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

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket Number SBA–2021–0010]

RIN 3245–AH67

Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to Loan Amount Calculation and Eligibility

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: This interim final rule implements changes related to loans made under the Paycheck Protection Program (PPP), which was originally established under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide economic relief to small businesses nationwide adversely impacted by the Coronavirus Disease 2019 (COVID–19). On December 27, 2020, the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Economic Aid Act) was enacted, extending the authority to make PPP loans through March 31, 2021, revising certain PPP requirements, and permitting second draw PPP loans. This interim final rule allows individuals who file an IRS Form 1040, Schedule C to calculate their maximum loan amount using gross income, removes the eligibility restriction that prevents businesses with owners who have non-financial fraud felony convictions in the last year from obtaining PPP loans, and removes the eligibility restriction that prevents businesses with owners who are delinquent or in default on their Federal student loans from obtaining PPP loans.

DATES:

Effective date: Unless otherwise specified in this interim final rule, the provisions of this interim final rule are effective March 4, 2021.

Applicability date: Unless otherwise specified, this interim final rule applies to Paycheck Protection Programs loans approved after the effective date of this rule.

Comment date: Comments must be received on or before April 7, 2021.

ADDRESSES: You may submit comments, identified by number SBA–2021–0010 through the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

SBA will post all comments on *www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please send an email to *ppp-ifr@sba.gov*. All other comments must be submitted through the Federal eRulemaking Portal described above. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: A Call Center Representative at 833–572–0502, or the local SBA Field Office; the list of offices can be found at *https://www.sba.gov/tools/local-assistance/districtoffices*.

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) (Pub. L. 116–136) was enacted to provide emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus disease 2019 (COVID–19) pandemic. Section 1102 of the CARES Act temporarily permitted the Small Business Administration (SBA) to guarantee 100 percent of 7(a) loans under a new program titled the ''Paycheck Protection Program,'' pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) (First Draw PPP Loans). Section 1106 of the CARES Act provided for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program (PPP).

On December 27, 2020, the Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (Economic Aid Act) (Pub. L. 116–260) was enacted. The Economic Aid Act reauthorized lending under the PPP through March 31, 2021. The Economic Aid Act added a new temporary section 7(a)(37) to the Small Business Act, which authorizes SBA to guarantee additional PPP loans (Second Draw PPP Loans) to eligible borrowers under generally the same terms and conditions available under section 7(a)(36) of the Small Business Act through March 31, 2021. The Economic Aid Act also redesignated section 1106 of the CARES Act as section 7A of the Small Business Act, to appear after section 7 of the Small Business Act.

SBA, in consultation with the Department of the Treasury (Treasury), initially published an interim final rule implementing the PPP on April 15, 2020 and subsequently issued additional interim final rules. On January 14, 2021, SBA published interim final rules implementing the Economic Aid Act amendments to the PPP.[1] On February 5, 2021, SBA published an additional interim final rule implementing Economic Aid Act changes related to the forgiveness and review of PPP loans.[2] As described below, this interim final rule revises the consolidated interim final rule implementing updates to the PPP, the interim final rule on second draw PPP loans, and the consolidated interim final rule on loan forgiveness requirements and loan review procedures, to allow individuals who file an IRS Form 1040, Schedule C to calculate their maximum loan amount using gross income. This interim final rule also revises the consolidated interim final rule implementing updates to the PPP to remove the eligibility restriction that prevents businesses with owners who have non-financial fraud felony convictions in the last year from obtaining PPP loans and remove the eligibility restriction that prevents businesses with owners who are delinquent or in default on their Federal student loans from obtaining PPP loans. The changes apply to both First Draw PPP Loans and Second Draw PPP Loans.

[1] 86 FR 3692 (Jan. 14, 2021) (which we refer to as the ''consolidated interim final rule implementing updates to the PPP''); 86 FR 3712 (Jan. 14, 2021) (which we refer to as the ''interim final rule on second draw PPP loans'').

[2] 86 FR 8283 (Feb. 5, 2021) (which we refer to as the ''consolidated interim final rule on loan forgiveness requirements and loan review procedures'').

II. Comments and Immediate Effective Date

This interim final rule is being issued without advance notice and public comment because section 1114 of the CARES Act and section 303 of the Economic Aid Act authorize SBA to issue regulations to implement the Paycheck Protection Program without regard to notice requirements. In addition, this rule is being issued to allow for immediate implementation of these changes. The intent of both the CARES Act and the Economic Aid Act is that SBA provide relief to America's small businesses expeditiously. Given the urgent need to provide borrowers with timely relief and the short period of time before the program ends on March 31, 2021, SBA in consultation with Treasury has determined that it is impractical and not in the public interest to provide a 30-day delayed effective date. An immediate effective date will allow SBA to give small businesses affected by this interim final rule the maximum amount of time to apply for loans and lenders the maximum amount of time to process applications before the program ends. This good cause justification also supports waiver of the 60-day delayed effective date for major rules under the Congressional Review Act at 5 U.S.C. 808(2). Although this interim final rule is effective immediately, comments are solicited from interested members of the public on all aspects of the interim final rule.

