinet, 1 LCN connection (40 Gb), 1 IP network connection (40 Gb), 2 NMS Network connections (40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	*$10,000 initial charge per bundle plus monthly charge per bundle as follows:* • *For Users that order on or before December 31, 2021: $9,000 monthly for first 12 months of service, and $18,000 monthly thereafter.* • *For Users that order after December 31, 2021: $18,000 monthly.*
	Option F: 2 kW partial cabinet, 1 LCN connection (40 Gb), 1 IP network connection (40 Gb), 2 NMS Network connections (40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	*$10,000 initial charge per bundle plus monthly charge per bundle as follows:* • *For Users that order on or before December 31, 2021: $9,500 monthly for first 12 months of service, and $19,000 monthly thereafter.* • *For Users that order after December 31, 2021: $19,000 monthly.*

The Exchange proposes that General Note 2 of the Fee Schedules—which currently applies to PCS bundle Options A through D—would also apply to proposed Option E and F bundles, without alteration. Specifically, a User and its Affiliates would be limited to one PCS bundle at a time, and a User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for a PCS bundle.

The Exchange is not proposing any changes to PCS bundle Options A through D.

Application and Impact of the Proposed Changes

The proposed changes would not apply differently to distinct types or sizes of market participants. Rather, they would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections, and cross connects could still request them. As is currently the case, the purchase of any co-location service, including PCS bundles, is completely voluntary and the Fee Schedules are applied uniformly to all Users.

Competitive Environment

A User may host another entity in its space within the data center. Such Users are called ''Hosting Users,'' and their customers are ''Hosted Customers.''[10]

Based on conversations with Users and potential customers, the Exchange believes that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN, IP, and NMS network connections, and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[11]

[6] *See* Securities Exchange Act Release No. 77070 (February 5, 2016), 81 FR 7401 (February 11, 2016) (SR–NYSEArca–2015–102).

[7] *See id.* at 7402.

[8] *See id.* The definitions of ''Affiliate'' and ''Aggregate Cabinet Footprint'' were added to the Fee Schedules at the same time.

[9] *See* Securities Exchange Act Release Nos. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSEAMER–2019–34, SR–NYSEArca–2019–61, SR–NYSENAT–2019–19) (''NMS Network Approval Order'') and 88972 (May 29, 2020), 85 FR 34472 (June 4, 2020) (''NYSE Chicago NMS Network Approval Order'').

[10] A Hosting User is required to be a User, but because only Users can be Hosting Users, a Hosted Customer is not able to provide hosting services to any other entities in the space in which it is hosted. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82).

[11] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*e.g.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. 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.'' [12]

The proposed changes are not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that it is reasonable to expand its PCS bundle options by offering the proposed Option E and F bundles. Currently, the Exchange offers Users the ability to purchase connectivity to the LCN/NMS and IP/NMS networks in 10 Gb and 40 Gb bandwidths, but within the Exchange's existing PCS bundle options, 40 Gb connections are not available. This means that at present, Users interested in the PCS bundled services—either because they have minimal power and cabinet space demands or because the costs attendant with having a dedicated cabinet are too burdensome—cannot access 40 Gb connections and are limited to the 10 Gb connections offered as part of the Option C and D bundles. Users and potential customers have requested that the Exchange provide them the opportunity to purchase PCS bundles that include 40 Gb connections, which would enable them to connect to more of the Included Data Products and Third Party Data Feeds or have the same size connection in co-location that they have everywhere. The Exchange believes that it is reasonable to offer the proposed Option E and F bundles to satisfy this customer demand, while continuing to offer the existing bundle offerings, in order to provide potential Users of the PCS bundled services an additional 40 Gb option for their network connection requirements.

Additionally, the Exchange believes that the proposed change may make PCS bundles more competitive with the services that Hosting Users offer. Without this proposed rule change, potential Users choosing between a PCS bundle and a Hosting User Bundle would have fewer options.

The Exchange believes that the proposed charges for the Option E and F bundles are reasonable. The Exchange proposes that Users choosing the Option E or F bundles would pay the same $10,000 initial charge that Users currently pay when choosing the Option C or D bundles, which reflects the fact that setting up each of these four cabinet options involves a similar amount of work for the Exchange. It is also reasonable for the Exchange to set MRC charges of $18,000 for an Option E bundle (a $4,000 increase over Option C) and $19,000 for an Option F bundle (a $4,000 increase over Option D) which reflects the fact that the Exchange will have to supply multiple 40 Gb connections in the Option E and F bundles, as opposed to the 10 Gb connections included in the Option C and D bundles.

The Exchange believes that it is reasonable to provide a period of eligibility for a 50% MRC reduction as an incentive to Users to utilize the Option E and F bundles. Similar 50% MRC reductions were proposed and approved for Options A through D when those product offerings were added to the Fee Schedules.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. The Exchange would continue to offer the four existing PCS bundles (Options A through D) with different cabinet footprints and network connection options, in addition to the proposed Option E and F bundles. Users that require other sizes or combinations of cabinets, network connections, and cross connects could still request them. As is currently the case, the purchase of any co-location service, including PCS bundles, would be completely voluntary.

The Exchange believes that the proposed charges for Option E and F bundles are not unfairly discriminatory. The proposed initial charges and MRCs for Options E and F would apply equally to all Users that purchase an Option E or F bundle, and the proposed 50% reduction of MRC for the first 12 months would apply to any User that orders an Option E or F bundle on or before December 31, 2021.

The Proposed Change Is an Equitable Allocation of Fees and Credits

The Exchange believes that its proposal equitably allocates its fees among its market participants.

The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. Specifically, the proposed initial charges and MRCs for Options E and F would apply equally to all Users that purchase an Option E or F bundle, and the proposed 50% reduction of MRC for the first 12 months would apply to any User that orders an Option E or F bundle on or before December 31, 2021. The Exchange would continue to offer the four existing PCS bundles (Options

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(4).

A through D) with different cabinet footprints and network connection options, in addition to the proposed Option E and F bundles. Users that require other sizes or combinations of cabinets, network connections, and cross connects could still request them. As is currently the case, the purchase of any co-location service, including PCS bundles, would be completely voluntary.

Without this proposed rule change, potential Users choosing between a PCS bundle and a Hosting User Bundle would have fewer options. Potential Users could benefit from having an additional 40 Gb option for their network connection requirements, which would allow them to connect to more of the Included Data Products and Third Party Data Feeds or have the same size connection in co-location that they have elsewhere.

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 reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[16]

Intramarket Competition

The Exchange believes that the proposed changes would not place any burden on intramarket competition that is not necessary or appropriate.

The Exchange's offering of the proposed Option E and F bundles would provide potential Users of PCS bundles a wider range of choices, which would be especially beneficial for potential Users with minimal power and cabinet space demands, but which could nevertheless benefit from an additional 40 Gb option for their network connection requirements. The Exchange believes that the proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers, and thus would enhance the competitive environment for potential Users, who would then have more options from which to select. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

Intermarket Competition

The Exchange believes that the proposed changes will not impose any burden on intermarket competition that is not necessary or appropriate. The proposed change is not meant to affect competition among national securities exchanges. Rather, the Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users, who compete for Hosted Customer business. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may make PCS bundles more attractive to potential users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, an exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange. In such an environment, the Exchange must continually review, and consider adjusting, its services and related fees and credits to remain competitive with other exchanges.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining price, 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, recognizing 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.'' [17]

For these reasons, the Exchange believes that the proposed rule change reflects this competitive environment and does not impose any undue 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

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2021–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Securities and Exchange

[16] 15 U.S.C. 78f(b)(8).

[17] *See* Regulation NMS Adopting Release, *supra* note 12, at 37499.

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2021–07. 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–NYSEARCA–2021–07 and should be submitted on or before March 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02475 Filed 2–5–21; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–208, OMB Control No. 3235–0213]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 17g–1.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l-3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–1 (17 CFR 270.17g–1) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–17(g)) governs the fidelity bonding of officers and employees of registered management investment companies (''funds'') and their advisers. Rule 17g–1 requires, in part, the following:

Independent Directors' Approval

The form and amount of the fidelity bond must be approved by a majority of the fund's independent directors at least once annually, and the amount of any premium paid by the fund for any ''joint insured bond,'' covering multiple funds or certain affiliates, must be approved by a majority of the fund's independent directors.

Terms and Provisions of the Bond

The amount of the bond may not be less than the minimum amounts of coverage set forth in a schedule based on the fund's gross assets. The bond must provide that it shall not be cancelled, terminated, or modified except upon 60-days written notice to the affected party and to the Commission. In the case of a joint insured bond, 60-days written notice must also be given to each fund covered by the bond. A joint insured bond must provide that the fidelity insurance company will provide all funds covered by the bond with a copy of the agreement, a copy of any claim on the bond, and notification of the terms of the settlement of any claim prior to execution of that settlement. Finally, a fund that is insured by a joint bond must enter into an agreement with all other parties insured by the joint bond regarding recovery under the bond.