These comments must be submitted on or before April 7, 2021. SBA will consider these comments and the need for making any revisions as a result of these comments.

III. Paycheck Protection Program—Revisions to Rules Implementing the Economic Aid Act

1. Gross Income

The statutory definition of ''payroll costs'' applicable to sole proprietors and independent contractors refers to ''a wage, commission, income, net earnings from self-employment, or similar compensation and that is in an amount that is not more than $100,000 on an annualized basis, as prorated for the period during which the payments are made or the obligation to make the payments is incurred.'' [3] Previously, PPP rules defined payroll costs for individuals who file an IRS Form 1040, Schedule C as payroll costs (if employees exist) plus net profits, which is net earnings from self-employment. SBA is aware of significant concerns with this definition, because it does not take into account fixed and other business expenses that a small business must cover to stay in operation and therefore keep the owner employed. Thus, the support for employment for sole proprietors includes covering business expenses as well as net profits. This change would affect many sole proprietors who have been effectively excluded from the PPP, especially those with very little or negative net profit, many of which are located in underserved communities. Businesses that file Schedule C have higher concentrations of ownership by members of underserved groups. An analysis by the SBA Office of Advocacy of Census data found that firms with no employees are 70 percent owned by women and minorities, compared to 40 percent for businesses with employees.[4] SBA has determined that changing the calculation for sole proprietors, independent contractors, and self-employed individuals will reduce barriers to accessing the PPP and expand funding among the smallest businesses.

Based on the statutory language of the CARES Act, SBA, in consultation with Treasury, has determined that SBA has discretion to establish an alternative calculation methodology for payroll costs for sole proprietors and independent contractors. For these borrowers, the statutory definition of ''payroll costs'' includes both ''income'' as well as ''net earnings from self-employment.'' The inclusion of both these terms in the statutory language indicates that they may have different meanings. Therefore, the term ''income'' as used in the definition of payroll costs for sole proprietors and independent contractors may be construed broadly to encompass a borrower's net income and a borrower's gross income.

Defining ''income'' to include gross income is consistent with Congress's intent that the PPP provide broad relief to small businesses and keep individuals employed, and that the PPP prioritize loans to, among others, small business concerns and entities in underserved markets, and small business concerns owned and controlled by socially and economically disadvantaged individuals and women.[5] As described above, under the prior rules, many of these borrowers may not have received meaningful amounts from the PPP to support their own employment due to having small net profits. Allowing a borrower to receive a loan amount based on their gross business income will provide the borrower a loan amount that is sufficient to meet the borrower's fixed expenses that are necessary to stay in business and keep the owner employed. SBA is implementing this change with respect to PPP loans that are approved after the effective date of this rule. A borrower whose PPP loan has already been approved as of the effective date of this rule cannot increase its PPP loan amount based on the new calculation methodology.

Therefore, SBA, in consultation with Treasury, has determined that a Schedule C filer may elect to calculate the owner compensation share of its payroll costs—that is, the share of its payroll costs that represents compensation of the owner—based on either (i) net profit or (ii) gross income, as calculated under the rule below.[6] Gross income is the amount the borrower reports on line 7 of Schedule C. If a Schedule C filer has no employees, the borrower may elect simply to calculate its loan amount based on either net profit or gross income. If a Schedule C filer has employees, the borrower may elect to calculate the owner compensation share of its payroll costs based on either (i) net profit or (ii) gross income minus expenses reported on lines 14 (employee benefit programs), 19 (pension and profit-sharing plans), and 26 (wages (less employment credits)) of IRS Form 1040, Schedule C. Expenses reported on lines 14, 19, and 26 of the IRS Form 1040, Schedule C represent employee payroll costs and are subtracted from the owner compensation share of payroll costs if the owner uses gross income to calculate its loan amount in order to avoid double-counting these costs.[7] In the context of determining a borrower's eligible expenses and forgiveness amount, this interim final rule refers to the owner compensation share of a Schedule C filer's loan amount as ''proprietor expenses.'' Proprietor expenses encompass an owner's business expenses and own compensation but do not include employee payroll costs. This proprietor expenses calculation limits a Schedule

[3] 15 U.S.C. 636(a)(36)(A)(viii)(I)(bb).

[4] *See* A Look at Nonemployer Businesses, SBA Office of Advocacy, August, 2018, A Look at Nonemployer Businesses (*sba.gov*).

[5] *See* 15 U.S.C. 636(a)(36)(P)(iv).

[6] For a Schedule C filer without employees, owner compensation is the only component of the borrower's payroll costs. For a Schedule C filer with employees, owner compensation is added to employee payroll costs to determine the borrower's total payroll costs.

[7] This is consistent with the approach for calculating payroll costs for farmers and ranchers in subsection B.4.d. of the consolidated interim final rule implementing updates to the PPP.

C filer that included employee payroll costs in determining the PPP loan amount from taking the full loan amount as owner compensation. This promotes Congress's goal of keeping workers paid and employed. However, the use of gross income by Schedule C filers may, in some cases, increase the risk of waste, fraud, or abuse, because it will substantially increase the maximum loan amount for relevant applicants, and in some cases an applicant's gross income may not accurately reflect the extent to which a PPP loan is necessary to support the ongoing operations of the applicant's business. To mitigate this risk, if a Schedule C filer elects to use gross income to calculate its loan amount on a First Draw PPP Loan and the borrower reported more than $150,000 in gross income on the Schedule C that was used to calculate the borrower's loan amount, the borrower will not automatically be deemed to have made the statutorily required certification concerning the necessity of the loan request in good faith, and the borrower may be subject to a review by SBA of its certification.[8] The safe harbor that SBA previously provided for borrowers that, together with their affiliates, receive PPP Loans with an original principal amount of less than $2 million, will not apply to Schedule C filers that elect to use gross income to calculate their loan amount on a First Draw PPP Loan if they report more than $150,000 in gross income on the Schedule C that was used to calculate the borrower's loan amount. SBA is eliminating the loan necessity safe harbor for these borrowers as they may be more likely to have other available sources of liquidity to support their business's operations than Schedule C filers with lower levels of gross income. SBA will review a sample of the population of First Draw PPP Loans made to Schedule C filers using the gross income calculation if the gross income on the Schedule C used to calculated the borrower's loan amount exceeds the threshold of $150,000.[9] If the borrower exceeds this threshold, then SBA will, for the sample drawn, assess whether these borrowers complied with the PPP eligibility criteria, including the good faith loan necessity certification. This will serve as an additional deterrent to fraud, waste, and abuse because higher income borrowers that elect to use gross income rather than net profit to calculate their loan amount will face the prospect of a heightened review, which would include a review of their good faith loan necessity certification. The $150,000 gross income threshold is necessary in light of the potentially large volume of applications SBA will receive from First Draw PPP Loan applicants that are eligible to use the gross income calculation. Maintaining the safe harbor for borrowers under this threshold is also necessary in light of the deterrent effect of auditing risk for many underresourced borrowers whose fixed cost of bookkeeping is higher in proportion to their income. This approach will enable SBA to conserve its finite audit resources and focus its reviews of First Draw PPP Loans using the new calculation on larger loans, where the compliance effort may yield higher returns. The reviews of loans to Schedule C filers that used the gross income calculation will follow the same processes that apply to PPP loans generally, except as specified above.[10]

Therefore, the following changes are made to PPP rules:

a. Subsection B.4.b of the consolidated interim final rule implementing updates to the PPP (86 FR 3692, 3700) is revised to read as follows:

b. I have income from self-employment and file an IRS Form 1040, Schedule C. How do I calculate the maximum amount I can borrow, and what documentation is required?[53]

How you calculate your maximum loan amount depends upon whether you employ other individuals. If you have no employees, use the following methodology to calculate your maximum loan amount:

i. Step 1: From your 2019 or 2020 IRS Form 1040, Schedule C, you may elect to use either your line 31 net profit amount or your line 7 gross income amount. (If you are using 2020 to calculate payroll costs and have not yet filed a 2020 return, fill it out and compute the value.) If this amount is over $100,000, reduce it to $100,000. If both your net profit and gross income are zero or less, you are not eligible for a PPP loan.

ii. Step 2: Calculate the average monthly net profit or gross income amount (divide the amount from Step 1 by 12).

iii. Step 3: Multiply the average monthly net profit or gross income amount from Step 2 by 2.5. This amount cannot exceed $20,833.

iv. Step 4: Add the outstanding amount of any Economic Injury Disaster Loan (EIDL) made between January 31, 2020 and April 3, 2020 that you seek to refinance. Do not include the amount of any advance under an EIDL COVID–19 loan (because it does not have to be repaid).

You must provide the 2019 or 2020 (whichever you used to calculate your loan amount) IRS Form 1040, Schedule C with your PPP loan application to substantiate the applied-for PPP loan amount and a 2019 or 2020 (whichever you used to calculate your loan amount) IRS Form 1099–MISC detailing nonemployee compensation received (box 7), invoice, bank statement, or book of record that establishes you are self-employed. If using 2020 to calculate your loan amount, this is required regardless of whether you have filed a 2020 tax return with the IRS. You must provide a 2020 invoice, bank statement, or book of record to establish you were in operation on or around February 15, 2020.

If you have employees, use the following methodology to calculate your maximum loan amount:

i. Step 1: Compute 2019 or 2020 payroll (using the same year for all items) by adding the following:

a. At your election, either (1) the net profit amount from line 31 of your 2019 or 2020 IRS Form 1040, Schedule C, or (2) your 2019 or 2020 gross income minus employee payroll costs, calculated as your gross income reported on IRS Form 1040, Schedule C, line 7, minus your employee payroll costs reported on lines 14, 19, and 26 of IRS Form 1040, Schedule C (for either option, if you are using 2020 amounts and have not yet filed a 2020 return, fill it out and compute the value), up to $100,000 on an annualized basis, as prorated for the period during which the payments are made or the obligation to make the payments is incurred (if this amount is over $100,000, reduce it to $100,000, or if this amount is less than zero, set this amount at zero);

b. 2019 or 2020 gross wages and tips paid to your employees whose principal place of residence is in the United States, computed using 2019 or 2020 IRS Form 941 Taxable Medicare wages & tips (line 5c, Column 1) from each quarter plus any pre-tax employee contributions for health insurance or other fringe benefits excluded from Taxable Medicare wages & tips; subtract

[8] SBA is not applying this safe harbor exclusion to Second Draw PPP Loans, because those applicants are required to certify that they have realized a reduction in gross receipts in excess of 25% relative to the relevant comparison time period.