Filings With the Commission

Upon the execution of a fidelity bond or any amendment thereto, a fund must file with the Commission within 10 days: (i) A copy of the executed bond or any amendment to the bond, (ii) the independent directors' resolution approving the bond, and (iii) a statement as to the period for which premiums have been paid on the bond. In the case of a joint insured bond, a fund must also file: (i) A statement showing the amount the fund would have been required to maintain under the rule if it were insured under a single insured bond; and (ii) the agreement between the fund and all other insured parties regarding recovery under the bond. A fund must also notify the Commission in writing within five days of any claim or settlement on a claim under the fidelity bond.

Notices to Directors

A fund must notify by registered mail each member of its board of directors of: (i) Any cancellation, termination, or modification of the fidelity bond at least 45 days prior to the effective date; and (ii) the filing or settlement of any claim under the fidelity bond when notification is filed with the Commission.

Rule 17g–1's independent directors' annual review requirements, fidelity bond content requirements, joint bond agreement requirement, and the required notices to directors are designed to ensure the safety of fund assets against losses due to the conduct of persons who may obtain access to those assets. These requirements also seek to facilitate oversight of a fund's fidelity bond. The rule's required filings with the Commission are designed to assist the Commission in monitoring funds' compliance with the fidelity bond requirements.

Based on conversations with representatives in the fund industry, the Commission staff estimates that for each of the estimated 2,200 active funds (respondents),[1] the average annual paperwork burden associated with rule 17g–1's requirements is two hours, one hour each for a compliance attorney and the board of directors as a whole. The time spent by a compliance attorney includes time spent filing reports with the Commission for fidelity losses (if any) as well as paperwork associated with any notices to directors, and managing any updates to the bond and the joint agreement (if one exists). The time spent by the board of directors as a whole includes any time spent initially establishing the bond, as well as time spent on annual updates and approvals. The Commission staff therefore estimates the total ongoing paperwork burden hours per year for all funds required by rule 17g–1 to be 4,400 hours (2,200 funds × 2 hours = 4,400 hours). Commission staff continues to

[1] Based on a review of fund filings for the three-year period from 2018 to 2020, Commission staff estimates there are approximately 2,200 funds (registered open- and closed-end funds, and business development companies) that must comply with the collections of information under rule 17g–1, and which collectively submit an estimated 2,597 filings on Form 17G annually.

estimate that the filing and reporting requirements of rule 17g–1 do not entail any external cost burdens.

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of Commission rules. The collection of information required by rule 17g–1 is mandatory and will not be kept confidential. 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.

Written comments are requested on: (i) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (ii) the accuracy of the Commission's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility and clarity of the information collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 3, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02506 Filed 2–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34186; File No. 812–15086]

Muzinich BDC, Inc., et al.

February 2, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment funds and accounts.

APPLICANTS: Muzinich BDC, Inc. (''Muzinich BDC''), Muzinich BDC Adviser, LLC (''Muzinich BDC Adviser''), and Muzinich & Co., Inc. (''Muzinich & Co.,'' and together with Muzinich BDC Adviser, the ''Existing Advisers'').

FILING DATES: The application was filed on December 27, 2019, and amended on May 21, 2020, and November 6, 2020.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on March 1, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Mr. Paul Fehre, *pfehre@muzinich.com.*

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811 or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Introduction

1. The applicants request an order of the Commission under sections 17(d) and 57(i) and rule 17d–1 thereunder (the ''Order'') to permit, subject to the terms and conditions set forth in the application (the ''Conditions''), a Regulated Fund [1] and one or more other Regulated Funds and/or one or more Affiliated Funds [2] to enter into Co-Investment Transactions with each other. ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub (as defined below)) participated together with one or more Affiliated Funds, and/or one or more other Regulated Funds (or its Wholly-Owned Investment Sub) in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds, and/or one or more other Regulated Funds (or its Wholly-Owned Investment Sub) without obtaining and relying on the Order.[3]

Applicants

2. Muzinich BDC is a non-diversified, closed-end management investment company incorporated in Delaware that have elected to be regulated as a BDC

[1] ''Regulated Funds'' means (a) Muzinich BDC, (b) the Future Regulated Funds and (c) the BDC Downstream Funds (defined below). ''Future Regulated Fund'' means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser (and sub-adviser(s), if any) are an Adviser, and (c) that intends to participate in the Co-investment Program (defined below).

''Adviser'' means the Existing Advisers, together with any future investment adviser that (i) controls, is controlled by, or is under common control with an Existing Adviser, (ii) (a) is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') or (b) is a relying adviser of an investment adviser that is registered under the Advisers Act, and that controls, is controlled by, or is under common control with an Existing Adviser, and (iii) is not a Regulated Fund or a subsidiary of a Regulated Fund.

[2] ''Affiliated Fund'' means any Muzinich Proprietary Account (defined below) and any entity (a) whose investment adviser (and sub-adviser(s), if any) are an Adviser, (b) that either (i) would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act or (ii) relies on rule 3a–7 under the Act, (c) that is not a BDC Downstream Fund (together with each such entity's direct and indirect wholly-owned subsidiaries), and (d) that intends to participate in the Co-Investment Program.

''BDC Downstream Fund'' means, with respect to any Regulated Fund that is a business development company (''BDC''), an entity (i) that the BDC directly or indirectly controls, (ii) that is not controlled by any person other than the BDC (except a person that indirectly controls the entity solely because it controls the BDC), (iii) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, (iv) whose investment adviser (and sub-adviser(s), if any) are an Adviser, (v) that is not a Wholly-Owned Investment Sub (as defined below) and (vi) that intends to participate in the Co-Investment Program.

[3] All existing entities that currently intend to rely on the Order have been named as applicants and any existing or future entities that may rely on the Order in the future will comply with its terms and Conditions set forth in the application.

under the Act.[4] The Board [5] of Muzinich BDC currently consists of five directors, three of whom are Independent Directors.[6]

3. Muzinich BDC Adviser, a Delaware limited liability company formed under the laws of the state of Delaware, is registered as an investment adviser under the Advisers Act. Muzinich & Co., a Delaware corporation, is registered as an investment adviser under the Advisers Act.

4. The Advisers, and any direct or indirect, wholly- or majority-owned subsidiary of an Adviser, may hold various financial assets in a principal capacity (the ''Muzinich Proprietary Accounts'').

5. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[7] Such a subsidiary may be prohibited from investing in a Co-Investment Transaction with a Regulated Fund (other than its parent) or any Affiliated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Fund that owns it and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the parent Regulated Fund were participating directly.

Applicants' Representations

A. Allocation Process

6. Applicants represent that the Advisers have established processes for allocating initial investment opportunities, opportunities for subsequent investments in an issuer and dispositions of securities holdings reasonably designed to treat all clients fairly and equitably. Further, applicants represent that these processes will be extended and modified in a manner reasonably designed to ensure that the additional transactions permitted under the Order will both (i) be fair and equitable to the Regulated Funds and the Affiliated Funds and (ii) comply with the Conditions.

7. Specifically, applicants state that the Advisers are organized and managed such that the teams and/or committees of investment professionals and/or members of senior management (''Investment Teams'' and ''Investment Committees,'' respectively) responsible for evaluating investment opportunities and making investment decisions on behalf of clients are promptly notified of the opportunities. Opportunities for Potential Co-Investment Transactions may arise when investment advisory personnel of an Adviser or a Muzinich Proprietary Account becomes aware of investment opportunities that may be appropriate for one or more Regulated Funds and/or one or more Affiliated Funds. If the requested Order is granted, the Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that, when such opportunities arise, the Advisers to the relevant Regulated Funds are promptly notified and receive the same information about the opportunity as any other Advisers considering the opportunity for their clients (including any Muzinich Proprietary Accounts considering the opportunity for themselves). In particular, consistent with Condition 1, if a Potential Co-Investment Transaction falls within the then-current Objectives and Strategies [8] and any Board-Established Criteria [9] of a Regulated Fund, the policies and procedures will require that the relevant Investment Teams and/or Investment Committees responsible for that Regulated Fund receive sufficient information to allow the Regulated Fund's Adviser to make its independent determination and recommendations under the Conditions. The Adviser to each applicable Regulated Fund, working through the applicable Investment Team and/or Investment Committee, will then make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances. If the Adviser to a Regulated Fund deems the Regulated Fund's participation in such Potential Co-Investment Transaction to be appropriate, then it will, working through the applicable Investment Team and/or Investment Committee, formulate a recommendation regarding the proposed order amount for the Regulated Fund.

8. Applicants state that, for each Regulated Fund and Affiliated Fund whose Adviser recommends participating in a Potential Co-

[4] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) and makes available significant managerial assistance with respect to the issuers of such securities.

[5] ''Board'' means (i) with respect to a Regulated Fund other than a BDC Downstream Fund, the board of directors (or the equivalent) of the Regulated Fund and (ii) with respect to a BDC Downstream Fund, the Independent Party of the BDC Downstream Fund.

''Independent Party'' means, with respect to a BDC Downstream Fund, (i) if the BDC Downstream Fund has a board of directors (or the equivalent), the board or (ii) if the BDC Downstream Fund does not have a board of directors (or the equivalent), a transaction committee or advisory committee of the BDC Downstream Fund.