[9] SBA has developed a new borrower application form, SBA Form 2483–C, for First Draw PPP Loan borrowers that elect to use the new gross income calculation. Borrowers will be required to disclose their total amount of gross income on the form.

[10] See part V. of the consolidated interim final rule on loan forgiveness requirements and loan review procedures.

[53] This subsection was originally published at 85 FR 21747, subsection III.1.b. (April 20, 2020) and has been modified to conform to additional rules or guidance and the Economic Aid Act.

any amounts paid to any individual employee in excess of $100,000 on an annualized basis, as prorated for the period during which the payments are made or the obligation to make the payments is incurred, and any amounts paid to any employee whose principal place of residence is outside the United States; and

c. 2019 or 2020 employer contributions to employee group health, life, disability, vision and dental insurance (portion of IRS Form 1040, Schedule C line 14 attributable to those contributions); retirement contributions (IRS Form 1040, Schedule C, line 19); and state and local taxes assessed on employee compensation (primarily under state laws commonly referred to as the State Unemployment Tax Act or SUTA from state quarterly wage reporting forms).

ii. Step 2: Calculate the average monthly amount (divide the amount from Step 1 by 12).

iii. Step 3: Multiply the average monthly amount from Step 2 by 2.5.

iv. Step 4: Add the outstanding amount of any EIDL made between January 31, 2020 and April 3, 2020 that you seek to refinance. Do not include the amount of any advance under an EIDL COVID–19 loan (because it does not have to be repaid).

You must supply your 2019 or 2020 (whichever you used to calculate your loan amount) IRS Form 1040, Schedule C; Form 941 (or other tax forms or equivalent payroll processor records containing similar information); and state quarterly wage unemployment insurance tax reporting forms from each quarter in 2019 or 2020 (whichever you used to calculate your loan amount) or equivalent payroll processor records, along with evidence of any retirement and health insurance contributions, if applicable. A payroll statement or similar documentation from the pay period that covered February 15, 2020 must be provided to establish you were in operation on February 15, 2020.

b. Subsection B.11.b of the consolidated interim final rule implementing updates to the PPP (86 FR 3692, 3704) is revised to read as follows (footnotes are not restated):

b. How can PPP loans be used by individuals with income from self-employment who file an IRS Form 1040, Schedule C? [80]

The proceeds of a PPP loan are to be used for the following:

i. For borrowers that use net profit to calculate loan amount, owner compensation replacement, calculated based on 2019 or 2020 (using the same year that was used to calculate the loan amount) net profit as described in subsection B.4.b. For borrowers that use gross income to calculate loan amount, proprietor expenses (business expenses plus owner compensation), calculated based on 2019 or 2020 (using the same year that was used to calculate the loan amount) gross income as described in subsection B.4.b (this amount cannot exceed $20,833). For borrowers who used gross income to calculate the loan amount and have no employees, proprietor expenses equal gross income. For borrowers who used gross income to calculate the loan amount and have employees, proprietor expenses equal the difference between gross income and employee payroll costs.

ii. Employee payroll costs (as defined in subsection B.4.g. of the consolidated interim final rule implementing updates to the PPP) for employees whose principal place of residence is in the United States, if you have employees.

iii. Mortgage interest payments (but not mortgage prepayments or principal payments) on any business mortgage obligation on real or personal property (*e.g.,* the interest on your mortgage for the warehouse you purchased to store business equipment or the interest on an auto loan for a vehicle you use to perform your business), business rent payments (*e.g.,* the warehouse where you store business equipment or the vehicle you use to perform your business), and business utility payments (*e.g.,* the cost of electricity in the warehouse you rent or gas you use driving your business vehicle). You must have claimed or be entitled to claim a deduction for such expenses on your 2019 or 2020 (whichever you used to calculate loan amount) IRS Form 1040, Schedule C for them to be a permissible use. For example, if you did not claim or are not entitled to claim utilities expenses on your 2019 or 2020 IRS Form 1040, Schedule C, you cannot use the proceeds for utilities.

iv. Interest payments on any other debt obligations that were incurred before February 15, 2020 (such amounts are not eligible for PPP loan forgiveness).

v. Refinancing an SBA EIDL loan made between January 31, 2020 and April 3, 2020 (maturity will be reset to PPP's maturity of two years for PPP loans made before June 5, 2020 unless the borrower and lender mutually agree to extend the maturity of such loans to five years, or PPP's maturity of five years for PPP loans made on or after June 5).[81]

vi. Covered operations expenditures, as defined in section 7A(a) of the Small Business Act, to the extent they are deductible on IRS Form 1040, Schedule C.

vii. Covered property damage costs, as defined in section 7A(a) of the Small Business Act, to the extent they are deductible on IRS Form 1040, Schedule C.

viii. Covered supplier costs, as defined in section 7A(a) of the Small Business Act, to the extent they are deductible on IRS Form 1040, Schedule C.

ix. Covered worker protection expenditures, as defined in section 7A(a) of the Small Business Act, to the extent they are deductible on Form IRS 1040, Schedule C.[82]

c. Subsection B.13 of the consolidated interim final rule implementing updates to the PPP (86 FR 3692, 3706) is revised to read as follows:

13. Limited safe harbor with respect to certification concerning need for PPP loan request.[87]

The CARES Act requires each applicant applying for a PPP loan to certify in good faith ''that the uncertainty of current economic conditions makes necessary the loan request to support the ongoing obligations'' of the applicant. SBA, in consultation with Treasury, issued additional guidance concerning how SBA will review the required good-faith certification. *See* FAQ 46 (as originally posted May 13, 2020). This guidance included a safe harbor providing that any PPP borrower, together with its affiliates, that received PPP loans with an original principal amount of less than $2 million will be deemed to have made the required certification concerning the necessity of the loan request in good faith. In light of the additional flexibility being provided to certain borrowers to use their gross income amount, as reported on line 7 of IRS Form 1040, Schedule C, borrowers that elect to use gross income to calculate their maximum loan amount

[80] This subsection was originally published at 85 FR 21747, subsection III.1.d. (April 20, 2020) and has been modified to conform to the Economic Aid Act.

[81] Under section 7(a)(36)(Q) of the Small Business Act, as amended by section 341 of the Economic Aid Act, an EIDL loan used for purposes other than paying payroll costs and other eligible PPP expenditures is not considered a duplication of the assistance available under the PPP.

[82] Items vi. through ix. were added to conform to section 304 of the Economic Aid Act. These provisions are effective as if included in the CARES Act and apply to any loan made before, on, or after December 27, 2020, including forgiveness of such loan, unless SBA has remitted a loan forgiveness payment to the lender on the PPP loan.

[87] This subsection has been added to codify the safe harbor contained in FAQ 46 (posted May 13, 2020).

for a First Draw PPP Loan and that report more than $150,000 in gross income on the Schedule C that was used to calculate the borrower's loan amount will not automatically be deemed to have made the required certification concerning the necessity of the loan request in good faith. SBA may review their certification that ''Current economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant.'' If SBA determines that a borrower lacked an adequate basis for the required certification concerning the necessity of the loan request, SBA may determine that the borrower was not eligible for the loan, for the loan amount, or for loan forgiveness.

d. Subsection (f)(7) of the interim final rule for Second Draw PPP Loans (86 FR 3712, 3720) is revised to read as follows:

(7) The maximum amount of a Second Draw PPP Loan to a borrower that has income from self-employment and files an IRS Form 1040, Schedule C, is calculated as follows, depending on whether the borrower has employees:

(i) For a borrower that has income from self-employment and does not have any employees, the maximum loan amount is the lesser of:

(A) The product obtained by multiplying:

(*1*) The net profit or gross income of the borrower in 2019 or 2020, as reported on IRS Form 1040, Schedule C, that is not more than $100,000, divided by 12; and

(*2*) 2.5 (or, only for a borrower assigned a NAICS code beginning with 72 as defined in subsection (f)(10) at the time of disbursement, 3.5). This amount cannot exceed $29,167 for NAICS code 72 borrowers and $20,833 for all other borrowers.

(ii) For a borrower that has income from self-employment and has employees, the maximum loan amount is the lesser of:

(A) The product obtained by multiplying:

(*1*) The sum of (*i*) one of the two following options, up to $100,000; if this amount is less than zero, set this amount at zero (if you are using 2020 and have not yet filed a 2020 return, fill it out and compute the value):

- The borrower's net profit reported on IRS Form 1040, Schedule C for 2019 or 2020, divided by 12; or
- line 7 from the borrower's 2019 or 2020 IRS Form 1040, Schedule C, minus lines 14, 19, and 26, divided by 12; and

(*ii*) the average total monthly payment for employee payroll costs incurred or paid by the borrower during the same year elected by the borrower; by

(*2*) 2.5 (or, only for a borrower assigned a NAICS code beginning with 72 at the time of disbursement as defined in subsection (f)(10), 3.5); or

(B) $2,000,000.

e. Subsection IV.1.b.ii of the interim final rule on loan forgiveness requirements and loan review procedures (86 FR 8283, 8287) is revised to read as follows:

ii. Owner compensation replacement, calculated based on 2019 or 2020 [19] net profit or proprietor expenses, if applicable,[20] as described in subsection 3.c. below; forgiveness of such amounts is limited to either (a) the prorated portion of 2019 or 2020 net profit or gross income, if applicable, for a covered period up to 2.5 months, or (b) 2.5 months' worth (2.5/12) of 2019 or 2020 net profit or gross income, if applicable, (up to $20,833) for a covered period greater than 2.5 months,[21] excluding any qualified sick leave equivalent amount for which a credit is claimed under section 7002 of the Families First Coronavirus Response Act (FFCRA) (Pub. L. 116–127) or qualified family leave equivalent amount for which a credit is claimed under section 7004 of FFCRA;

f. Subsection IV.3.c of the interim final rule on loan forgiveness requirements and loan review procedures (86 FR 8283, 8289) is revised to read as follows:

c. Are there caps on the amount of loan forgiveness available for owner-employees and self-employed individuals' own payroll compensation? [37]