[6] ''Independent Director'' means a member of the Board of any relevant entity who is not an ''interested person'' as defined in section 2(a)(19) of the Act. No Independent Director of a Regulated Fund (including any non-interested member of an Independent Party) will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds.

[7] ''Wholly-Owned Investment Sub'' means any entity (i) that is a ''wholly-owned subsidiary'' (as defined in section 2(a)(43) of the Act) of a Regulated Fund; (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Fund and in the case of a SBIC Subsidiary (as defined below), maintain a license under the Small Business Investment Act of 1958 (''SBA Act'') and issue debentures guaranteed by the Small Business Administration); (iii) that is wholly-owned by a Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (iv) with respect to which such Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the Conditions; and (v) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the SBA to operate under the SBA Act as a small business investment company.

[8] ''Objectives and Strategies'' means (i) with respect to any Regulated Fund other than a BDC Downstream Fund, its investment objectives and strategies, as described in its most current filings with the Commission under the Securities Act of 1933 (the ''Securities Act'') or under the Securities Exchange Act of 1934, as amended, and the Act, and its most current report to stockholders, and (ii) with respect to any BDC Downstream Fund, those investment objectives and strategies described in its disclosure documents (including private placement memoranda and reports to equity holders) and organizational documents (including operating agreements).

[9] ''Board-Established Criteria'' means criteria that the Board of a Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which the Adviser to the Regulated Fund should be notified under Condition 1. The Board-Established Criteria will be consistent with the Regulated Fund's Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund's Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund's then-current Objectives and Strategies. Board-Established Criteria will be objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum EBITDA of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve a discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the Board's consideration, but Board-Established Criteria will only become effective if approved by a majority of the Independent Directors. The Independent Directors of a Regulated Fund may at any time rescind, suspend or qualify its approval of any Board-Established Criteria, though applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

Investment Transaction, such Adviser's Investment Committee will approve an investment amount. Prior to the External Submission (as defined below), each proposed order amount may be reviewed and adjusted, in accordance with the Advisers' written allocation policies and procedures, by the applicable Adviser's Investment Committee.[10] The order of a Regulated Fund or Affiliated Fund resulting from this process is referred to as its ''Internal Order.'' The Internal Order will be submitted for approval by the Required Majority of any participating Regulated Funds in accordance with the Conditions.[11]

9. If the aggregate Internal Orders for a Potential Co-Investment Transaction do not exceed the size of the investment opportunity immediately prior to the submission of the orders to the underwriter, broker, dealer or issuer, as applicable (the ''External Submission''), then each Internal Order will be fulfilled as placed. If, on the other hand, the aggregate Internal Orders for a Potential Co-Investment Transaction exceed the size of the investment opportunity immediately prior to the External Submission, then the allocation of the opportunity will be made pro rata on the basis of the size of the Internal Orders.[12] If, subsequent to such External Submission, the size of the opportunity is increased or decreased, or if the terms of such opportunity, or the facts and circumstances applicable to the Regulated Funds' or the Affiliated Funds' consideration of the opportunity, change, the participants will be permitted to submit revised Internal Orders in accordance with written allocation policies and procedures that the Advisers will establish, implement and maintain.[13]

B. Follow-On Investments

10. Applicants state that from time to time the Regulated Funds and Affiliated Funds may have opportunities to make Follow-On Investments[14] in an issuer in which a Regulated Fund and/or one or more other Regulated Funds, and/or one or more Affiliated Funds previously have invested.

11. Applicants propose that Follow-On Investments would be divided into two categories depending on whether the prior investment was a Co-Investment Transaction or a Pre-Boarding Investment.[15] If the Regulated Funds and Affiliated Funds had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Follow-On Investment would be subject to the Standard Review Follow-Ons described in Condition 8. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Follow-On Investment would be subject to the Enhanced-Review Follow-Ons described in Condition 9. All Enhanced Review Follow-Ons require the approval of the Required Majority. For a given issuer, the participating Regulated Funds and Affiliated Funds would need to comply with the requirements of Enhanced-Review Follow-Ons only for the first Co-Investment Transaction. Subsequent Co-Investment Transactions with respect to the issuer would be governed by the requirements of Standard Review Follow-Ons.

12. A Regulated Fund would be permitted to invest in Standard Review Follow-Ons either with the approval of the Required Majority under Condition 8(c) or without Board approval under Condition 8(b) if it is (i) a Pro Rata Follow-On Investment[16] or (ii) a Non-Negotiated Follow-On Investment.[17] Applicants believe that these Pro Rata and Non-Negotiated Follow-On Investments do not present a significant opportunity for overreaching on the part of any Adviser and thus do not warrant the time or the attention of the Board. Pro Rata Follow-On Investments and Non-Negotiated Follow-On Investments remain subject to the Board's periodic review in accordance with Condition 10.

C. Dispositions

13. Applicants propose that Dispositions[18] would be divided into two categories. If the Regulated Funds and Affiliated Funds holding investments in the issuer had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Disposition would be subject to the Standard Review Dispositions described in Condition 6. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Disposition would be subject to the Enhanced Review Dispositions described in Condition 7. Subsequent

[10] The reason for any such adjustment to a proposed order amount will be documented in writing and preserved in the records of each Adviser.

[11] ''Required Majority'' means a required majority, as defined in section 57(o) of the Act. In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a board of directors (or the equivalent), the members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a transaction committee or advisory committee, the committee members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o) and as if the committee members were directors of the fund.

[12] The Advisers will maintain records of all proposed order amounts, Internal Orders and External Submissions in conjunction with Potential Co-Investment Transactions. Each applicable Adviser will provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's investments for compliance with the Conditions.

''Eligible Directors'' means, with respect to a Regulated Fund and a Potential Co-Investment Transaction, the members of the Regulated Fund's Board eligible to vote on that Potential Co-Investment Transaction under section 57(o) of the Act (treating any registered investment company or series thereof as a BDC for this purpose).

[13] The Board of the Regulated Fund will then either approve or disapprove of the investment opportunity in accordance with Condition 2, 6, 7, 8 or 9, as applicable.

[14] ''Follow-On Investment'' means an additional investment in the same issuer, including, but not limited to, through the exercise of warrants, conversion privileges or other rights to purchase securities of the issuer.

[15] ''Pre-Boarding Investments'' are investments in an issuer held by a Regulated Fund as well as one or more Affiliated Funds and/or one or more other Regulated Funds that (i) were acquired prior to participating in any Co-Investment Transaction; (ii) were acquired in transactions in which the only term negotiated by or on behalf of such funds was price; and (iii) were acquired either (x) in reliance on one of the JT No-Action Letters (defined below); or (y) in transactions occurring at least 90 days apart and without coordination between the Regulated Fund and any Affiliated Fund or other Regulated Fund.

[16] A ''Pro Rata Follow-On Investment'' is a Follow-On Investment (i) in which the participation of each Regulated Fund and each Affiliated Fund is proportionate to its outstanding investments in the issuer or security, as appropriate, immediately preceding the Follow-On Investment, and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in the pro rata Follow-On Investments as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Follow-On Investments, in which case all subsequent Follow-On Investments will be submitted to the Regulated Fund's Eligible Directors in accordance with Condition 8(c).

[17] A ''Non-Negotiated Follow-On Investment'' is a Follow-On Investment in which a Regulated Fund participates together with one or more Affiliated Funds and/or one or more other Regulated Funds (i) in which the only term negotiated by or on behalf of the funds is price and (ii) with respect to which, if the transaction were considered on its own, the funds would be entitled to rely on one of the JT No-Action Letters.

''JT No-Action Letters'' means SMC Capital, Inc., SEC No-Action Letter (pub. avail. Sept. 5, 1995) and Massachusetts Mutual Life Insurance Company, SEC No-Action Letter (pub. avail. June 7, 2000).

[18] ''Disposition'' means the sale, exchange or other disposition of an interest in a security of an issuer.

Dispositions with respect to the same issuer would be governed by Condition 6 under the Standard Review Dispositions.[19]

14. A Regulated Fund may participate in a Standard Review Disposition either with the approval of the Required Majority under Condition 6(d) or without Board approval under Condition 6(c) if (i) the Disposition is a Pro Rata Disposition [20] or (ii) the securities are Tradable Securities [21] and the Disposition meets the other requirements of Condition 6(c)(ii). Pro Rata Dispositions and Dispositions of a Tradable Security remain subject to the Board's periodic review in accordance with Condition 10.

D. Delayed Settlement

15. Applicants represent that under the terms and Conditions of the application, all Regulated Funds and Affiliated Funds participating in a Co-Investment Transaction will invest at the same time, for the same price and with the same terms, conditions, class, registration rights and any other rights, so that none of them receives terms more favorable than any other. However, the settlement date for an Affiliated Fund in a Co-Investment Transaction may occur up to ten business days after the settlement date for the Regulated Fund, and vice versa. Nevertheless, in all cases, (i) the date on which the commitment of the Affiliated Funds and Regulated Funds is made will be the same even where the settlement date is not and (ii) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other.