Yes. Forgiveness is capped at 2.5 months' worth (2.5/12) of an owner-employee or self-employed individual's 2019 or 2020 [38] compensation (up to a maximum $20,833 per individual in total across all businesses). The individual's total compensation may not exceed $100,000 on an annualized basis, as prorated for the period during which the payments are made or the obligation to make the payments is incurred. For example, for borrowers that elect to use an eight-week covered period, the amount of loan forgiveness requested for owner-employees and self-employed individuals' payroll compensation is capped at eight weeks' worth (8/52) of 2019 or 2020 compensation (*i.e.,* approximately 15.38 percent of 2019 or 2020 compensation) or $15,385 per individual, whichever is less, in total across all businesses. For borrowers that elect to use a ten-week covered period, the cap is ten weeks' worth (10/52) of 2019 or 2020 compensation (approximately 19.23 percent) or $19,231 per individual, whichever is less, in total across all businesses. For a covered period longer than 2.5 months, the amount of loan forgiveness requested for owner-employees and self-employed individuals' payroll compensation is capped at 2.5 months' worth (2.5/12) of 2019 or 2020 compensation (up to $20,833) in total across all businesses.

In particular, C-corporation owner-employees are capped by the prorated amount of their 2019 or 2020 [39] employee cash compensation and employer retirement and health, life, disability, vision and dental insurance contributions made on their behalf. S-corporation owner-employees are capped by the prorated amount of their 2019 or 2020 [40] employee cash compensation and employer retirement contributions made on their behalf. However, employer health, life, disability, vision and dental insurance contributions made on their behalf cannot be separately added; those payments are already included in their employee cash compensation. Schedule C or F filers are capped by the prorated amount of their owner compensation replacement (calculated based on 2019

[19] For First Draw PPP loans made in 2020, borrowers use 2019. For First Draw PPP loans made in 2021 and Second Draw PPP Loans, borrowers use the year (2019 or 2020) that was used to calculate the borrower's loan amount.

[20] For self-employed borrowers with no employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal gross income. For self-employed borrowers with employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal the difference between gross income and employee payroll costs. *See* subsections B.4.b and B.11.b of the consolidated interim final rule implementing updates to the PPP as amended by this interim final rule. For self-employed borrowers that file IRS Form 1040, Schedule F and have no employees, gross income may be used instead of net profit throughout this calculation. For self-employed borrowers that file IRS Form 1040, Schedule F and have employees, the difference between gross income and employee payroll costs may be used instead of net profit throughout this calculation. *See* section 313 of the Economic Aid Act. This calculation for Schedule F filers is equivalent to proprietor expenses for Schedule C filers.

[21] Section 306 of the Economic Aid Act allows the borrower to select a covered period between 8 weeks and 24 weeks.

[37] This subsection was originally published at 85 FR 33004, subsection III.3.c. (June 1, 2020) and amended by 85 FR 38304, subsection III.1.d (June 26, 2020) and has been modified to conform to sections 308 and 344 of the Economic Aid Act and for readability.

[38] For First Draw PPP loans made in 2020, borrowers use 2019. For First Draw PPP loans made in 2021 and Second Draw PPP loans, borrowers use the year (2019 or 2020) that was used to calculate the borrower's loan amount.

[39] Use whichever year was used to calculate the borrower's loan amount.

[40] Use whichever year was used to calculate the borrower's loan amount.

or 2020 net profit) or proprietor expenses (calculated based on 2019 or 2020 gross income).[41] General partners are capped by the prorated amount of their 2019 or 2020 net earnings from self-employment (reduced by claimed section 179 expense deduction, unreimbursed partnership expenses, and depletion from oil and gas properties) multiplied by 0.9235. For self-employed individuals, including Schedule C or F filers and general partners, retirement and health, life, disability, vision or dental insurance contributions are included in their net self-employment income and therefore cannot be separately added to their payroll calculation. LLC members are subject to the rules based on their LLC's tax filing status in the reference year used to determine their loan amount.

g. Subsection IV.6.b of the interim final rule on loan forgiveness requirements and loan review procedures (86 FR 8283, 8293) is revised to read as follows:

b. What documentation are borrowers who are individuals with self-employment income who file an IRS Form 1040, Schedule C or F required to submit to their lender with their request for loan forgiveness? [67]

For borrowers that received loans of $150,000 or less that use the SBA Form 3508S, the borrower must submit the certification and information required by section 7A(*l*)(1)(A) of the Small Business Act and, for a Second Draw PPP Loan, revenue reduction documentation if such documentation was not provided at the time of application.[68] All other borrowers must submit the certification required by section 7A(e)(3) of the Small Business Act, and (if the borrower has employees) IRS Form 941 and state quarterly business and individual employee wage reporting and unemployment insurance tax forms or equivalent payroll processor records that best correspond to the covered period (with evidence of any retirement and group health, life, disability, vision, and dental insurance contributions). Whether or not the borrower has employees, the borrower must submit evidence of business rent, business mortgage interest payments on real or personal property, business utility payments, or payments for a covered operations expenditure, covered property damage cost, covered supplier cost, or covered worker protection expenditure during the covered period if the borrower used loan proceeds for those purposes. This documentation may include cancelled checks, payment receipts, transcripts of accounts, purchase orders, orders, invoices, or other documents verifying payments on nonpayroll costs.