E. Holders

16. Under Condition 15, if an Adviser, its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as required under Condition 15.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit participation by a registered investment company and an affiliated person in any ''joint enterprise or other joint arrangement or profit-sharing plan,'' as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Similarly, with regard to BDCs, section 57(a)(4) of the Act generally prohibits certain persons specified in section 57(b) from participating in joint transactions with the BDC or a company controlled by the BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs.

3. Co-Investment Transactions are prohibited by either or both of rule 17d–1 and section 57(a)(4) without a prior exemptive order of the Commission to the extent that the Affiliated Funds and the Regulated Funds participating in such transactions fall within the category of persons described by rule 17d–1 and/or section 57(b), as modified by rule 57b–1 thereunder, as applicable, vis-à-vis each participating Regulated Fund. Muzinich BDC Adviser will control Muzinich BDC and any other Adviser will be, controlling, controlled by or under common control with Muzinich BDC Adviser. Each of the participating Regulated Funds and Affiliated Funds may be deemed to be affiliated persons vis-à-vis a Regulated Fund within the meaning of section 2(a)(3) by reason of common control because (i) an Adviser, that is either an Existing Adviser or an entity that controls, is controlled by, or under common control with an Existing Adviser, will be the investment adviser (and sub-adviser, if any) to each of the Regulated Funds and the Affiliated Funds (and, in the case of Muzinich Propretary Accounts which do not have an investment adviser, such Muzinich Proprietary Accounts will nonetheless be controlling, controlled by or under common control with an Adviser); (ii) Muzinich BDC Adviser is the Adviser to, and may be deemed to control, Muzinich BDC; and an Adviser will be the investment adviser and sub-adviser to, and may be deemed to control, any Future Regulated Fund; (iii) each BDC Downstream Fund will be deemed to be controlled by its BDC parent and/or its BDC parent's Adviser; and (iv) the Advisers are under common control. Thus, each Regulated Fund and each Affiliated Fund may be deemed to be a person related to a Regulated Fund or BDC Downstream Fund in a manner described by section 57(b) (or section 17(d) in the case of Regulated Funds that are registered under the Act); and therefore would be prohibited by section 57(a)(4) (or section 17(d) in the case of Regulated Funds that are registered under the Act) and rule 17d–1 from participating in Co-Investment Transactions. Further, because the BDC Downstream Funds and Wholly-Owned Investment Subs will be controlled by the Regulated Funds, the BDC Downstream Funds and Wholly-Owned Investment Subs are subject to section 57(a)(4) (or section 17(d) in the case of Wholly-Owned Investment Subs controlled by Regulated Funds that are registered under the Act) and thus would also be subject to the provisions of rule 17d–1. In addition, the Muzinich Proprietary Accounts are entities that are or will be controlling, controlled by or under common control with Muzinich BDC Adviser. Thus, the

[19] However, with respect to an issuer, if a Regulated Fund's first Co-Investment Transaction is an Enhanced Review Disposition, and the Regulated Fund does not dispose of its entire position in the Enhanced Review Disposition, then before such Regulated Fund may complete its first Standard Review Follow-On in such issuer, the Eligible Directors must review the proposed Follow-On Investment not only on a stand-alone basis but also in relation to the total economic exposure in such issuer (*i.e.,* in combination with the portion of the Pre-Boarding Investment not disposed of in the Enhanced Review Disposition), and the other terms of the investments. This additional review would be required because such findings would not have been required in connection with the prior Enhanced Review Disposition, but they would have been required had the first Co-Investment Transaction been an Enhanced Review Follow-On.

[20] A ''Pro Rata Disposition'' is a Disposition (i) in which the participation of each Regulated Fund and each Affiliated Fund is proportionate to its outstanding investment in the security subject to Disposition immediately preceding the Disposition; and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in pro rata Dispositions as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Dispositions, in which case all subsequent Dispositions will be submitted to the Regulated Fund's Eligible Directors.

[21] ''Tradable Security'' means a security that meets the following criteria at the time of Disposition: (i) It trades on a national securities exchange or designated offshore securities market as defined in rule 902(b) under the Securities Act; (ii) it is not subject to restrictive agreements with the issuer or other security holders; and (iii) it trades with sufficient volume and liquidity (findings as to which are documented by the Advisers to any Regulated Funds holding investments in the issuer and retained for the life of the Regulated Fund) to allow each Regulated Fund to dispose of its entire position remaining after the proposed Disposition within a short period of time not exceeding 30 days at approximately the value (as defined by section 2(a)(41) of the Act) at which the Regulated Fund has valued the investment.

Muzinich Proprietary Accounts may be deemed to be persons related to a Regulated Fund in a manner described by section 57(b) (or section 17(d) in the case of Regulated Funds that are registered under the Act) and rule 17d–1 from participating in the Co-Investment Program.

4. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

5. Applicants state that in the absence of the requested relief, in many circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities. Applicants state that, as required by rule 17d–1(b), the Conditions ensure that the terms on which Co-Investment Transactions may be made will be consistent with the participation of the Regulated Funds being on a basis that it is neither different from nor less advantageous than other participants, thus protecting the equity holders of any participant from being disadvantaged. Applicants further state that the Conditions ensure that all Co-Investment Transactions are reasonable and fair to the Regulated Funds and their shareholders and do not involve overreaching by any person concerned, including the Advisers. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions in accordance with the Conditions will be consistent with the provisions, policies, and purposes of the Act and would be done in a manner that is not different from, or less advantageous than, that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following Conditions:

1. *Identification and Referral of Potential Co-Investment Transactions*

(a) The Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified, for each Regulated Fund the Adviser manages, of all Potential Co-Investment Transactions that (i) an Adviser considers for any other Regulated Fund or Affiliated Fund and (ii) fall within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under Condition 1(a), the Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. *Board Approvals of Co-Investment Transactions.*

(a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application. Each Adviser to a participating Regulated Fund will promptly notify and provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's investments for compliance with these Conditions.

(c) After making the determinations required in Condition 1(b) above, each Adviser to a participating Regulated Fund will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and each participating Affiliated Fund) to the Eligible Directors of its participating Regulated Fund(s) for their consideration. A Regulated Fund will enter into a Co-Investment Transaction with one or more other Regulated Funds or Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its equity holders and do not involve overreaching in respect of the Regulated Fund or its equity holders on the part of any person concerned;

(ii) the transaction is consistent with:

(A) The interests of the Regulated Fund's equity holders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Fund(s) or Affiliated Fund(s) would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from, or less advantageous than, that of any other Regulated Fund(s) or Affiliated Fund(s) participating in the transaction; provided that the Required Majority shall not be prohibited from reaching the conclusions required by this Condition 2(c)(iii) if:

(A) The settlement date for another Regulated Fund or an Affiliated Fund in a Co-Investment Transaction is later than the settlement date for the Regulated Fund by no more than ten business days or earlier than the settlement date for the Regulated Fund by no more than ten business days, in either case, so long as: (x) The date on which the commitments of the Affiliated Funds and Regulated Funds are made is the same; and (y) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other; or

(B) any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors, the right to have a board observer or any similar right to participate in the governance or management of the portfolio company so long as: (x) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any; (y) the Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and (z) any fees or other compensation that any other Regulated Fund or Affiliated Fund or any affiliated person of any other Regulated Fund or Affiliated Fund receives in connection with the right of one or more Regulated Funds or Affiliated Funds to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any participating Affiliated Funds (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Fund(s) in accordance with the amount of each such party's investment; and

(iv) the proposed investment by the Regulated Fund will not involve compensation, remuneration or a direct

or indirect[22] financial benefit to the Advisers, any other Regulated Funds, the Affiliated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by Condition 14, (B) to the extent permitted by section 17(e) or 57(k), as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in Condition 2(c)(iii)(B)(z).

3. *Right to Decline.* Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. *General Limitation.* Except for Follow-On Investments made in accordance with Conditions 8 and 9 below,[23] a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party has an investment.[24]

5. *Same Terms and Conditions.* A Regulated Fund will not participate in any Potential Co-Investment Transaction unless (i) the terms, conditions, price, class of securities to be purchased, date on which the commitment is entered into and registration rights (if any) will be the same for each participating Regulated Fund and Affiliated Fund and (ii) the earliest settlement date and the latest settlement date of any participating Regulated Fund or Affiliated Fund will occur as close in time as practicable and in no event more than ten business days apart. The grant to one or more Regulated Funds or Affiliated Funds, but not the respective Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this Condition 5, if Condition 2(c)(iii)(B) is met.

6. *Standard Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of an interest in a security and one or more Regulated Funds and/or Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund,[25] as applicable, will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition.

(b) *Same Terms and Conditions.* Each Regulated Fund will have the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Funds and any other Regulated Funds.

(c) *No Board Approval Required.* A Regulated Fund may participate in such a Disposition without obtaining prior approval of the Required Majority if:

(i) (A) The participation of each Regulated Fund and Affiliated Fund in such Disposition is proportionate to its then-current holding of the security (or securities) of the issuer that is (or are) the subject of the Disposition;[26] (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such Dispositions on a pro rata basis (as described in greater detail in the application); and (C) the Board of the Regulated Fund is provided on a quarterly basis with a list of all Dispositions made in accordance with this Condition; or

(ii) each security is a Tradable Security and (A) the Disposition is not to the issuer or any affiliated person of the issuer; and (B) the security is sold for cash in a transaction in which the only term negotiated by or on behalf of the participating Regulated Funds and Affiliated Funds is price.

(d) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

7. *Enhanced Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of a Pre-Boarding Investment in a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund, as applicable, will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that:

(i) The Disposition complies with Condition 2(c)(i), (ii), (iii)(A), and (iv); and

(ii) the making and holding of the Pre-Boarding Investments were not prohibited by section 57 or rule 17d–1, as applicable, and records the basis for the finding in the Board minutes.

(c) *Additional Requirements:* The Disposition may only be completed in reliance on the Order if:

(i) *Same Terms and Conditions.* Each Regulated Fund has the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and Conditions

[22] For example, procuring the Regulated Fund's investment in a Potential Co-Investment Transaction to permit an affiliate to complete or obtain better terms in a separate transaction would constitute an indirect financial benefit.

[23] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

[24] ''Related Party'' means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate.

''Close Affiliate'' means the Advisers, the Regulated Funds and the Affiliated Funds and any other person described in section 57(b) (after giving effect to rule 57b–1) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in section 57(b) to section 2(a)(3)(D).

''Remote Affiliate'' means any person described in section 57(e) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

[25] Any Muzinich Proprietary Account that is not advised by an Adviser is itself deemed to be an Adviser for purposes of Conditions 6(a)(i), 7(a)(i), 8(a)(i) and 9(a)(i).

[26] In the case of any Disposition, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Disposition.

as those applicable to the Affiliated Funds and any other Regulated Funds;

(ii) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(iii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iv) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial [27] in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(v) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

8. *Standard Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer and the Regulated Funds and Affiliated Funds holding investments in the issuer previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund, as applicable, will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund.

(b) *No Board Approval Required.* A Regulated Fund may participate in the Follow-On Investment without obtaining prior approval of the Required Majority if:

(i) (A) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer or the security at issue, as appropriate,[28] immediately preceding the Follow-On Investment; and (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); or

(ii) it is a Non-Negotiated Follow-On Investment.

(c) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority makes the determinations set forth in Condition 2(c). If the only previous Co-Investment Transaction with respect to the issuer was an Enhanced Review Disposition the Eligible Directors must complete this review of the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms of the investment.

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) the amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

9. *Enhanced Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer that is a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds holding investments in the issuer have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund, as applicable, will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority reviews the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the

[27] In determining whether a holding is ''immaterial'' for purposes of the Order, the Required Majority will consider whether the nature and extent of the interest in the transaction or arrangement is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement.

[28] To the extent that a Follow-On Investment opportunity is in a security or arises in respect of a security held by the participating Regulated Funds and Affiliated Funds, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Follow-On Investment using the most recent available valuation thereof. To the extent that a Follow-On Investment opportunity relates to an opportunity to invest in a security that is not in respect of any security held by any of the participating Regulated Funds or Affiliated Funds, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the issuer immediately preceding the Follow-On Investment using the most recent available valuation thereof.

total economic exposure and other terms and makes the determinations set forth in Condition 2(c). In addition, the Follow-On Investment may only be completed in reliance on the Order if the Required Majority of each participating Regulated Fund determines that the making and holding of the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable. The basis for the Board's findings will be recorded in its minutes.

(c) *Additional Requirements.* The Follow-On Investment may only be completed in reliance on the Order if:

(i) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(ii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iii) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(iv) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

10. *Board Reporting, Compliance and Annual Re-Approval.*

(a) Each Adviser to a Regulated Fund will present to the Board of each Regulated Fund, on a quarterly basis, and at such other times as the Board may request, (i) a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or any of the Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria that were not made available to the Regulated Fund, and an explanation of why such investment opportunities were not made available to the Regulated Fund; (ii) a record of all Follow-On Investments in and Dispositions of investments in any issuer in which the Regulated Fund holds any investments by any Affiliated Fund or other Regulated Fund during the prior quarter; and (iii) all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds, or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Independent Directors, may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the Conditions.

(b) All information presented to the Regulated Fund's Board pursuant to this Condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

(c) Each Regulated Fund's chief compliance officer, as defined in rule 38a-1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and Conditions of the application and the procedures established to achieve such compliance. In the case of a BDC Downstream Fund that does not have a chief compliance officer, the chief compliance officer of the BDC that controls the BDC Downstream Fund will prepare the report for the relevant Independent Party.

(d) The Independent Directors (including the non-interested members of each Independent Party) will consider at least annually whether continued participation in new and existing Co-Investment Transactions is in the Regulated Fund's best interests.

11. *Record Keeping.* Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these Conditions were approved by the Required Majority under section 57(f).

12. *Director Independence.* No Independent Director (including the non-interested members of any Independent Party) of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise be an ''affiliated person'' (as defined in the Act) of any Affiliated Fund.

13. *Expenses.* The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective advisory agreements with the Regulated Funds and the Affiliated Funds, be shared by the Regulated Funds and the participating Affiliated Funds in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

14. *Transaction Fees.*[29] Any transaction fee (including break-up, structuring, monitoring or commitment fees but excluding brokerage or underwriting compensation permitted by section 17(e) or 57(k)) received in connection with any Co-Investment Transaction will be distributed to the participants on a pro rata basis based on the amounts they invested or committed, as the case may be, in such

[29] Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the participants. None of the Advisers, the Affiliated Funds, the other Regulated Funds or any affiliated person of the Affiliated Funds or the Regulated Funds will receive any additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction other than (i) in the case of the Regulated Funds, and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in Condition 2(c)(iii)(B)(z), (ii) brokerage or underwriting compensation permitted by section 17(e) or 57(k) or (iii) in the case of the Advisers, investment advisory compensation paid in accordance with investment advisory agreements between the applicable Regulated Fund(s) or Affiliated Fund(s) and its Adviser.

15. *Independence.* If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares in the percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02468 Filed 2–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 11, 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: February 4, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–02657 Filed 2–4–21; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 11349]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Cubism in Color: The Still Lifes of Juan Gris'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Cubism in Color: The Still Lifes of Juan Gris'' at the Dallas Museum of Art, Dallas, Texas, at the Baltimore Museum of Art, Baltimore, Maryland, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–02469 Filed 2–5–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice:11350]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Projects: Gabrielle L'Hirondelle Hill'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Projects: Gabrielle L'Hirondelle Hill'' at the Museum of Modern Art's Sue and Edgar Wachenheim III Gallery, in New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/

PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–02470 Filed 2–5–21; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Information on 2021 Tariff-Rate Quotas for Exports From the United Kingdom

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative is providing notice that the United Kingdom (UK) in 2021 continues to be eligible to export under U.S. tariff-rate quotas (TRQs) allocated to the member countries of the European Union (EU).

DATES: This notice is applicable as of February 8, 2021.

FOR FURTHER INFORMATION CONTACT: Roger A. Wentzel, Office of Agricultural Affairs, at 202–395–5124, or *Roger_Wentzel@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Notes 6, 16 to 23, and 25 to Chapter 4 and Note 5 to Chapter 24 of the Harmonized Tariff Schedule of the United States (HTSUS), the United States maintains TRQs for imports from specific countries or customs areas, including the EU (designated in the HTSUS as the EU27 and including the UK).

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas and to modify any allocation as determined appropriate by the President. The President delegated this authority to the U.S. Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On October 17, 2019, the UK and EU agreed to the withdrawal of the UK from the EU and the European Atomic Energy Community (Withdrawal Agreement). As part of the Withdrawal Agreement, the UK and EU agreed to a transition period, which ended on December 31, 2020. For 2021, the U.S. Trade Representative has determined that the UK will continue to be eligible to export under U.S. TRQs allocated to the EU under Additional U.S. Notes 6, 16 to 23, and 25 to Chapter 4 and Note 5 to Chapter 24 of the HTSUS. Additional information about certain dairy TRQs is available in the U.S. Department of Agriculture's notice *Information on Dairy Import Licenses for the 2021 Tariff-Rate Quota (TRQ) Year—United Kingdom Designation of Importers for Dairy Import Licenses* (85 FR 70127), which provides, in part, that for the 2021 quota year, the UK Government may designate importers for licenses for the quantities of cheese that have historically been supplied by UK exporters under designated licenses for Cheese and Curd (Note 16), Blue Mold (Note 17), and Cheddar (Note 18).

Julie Callahan,

Assistant U.S. Trade Representative for Agricultural Affairs and Commodity Policy, Office of the United States Trade Representative.

[FR Doc. 2021–02473 Filed 2–5–21; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2013–0259–2245]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: FAA Aircraft Noise Complaint and Inquiry System (Noise Portal)

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 FAA Regional Administrators' Offices and the FAA Noise Ombudsman will use the information voluntarily reported, on the occasion of a complaint, by the public in the FAA Noise Portal to prepare responses to their noise complaints or inquiries. The required FAA Noise Portal fields represent the minimum amount of information the FAA needs to address the public's noise complaint or question and includes: name, email, address or cross street and a description of the noise complaint or inquiry. It is important to know the person's name and email address to respond and track the complaint. The FAA will not respond to the same complaint from the same person more than once. The address or cross street is needed for the FAA to determine potential sources of the aircraft noise issues as most people complain about aircraft in the vicinity of their residence. The description is used to provide additional details for the FAA to better address the complaint or question.