For all loans, the 2019 or 2020 IRS Form 1040, Schedule C or F that the borrower provided at the time of the PPP loan application must be used to determine the amount of net profit or proprietor expenses allocated to the owner for the covered period.[69]

h. SBA has developed new Borrower Application Forms for use by borrowers that are Schedule C filers and elect to calculate their loan amount using gross income, as allowed under this interim final rule. SBA Form 2483–C will be used by such borrowers when applying for First Draw PPP Loans and SBA Form 2483–SD–C will be used by such borrowers when applying for Second Draw PPP Loans. All references to the Borrower Application Form in the consolidated interim final rule implementing updates to the PPP, the interim final rule on second draw PPP loans, and the consolidated interim final rule on loan forgiveness requirements and loan review procedures include the SBA Form 2483–C and the SBA Form 2483–SD–C, as applicable.

2. Eligibility

The consolidated interim final rule implementing updates to the PPP provided, among other things, that a PPP loan applicant is ineligible if an owner of 20 percent or more of the equity of the applicant has been convicted of, pleaded guilty or nolo contendere to, or commenced any form of parole or probation (including probation before judgment) for (1) a felony involving fraud, bribery, embezzlement, or a false statement in a loan application or an application for federal financial assistance within the last five years, or (2) any other felony within the last year. This provision reflected the PPP eligibility requirements as revised in an interim final rule titled ''Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Revisions to First Interim Final Rule,'' published on June 18, 2020 (85 FR 36717). SBA has further reviewed these eligibility restrictions and, in consultation with Treasury, has determined that modification to the consolidated interim final rule implementing updates to the PPP is appropriate to ensure consistency with Congressional intent to provide relief to small businesses and their employees, expand access to the PPP, and remove barriers people with prior convictions face when working to restart their lives and contribute to our economy. SBA has determined that the one-year lookback restriction related to non-financial fraud felonies should be removed and only the five-year lookback restriction for those felonies involving fraud, bribery, embezzlement, or a false statement in a loan application or an application for federal financial assistance will limit an applicant's eligibility for the PPP. Removing the one-year lookback restriction related to non-financial fraud felonies is consistent with Congressional support for reducing criminal background checks in the PPP [11] and the important policies underlying recent criminal justice reforms in Congress, such as last year's Fair Chance to Compete for Jobs Act of 2019 (Pub. L. 116–92, Div. A, Tit. XI, Subtit. B,) and the First Step Act of 2018 (Pub. L. 115–391).

In light of the unique, emergency nature of the PPP and the higher fraud risk that exists due to the PPP's emphasis on speed in loan approvals and disbursements, the remaining restrictions on eligibility related to an applicant or owner's criminal history

[41] For self-employed borrowers with no employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal gross income. For self-employed borrowers with employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal the difference between gross income and employee payroll costs. *See* subsections B.4.b and B.11.b of the consolidated interim final rule implementing updates to the PPP as amended by this interim final rule. For self-employed borrowers that file IRS Form 1040, Schedule F and have no employees, gross income may be used instead of net profit. For self-employed borrowers that file IRS Form 1040, Schedule F and have employees, the difference between gross income and employee payroll costs may be used. *See* section 313 of the Economic Aid Act.

[67] This subsection was originally published at 85 FR 21747, subsection III.1.g. (Apr. 20, 2020) and has been modified to conform to sections 304, 307, 308, and 313 of the Economic Aid Act and for readability.

[68] *See* subsection (g)(2)(v) of the interim final rule on Second Draw PPP Loans. 86 FR 3712, 3721 (Jan. 14, 2021).

[69] For self-employed borrowers with no employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal gross income. For self-employed borrowers with employees that file IRS Form 1040, Schedule C, who used gross income to calculate the loan amount, proprietor expenses equal the difference between gross income and employee payroll costs. *See* subsections B.4.b and B.11.b of the consolidated interim final rule implementing updates to the PPP as amended by this interim final rule. For self-employed borrowers that file IRS Form 1040, Schedule F and have no employees, gross income may be used instead of net profit. For self-employed borrowers that file IRS Form 1040, Schedule F and have employees, the difference between gross income and employee payroll costs may be used instead of net profit.

[11] *See* Paycheck Protection Program Second Chance Act, S. 3865, 116th Congress (introduced in the Senate on June 2, 2020).

will help mitigate the risk of default, fraud, or misuse of PPP loan funds that are intended to benefit small business employees. By removing barriers for applicants with non-financial fraud felonies, this interim final rule balances the need to increase access to the PPP and remove barriers for people with prior convictions while still ensuring basic guardrails against fraud exist for this emergency program. Preserving the five-year lookback for financial fraud-related felonies is one of these guardrails.