DATES: Written comments should be submitted by April 9, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Idurre L. Isasa-Cowan, Federal Aviation Administration, AEE, 800 Independence Avenue SW, Suite 900W, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Idurre L. Isasa-Cowan, Email: *9-APL-NCI-FRN-Comments@faa.gov,* Phone: 202–267–0965.

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: 2120–0773.

Title: FAA Aircraft Noise Complaint and Inquiry System (Noise Portal).

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: Although the FAA already receives aircraft noise complaints and inquiries from the public, the FAA's voluntary collection of the information from the public invokes the PRA process. The FAA must receive approval from the Office of Management and Budget (OMB) to collect the information in the Noise Portal. The FAA will summarize the public comments from the 60-day

comment period (March 1, 2021 to April 30, 2021), and address these in a 30-day **Federal Register** notice inviting further comments. OMB has 60-days from the date of the 30-day notice to approve the FAA's voluntary collection of information in the Noise Portal. We expect the entire process will be completed by July 2021.

Respondents: The public.

Frequency: As needed.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 11,250 hours.

Issued in Washington, DC, on February 3, 2021.

Idurre L. Isasa-Cowan,

Noise Complaint Initiative (NCI), Team Lead, Federal Aviation Administration.

[FR Doc. 2021–02560 Filed 2–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Transportation Project in Illinois

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA, the United States Army Corps of Engineers (USACE), and other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and the USACE that are final. These final agency actions relate to the proposed highway construction along Lake Shore Drive, Stony Island Avenue, Hayes Drive, and other roadways in Jackson Park and the construction of proposed trails and underpasses in Jackson Park, Cook County, Illinois. The final agency actions (1) authorize the City of Chicago's proposed discharges of fill material into waters of the United States, (2) grant permission to alter a Federally-funded ecosystem restoration project under the Great Lakes Fishery & Ecosystem Restoration program, and (3) grant approval for the highway project to proceed to right-of-way acquisition, final design, and construction. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, the FHWA is advising the public of the final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions of the proposed highway project will be barred unless the claim is filed on or before July 8, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Arlene K. Kocher, Division Administrator, 3250 Executive Park Drive, Springfield, Illinois 62703; telephone: (217) 492–4640; email address: *Arlene.Kocher@dot.gov.* The FHWA Illinois Division Office's normal business hours are 7:30 a.m. to 4:15 p.m. (Central Time). For USACE: Keith Wozniak, Chief, Regulatory Branch, 231 South LaSalle Street, Suite 1500, Chicago, Illinois 60604; telephone: (312) 846–5530; email address: *Keith.L.Wozniak@usace.army.mil.* The USACE Chicago District's normal business hours are 8:00 a.m. to 4:30 p.m. (Central Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken a final agency action by issuing a (FONSI) for the following highway project in the State of Illinois: The proposed construction along Lake Shore Drive, Stony Island Avenue, Hayes Drive, and other roadways in Jackson Park and the construction of proposed trails and underpasses in Jackson Park, Cook County, Illinois.

Lake Shore Drive (U.S. Route 41) will be widened to the west to provide an additional southbound travel lane between 57th Street and Hayes Drive. To accommodate the additional travel lane, the 59th Street Inlet Bridge will be widened and modifications at the intersections of 57th Street, Science Drive, and Hayes Drive are proposed. Hayes Drive will be reconfigured to remove existing on-street parking to provide two travel lanes in each direction with minimal widening. Stony Island Avenue will be widened to the east to accommodate additional through lanes and turn lanes at cross-street intersections. Proposed bicycle and pedestrian accommodations include the construction of four underpasses within Jackson Park. Proposed trails and connections along Cornell Drive, Hayes Drive, and Marquette Drive will also be constructed.

The FHWA's action, related actions by other Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) approved on September 21, 2020, the FONSI approved January 21, 2021, and in other documents in the project file. The EA and FONSI are available by contacting the FHWA, the USACE, or the Illinois Department of Transportation at the addresses provided above. In addition, these documents can be viewed and downloaded from the project website at *https://www.chicago.gov/city/en/depts/dcd/supp_info/jackson-park-improvements.html.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351] Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

6. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377], Rivers and Harbors Act of 1899 [33 U.S.C. 401 *et seq.*].

7. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

8. Executive Orders: E.O. 11990 Protection of Wetlands. E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: February 2, 2021.

Arlene K. Kocher,

Division Administrator, Springfield, Illinois.

[FR Doc. 2021–02438 Filed 2–5–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for the 2021 National Law Enforcement Memorial and Museum Commemorative Coin Program and Christa McAuliffe Silver Dollar

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing pricing for the 2021 National Law Enforcement Memorial and Museum Commemorative Coin Program and Christa McAuliffe Silver Dollar as follows:

Coin	Introductory price	Regular price
Silver Proof	$74.00	$79.00
Silver Uncirculated	69.00	74.00
Clad Proof	33.00	38.00
Clad Uncirculated	35.00	40.00

Products containing gold coins will be priced according to the Pricing of Numismatic and Commemorative Gold and Platinum Products Grid posted at *www.usmint.gov.*

FOR FURTHER INFORMATION CONTACT: Rosa Matos or Rosa Williams, Program Managers for Sales and Marketing; United States Mint; 801 9th Street NW; Washington, DC 20220; or call 202–354–7500.

Authority: Public Law 116–94; Public Law 116–65.

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2021–02472 Filed 2–5–21; 8:45 am]

BILLING CODE P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on February 18, 2021 on ''Deterring People's Republic of China Aggression Toward Taiwan.''

DATES: The hearing is scheduled for Thursday, February 18, 2021, 10:30 a.m.

ADDRESSES: This hearing will be held with panelists and Commissioners participating in-person or online via videoconference. Members of the audience will be able to view a live webcast via the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov. Reservations are not required to attend the hearing.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at *jcunningham@uscc.gov.* Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This is the second public hearing the Commission will hold during its 2021 report cycle. The hearing will evaluate the state of deterrence across the Taiwan Strait and its implications for U.S. interests. The first panel will examine the political considerations informing Beijing's willingness to use force against Taiwan and those informing Taipei's response. The first panel will assess the cross-Strait military balance. The second panel will examine the political considerations informing Beijing's willingness to use force against Taiwan and those informing Taipei's response.

The hearing will be co-chaired by Senator Carte Goodwin and Senator James Talent. Any interested party may file a written statement by February 18, 2021 by transmitting to the contact above. A portion the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: January 29, 2021.

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2021–02236 Filed 2–5–21; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Specially Adapted Housing Assistive Technology Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for the Specially Adapted Housing Assistive Technology (SAHAT) Grant Program for fiscal year (FY) 2021. The objective of the grant is to encourage the development of new assistive technologies for specially adapted housing (SAH). This notice is intended to provide applicants with the information necessary to apply for the SAHAT Grant Program. VA strongly recommends referring to the SAHAT Grant Program regulation in conjunction with this notice. The registration process described in this notice applies only to applicants who will register to

submit project applications for FY 2021 SAHAT Grant Program funds.

DATES: Applications for the SAHAT Grant Program must be submitted through the *www.Grants.gov* website by 11:59 p.m. Eastern Standard Time on February 22, 2021. Awards made for the SAHAT Grant Program will fund operations for FY 2021. The SAHAT Grant Program application package for funding opportunity VA-SAHAT–21–06 is available through *www.Grants.gov* and is listed as follows: VA-Specially Adapted Housing Assistive Technology Grant Program. Applications may not be sent by mail, email or facsimile. All application materials must be in a format compatible with the *www.Grants.gov* application submission tool. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. Technical assistance with the preparation of an initial SAHAT Grant Program application is available by contacting the program official listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Jason Latona (Chief—Specially Adapted Housing), Specially Adapted Housing Program (262), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Jason.Latona@va.gov,* 202–632–8862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This notice is divided into eight sections. Section I provides a summary of and background information on the SAHAT Grant Program; the statutory authority; the desired outcomes; funding priorities; definitions; and delegation of authority. Section II covers award information, including funding availability, and the anticipated start date of the SAHAT Grant Program. Section III provides detailed information on eligibility and the threshold criteria for submitting an application. Section IV provides detailed application and submission information, including how to request an application; application content; and submission dates and times. Section V describes the review process, scoring criteria and the selection process. Section VI provides award administration information such as award notices and reporting requirements.

Section VII lists agency contact information. Section VIII provides additional information related to the SAHAT Grant Program. This notice includes citations from 38 CFR part 36, and VA Financial Policy, Volume X, Grants Management, which applicants and stakeholders are expected to read to increase their knowledge and understanding of the SAHAT Grant Program.

I. Program Description

A. Summary

Pursuant to the Veterans' Benefits Act of 2010 (Pub L. 111–275, § 203, 124 Stat. 2864), the Secretary of Veterans Affairs (Secretary), through the Loan Guaranty Service (LGY) of the Veterans Benefits Administration (VBA), is authorized to provide grants of financial assistance to develop new assistive technology. The objective of the SAHAT Grant Program is to encourage the development of new assistive technologies for adapted housing.

B. Background

LGY currently administers the Specially Adapted Housing (SAH) Grant Program. Through this program, LGY provides funds to eligible Veterans and Service members with certain service-connected disabilities to help purchase or construct an adapted home, or modify an existing home, to allow them to live more independently. Please see 38 U.S.C. 2101(a)(2)(B) and (C) and 38 U.S.C. 2101(b)(2) for a list of qualifying service-connected disabilities. Currently, most SAH adaptations involve structural modifications such as ramps; wider hallways and doorways; roll-in showers; and other accessible bathroom features, etc. For more information about the SAH Grant Program, please visit: *http://www.benefits.va.gov/homeloans/adaptedhousing.asp.*

VA acknowledges there are many emerging technologies and improvements in building materials that could improve home adaptions or otherwise enhance a Veteran's or Service member's ability to live independently. Therefore, in 38 CFR § 36.4412(b)(2), has defined ''new assistive technology'' as an advancement that the Secretary determines could aid or enhance the ability of an eligible individual, as defined in 38 CFR 36.4401, to live in an adapted home. New assistive technology can include advancements in new-to-market technologies, as well as new variations on existing technologies. Examples of the latter might include modifying an existing software application for use with a smart home device; upgrading an existing shower pan design to support wheelchairs; using existing modular construction methods to improve bathroom accessibility; or using existing proximity technology to develop an advanced application tailored to blind users.

Please Note: SAHAT funding does not support the construction or modification of residential dwellings for accessibility. Veterans and Service members interested in receiving assistance to adapt a home are encouraged to review the following fact sheet: *https://www.prosthetics.va.gov/factsheet/PSAS-FactSheet-Housing-Adaptation-Programs.pdf* to identify Home Adaptation programs offered by VA.

C. Statutory Authority

Public law 111–275, the Veterans' Benefits Act of 2010 (the Act), was enacted on October 13, 2010. Section 203 of the Act added 38 U.S.C. 2108 to establish the SAHAT Grant Program. The Act authorized VA to provide grants of up to $200,000 per fiscal year, through September 30, 2016, to a ''person or entity'' for the development of specially adapted housing assistive technologies. On October 1, 2020, the Continuing Appropriations Act, 2021 and Other Extensions Act was enacted (Pub. L. 116–159, § 5201, 134 Stat. §§ 709, 749). Section 5201 of Public Law 116–159 extended the authority for VA to provide grants in the manner listed above through September 30, 2022. See 38 U.S.C. 2108 and 38 CFR 36.4412.

D. Desired Outcomes and Funding Priorities

Grantees will be expected to leverage grant funds to develop new assistive technologies for SAH. In 38 CFR 36.4412(f)(2), VA set out the scoring criteria and the maximum points allowed for each criterion. As explained in the preambles to both the proposed and final rules, while the scoring framework is set out in the regulation text, each notice will address the scoring priorities for that particular grant cycle (79 FR §§ 53146, 53148, September 8, 2014; 80 FR §§ 55763, 55764, September 17, 2014). For FY 2021, the Secretary has identified the categories of innovation and unmet needs as top priorities. These categories are further described as scoring criteria 1 and 2 in Section V (A) of this notice. Although VA encourages innovation across a wide range of specialties, VA is, in this grant cycle, particularly interested in technologies that could help blind Veterans optimize their independence (*e.g.,* mobile applications, safety devices, etc.). VA also has a particular interest in applications that either demonstrate innovative approaches in the design and building of adaptive living spaces or would lead

to new products and techniques that expedite the modification of existing spaces, so as to reduce the impact that adaptive projects can have on a Veteran's quality of life during the construction phase. VA notes that applications addressing these categories of special interest are not guaranteed selection, but they would, on initial review, be categorized as meeting the priorities for this grant cycle.

Additional information regarding how these priorities will be scored and considered in the final selection is contained in Section V (A) of this notice.

E. Definitions

Definitions of terms used in the SAHAT Grant Program are found at 38 CFR § 36.4412(b).

F. Delegation of Authority

Pursuant to 38 CFR 36.4412(i), certain VA employees appointed to or lawfully fulfilling specific positions within VBA are delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Secretary with respect to the SAHAT Grant Program authorized by 38 U.S.C. 2108.

II. Award Information

A. Funding Availability

Funding will be provided as an assistance agreement in the form of grants. The number of assistance agreements VA will fund as a result of this notice will be based on the quality of the technology grant applications received and the availability of funding. However, the maximum amount of assistance a technology grant applicant may receive in any fiscal year is limited to $200,000.

B. Additional Funding Information

Funding for these projects is not guaranteed and is subject to the availability of funds and the evaluation of technology grant applications based on the criteria in this announcement. In appropriate circumstances, VA reserves the right to partially fund technology grant applications by funding discrete portions or phases of proposed projects that relate to adapted housing. Award of funding through this competition is not a guarantee of future funding. The SAHAT Grant Program is administered annually and does not guarantee subsequent awards. Renewal grants to provide new assistive technology will not be considered under this announcement.

C. Start and Close-Out Date

The anticipated start date for funding grants awarded under this announcement is April 1, 2021. The funding period will not exceed 15 months from the start date, to be followed by a 90-day period for closeout. Grant projects must be closed out by September 30, 2022.

III. Eligibility Information

A. Eligible Applicants

As authorized by 38 U.S.C. 2108, the Secretary may provide a grant to a ''person or entity'' for the development of specially adapted housing assistive technologies.

B. Cost Sharing or Matching

There is no cost sharing, matching, or cost participation for the SAHAT Grant Program.

C. Threshold Criteria

All technology grant applicants and applications must meet the threshold criteria set forth below. Failure to meet any of the following threshold criteria in the application will result in the automatic disqualification for funding consideration. Ineligible participants will be notified within 30 days of the finding of disqualification for award consideration based on the following threshold criteria:

1. Projects funded under this notice must involve new assistive technologies that the Secretary determines could aid or enhance the ability of a Veteran or Service member to live in an adapted home.
2. Projects funded under this notice must not be used for the completion of work which was to have been completed under a prior grant.
3. Applications in which the technology grant applicant is requesting assistance funds in excess of $200,000 will not be reviewed.
4. Applications that do not comply with the application and submission information requirements provided in Section IV of this notice will be rejected.
5. Applications submitted via mail, email, or facsimile will not be reviewed.
6. Applications must be received through *www.Grants.gov,* as specified in Section IV of this announcement, on or before the application deadline, February 22, 2021. Applications received through *www.Grants.gov* after the application deadline will be considered late and will not be reviewed.
7. Technology grant applicants that have an outstanding obligation that is in arrears to the Federal Government or have an overdue or unsatisfactory response to an audit will be deemed ineligible.
8. Technology grant applicants in default by failing to meet the requirements for any previous Federal assistance will be deemed ineligible.
9. Applications submitted by entities deemed ineligible will not be reviewed.
10. Applications with project dates that extend past June 30, 2022, (this period does not include the 90-day closeout period) will not be reviewed.

All technology grant recipients, including individuals and entities formed as for-profit entities, will be subject to the rules on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as found at 2 CFR part 200. See 2 CFR 200.101(a). Where the Secretary determines that 2 CFR part 200 is not applicable or where the Secretary determines that additional requirements are necessary due to the uniqueness of a situation, the Secretary will apply the same standard applicable to exceptions under 2 CFR 200.102.

IV. Application and Submission Information

A. Address To Request Application Package

Technology grant applicants may download the application package from *www.Grants.gov.* Questions regarding the application process should be referred to Mr. Oscar Hines, Program Manager, Specially Adapted Housing Program at *Oscar.Hines@va.gov* or 202-632–8862 (This is not a toll-free number).

B. Content and Form of Application Submission

The SAHAT Grant Program application package provided at *www.Grants.gov* (Funding Opportunity Number: VA–SAHAT–21–06) contains electronic versions of the application forms that are required. Additional attachments to satisfy the required application information may be provided; however, letters of support included with the application will not be reviewed. All technology grant applications must consist of the following:

1. Standard Forms (SF) 424, 424A, and 424B require general information about the applicant and proposed project. The project budget should be described in SF–424A. Please do not include leveraged resources in SF–424A.
2. *VA Form 26–0967:* Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.
3. *VA Form 26–0967a:* Scoring Criteria for SAHAT Grants.

4. *Applications:* In addition to the forms listed above, each technology grant application must include the following information:

a. A project description, including the goals and objectives of the project, what the project is expected to achieve, and how the project will benefit Veterans and Service members;

b. An estimated schedule including the length of time (not to extend past June 30, 2022) needed to accomplish tasks and objectives for the project;

c. A description of what the project proposes to demonstrate and how this new technology will aid or enhance the ability of Veterans and Service members to live in an adapted home. The following link has additional information regarding adapted homes: *http://www.benefits.va.gov/homeloans/adaptedhousing.asp;* and

d. Each technology grant applicant is responsible for ensuring that the application addresses each of the scoring criteria listed in Section V (A) of this notice.

C. Dun and Bradstreet Universal Numbering System (DUNS) and System for Award Management (SAM)

Each technology grant applicant, unless the applicant is an individual or Federal awarding agency that is excepted from these requirements under 2 CFR 25.110(b) or (c), or has an exception approved by VA under 2 CFR 25.110(d), is required to:

1. Be registered in SAM prior to submitting an application;

2. Provide a valid DUNS number in the application; and

3. Continue to maintain an active SAM registration with current information at all times during which the technology grant applicant has an active Federal award or an application under consideration by VA.

VA will not make an award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements, and if the applicant has not fully complied with the requirements by the time VA is ready to make an award, VA will determine the applicant is not qualified to receive a Federal award and will use this determination as a basis for making the award to another applicant.

D. Submission Dates and Times

Applications for the SAHAT Grant Program must be submitted via *www.Grants.gov* to be transmitted to VA by 11:59 p.m. Eastern Standard Time on February 22, 2021. Submissions received after this application deadline will be considered late and will not be reviewed or considered. Submissions via email, mail, or fax will not be accepted.

Applications submitted via *www.Grants.gov* must be submitted by an individual registered with *www.Grants.gov* and authorized to sign applications for Federal assistance. For more information and to complete the registration process, visit *www.Grants.gov.* Technology grant applicants are responsible for ensuring that the registration process does not hinder timely submission of the application.

It is the responsibility of grant applicants to ensure a complete application is submitted via *www.Grants.gov.* Applicants are encouraged to periodically review the ''Version History Tab'' of the funding opportunity announcement in *www.Grants.gov* to identify if any modifications have been made to the funding announcement and/or opportunity package. Upon initial download of the funding opportunity package, applicants will be asked to provide an email address that will allow *www.Grants.gov* to send the applicant an email message in the event this funding opportunity package is changed and/or republished on *www.Grants.gov* prior to the posted closing date.

E. Confidential Business Information

It is recommended that confidential business information (CBI) not be included in the application. However, if CBI is included in an application, applicants should clearly indicate which portion(s) of their application they are claiming as CBI. See 2 CFR 200.333–200.337 (addressing access to a non-Federal entity's records pertinent to a Federal award).

F. Intergovernmental Review

This section is not applicable to the SAHAT Grant Program.

G. Funding Restrictions

The SAHAT Grant Program does not allow reimbursement of pre-award costs.

V. Application Review Information

Each eligible proposal (based on the Section III threshold eligibility review) will be evaluated according to the criteria established by the Secretary and provided below in Section A.

A. Scoring Criteria

The Secretary will score technology grant applications based on the scoring criteria listed below. As indicated in Section I of this notice, the Secretary is placing the greatest emphasis on criteria 1 and 2. This emphasis does not establish new scoring criteria but is designed to assist technology grant applicants in understanding how scores will be weighted and ultimately considered in the final selection process. A technology grant application must receive a minimum aggregate score of 70. Instructions for completion of the scoring criteria are listed on VA Form 26–0967a. This form is included in the application package materials on *www.Grants.gov.* The scoring criteria and maximum points are as follows:

1. A description of how the new assistive technology is innovative, to include an explanation of how it involves advancements in new-to-market technologies, new variations on existing technologies, or both (up to 50 points);

2. An explanation of how the new assistive technology will meet a specific, unmet need among eligible individuals, to include whether and how the new assistive technology fits within a category of special emphasis for FY 2021, as explained in Section I D. of this notice (up to 50 points);

3. An explanation of how the new assistive technology is specifically designed to promote the ability of eligible individuals to live more independently (up to 30 points);

4. A description of the new assistive technology's concept, size, and scope (up to 30 points);

5. An implementation plan with major milestones for bringing the new assistive technology into production and to the market. Such milestones must be meaningful and achievable within a specific timeframe (up to 30 points); and

6. An explanation of what uniquely positions the technology grant applicant in the marketplace. This can include a focus on characteristics such as the economic reliability of the technology grant applicant, the technology grant applicant's status as a minority or Veteran-owned business, or other characteristics that the technology grant applicant wants to include to show how it will help protect the interests of, or further the mission of, VA and the program (up to 20 points).

B. Review and Selection Process

Eligible applications will be evaluated by a review panel comprising five VA employees. The review panel will score applications using the scoring criteria provided in Section V(A) and refer to the selecting official those applications that receive a minimum aggregate score of 70. In determining which applications to approve, the selecting official will take into account the review panel score, the priorities described in

this Notice of Funding Availability, the governing statute, 38 U.S.C. 2108, and the governing regulation, 38 CFR 36.4412. VA Financial Policy, Volume X Grants Management, Chapter 4 Grants Application and Award Process, section 040202.06, *https://www.va.gov/finance/docs/VA-FinancialPolicyVolumeX Chapter04.pdf.*

VI. Award Administration Information

A. Award Notices

Although subject to change, the SAHAT Grant Program Office expects to announce grant recipients by April 1, 2021. Prior to executing any funding agreement, VA will contact successful applicants; make known the amount of proposed funding; and verify the applicant's desire to receive the funding. Any communication between the SAHAT Grant Program Office and successful applicants prior to the issuance of an award notice is not authorization to begin project activities. Once VA verifies that the grant applicant is still seeking funding, VA will issue a signed and dated award notice. The award notice will be sent by U.S. mail to the organization listed on the SF–424. All applicants will be notified by letter, sent by United States mail to the address listed on the SF–424.

A. Administrative and National Policy Requirements

This section is not applicable to the SAHAT Grant Program.

W. Reporting

VA places great emphasis on the responsibility and accountability of grantees. Grantees must agree to cooperate with any Federal evaluation of the program and provide the following:

1. *Quarterly Progress Reports:* These reports will be submitted electronically and outline how grant funds were used, describe program progress, and describe any barriers and measurable outcomes. The format for quarterly reporting will be provided to grantees upon grant award.

2. *Quarterly Financial Reports:* These reports will be submitted electronically using the SF–425–Federal Financial Report.

3. *Grantee Closeout Report:* This final report will be submitted electronically and will detail the assistive technology developed. The Closeout Report must be submitted to the SAHAT Grant Program Office not later than 11:59 p.m. Eastern Standard Time, September 30, 2022.

VI. Agency Contact(s)

For additional general information about this announcement contact Mr. Oscar Hines, Program Manager, Specially Adapted Housing Program, at *Oscar.Hines@va.gov* or 202–632–8862 (This is not a toll-free number.)

Mailed correspondence, which should not include application material, should be sent to: Loan Guaranty Service, VA Central Office, Attention: Mr. Oscar Hines (262), 810 Vermont Avenue NW, Washington, DC 20420

All correspondence with VA concerning this announcement should reference the funding opportunity title and funding opportunity number listed at the top of this solicitation. Once the announcement deadline has passed, VA staff may not discuss this competition with applicants until the application review process has been completed.

VII. Other Information

Section 2108 authorizes VA to provide grants for the development of new assistive technologies through September 30, 2022. Additional information related to the SAHAT Grant Program administered by LGY is available at *http://www.benefits.va.gov/homeloans/adaptedhousing.asp.*

The SAHAT Grant is not a Veterans' benefit. As such, the decisions of the Secretary are final and not subject to the same appeal rights as decisions related to Veterans' benefits. The Secretary does not have a duty to assist technology grant applicants in obtaining a grant.

Grantees will receive payments electronically through the Department of Health and Human Services Payment Management System (PMS). All grant recipients should adhere to PMS user policies.

VIII. Notices of Funding Opportunity

In accordance with Office of Management and Budget guidance located at 2 CFR part 200, all applicable Federal laws and relevant Executive guidance, the Federal awarding agency will review and consider applications for funding pursuant to this notice of funding opportunity in accordance with the:

- President's September 2, 2020, memorandum, entitled *Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities;*
- *Executive Order (E.O.) on Combating Race and Sex Stereotyping* (E.O. 13950);
- *Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence* (E.O. 13933); and
- Guidance for Grants and Agreements in Title 2 of the Code of Federal Regulations), as updated in the **Federal Register**'s 85 FR 49506 on August 13, 2020, particularly on:
  - Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR part 200.205),
  - Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115–232) (2 CFR part 200.216),
  - Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (E.O. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (§§ 200.300, 200.303, 200.339, and 200.341),
  - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR part 200.322), and
  - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 CFR part 200.340).

Signing Authority

Dat P. Tran, Acting Secretary of Veterans Affairs approved this document on February 2, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2021–02555 Filed 2–5–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0075]

Agency Information Collection Activity: Statement in Support of Claim

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 9, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0075'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0075'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority:

38 U.S.C. 501.

Title: Statement in Support of Claim (VA Form 21–4138).

OMB Control Number: 2900–0075.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 21–4138 is used to provide self-certified statements in support of various types of claims processed by VA. Statements submitted by or on behalf of a claimant should contain certification by the respondent that the information provided is true and correct. This form facilitates claims processing by providing a uniform format for the certification statement.

No substantive changes were added and/or removed from this form. This request is only to extend the viability of the form. Due to a reduction in respondent totals over the past year, the respondent burden has decreased.

Affected Public: Individuals and households.

Estimated Annual Burden: 121,544 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 486,174.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2021–02481 Filed 2–5–21; 8:45 am]

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