The consolidated interim final rule implementing updates to the PPP also provided that a PPP loan applicant is ineligible for a PPP loan if the applicant, or any business owned or controlled by the applicant or any of its owners, has ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is currently delinquent or has defaulted within the last seven years and caused a loss to the government. SBA, in consultation with Treasury, has decided to eliminate the restriction in the consolidated interim final rule to the extent it applies to Federal student loans.[12] SBA has determined that eliminating consideration of delinquent or defaulted Federal student loans is appropriate to ensure consistency with Congressional intent to provide relief to small businesses and their employees and expand access to the PPP. This change will make PPP loans available to more borrowers with financial need and is consistent with Congress's intent that PPP loans be prioritized for small business concerns owned and controlled by socially and economically disadvantaged individuals as defined in section 8(d)(3)(c) of the Small Business Act.[13] According to the Department of Eduction, ''Black and Brown students rely more heavily on student loan debt than their peers and experience delinquency at disproportionately high rates. As a result prohibiting delinquent student loan borrowers from obtaining PPP loans is more likely to exclude business owners of color from access to the loans they need.'' [14] In addition, this change is consistent with the policy set in section 3513 of the CARES Act and the Department of Education's ongoing actions to provide economic relief to student loan borrowers whose loans are held by the agency by suspending Federal student loan payments and collections during the pandemic and keeping the interest rate at 0 percent.[15] At the request of the Department of Education by letter dated February 27, 2021, Treasury also has granted an exemption from the bar in 31 U.S.C. 3720B and 31 CFR 285.13, with respect to PPP borrowers with Federal student loans in delinquent status.

The change in PPP regulations relating to Federal student loans and the Treasury exemption apply to new PPP applicants as well as those borrowers who have already received a PPP loan. In this way, PPP borrowers with delinquent or defaulted student loan debts are treated equally, without regard to when they submitted their PPP application. Although PPP applications previously required applicants to disclose whether they had a delinquent Federal debt, student loan borrowers may have been confused about the status of their loans due to the current suspension on the payment and collection of Federal student loans or uncertain about whether loans not directly serviced or held by the Department of Education constitute Federal debt. This confusion may have led some borrowers to make innocent errors on their PPP application. For these reasons, SBA will apply this change to any First Draw PPP Loan or Second Draw PPP Loan, regardless of when the PPP loan was made.

Part IV.(e) of the interim final rule titled ''Business Loan Program Temporary Changes; Paycheck Protection Program Second Draw Loans,'' published on January 14, 2021 (''Second Draw Interim Final Rule'') (86 FR 3712), provides that an applicant is not eligible for a Second Draw PPP Loan if the applicant is excluded from eligibility under the consolidated interim final rule implementing updates to the PPP. The following revisions to Part III.B.2.a. of the consolidated interim final rule implementing updates to the PPP also affect eligibility for Second Draw PPP Loans.

Therefore, subsections B.2.a.iii. and B.2.a.iv of the consolidated interim final rule implementing updates to the PPP (86 FR 3692, 3698) are revised to read as follows:

2. What businesses, organizations, and individuals are ineligible?

a. Could I be ineligible even if I meet the eligibility requirements in section 1?

You are ineligible for a PPP loan if, for example:

* * * * *

iii. An owner of 20 percent or more of the equity of the applicant is presently incarcerated or, for any felony, presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction; or has been convicted of, pleaded guilty or nolo contendere to, or commenced any form of parole or probation (including probation before judgment) for a felony involving fraud, bribery, embezzlement, or a false statement in a loan application or an application for federal financial assistance within the last five years; or

iv. You, or any business owned or controlled by you or any of your owners, has ever obtained a direct or guaranteed loan from SBA or any other Federal agency (other than a Federal student loan made under Parts B, D, and E of the Higher Education Act of 1965, as amended, or other programs now administered by the U.S. Department of Education, which include the William D. Ford Federal Direct Loan program, the Federal Family Education Loan (FFEL) program, the Federal Perkins Loan program, the Health Education Assistance Loan (HEAL) program, or the Teacher Education Assistance for College and Higher Education (TEACH) program) that is currently delinquent or has defaulted within the last seven years and caused a loss to the government;

* * * * *

Subsection B.2.a. is amended to add after subsection B.2.a.ix:

The exclusion of Federal student loans from the restriction on applicants with delinquent or defaulted Federal debt in subsection (iv) applies to any loan made pursuant to section 7(a)(36) or 7(a)(37) of the Small Business Act, including forgiveness of such a loan, regardless of when the loan was made.

3. Additional Information

SBA may provide further guidance, if needed, through SBA notices that will be posted on SBA's website at *www.sba.gov.* Questions on the

[12] ''Federal student loans'' mean programs under Parts B, D and E of the Higher Education Act of 1965, as amended, as well as other programs now administered by the Department. These include loans under the under the William D. Ford Federal Direct Loan program, the Federal Family Education Loan (FFEL) program, the Federal Perkins Loan program, the Health Education Assistance Loan (HEAL) program, and the Teacher Education Assistance for College and Higher Education (TEACH) Grant program if those awards have converted into loans. These delinquencies include loans owed directly to the Department of Education as well as Federal student loans held by institutions of higher education or those guaranteed or insured by the Department of Education and which are held by private lenders or guaranty agencies.

[13] *See* 15 U.S.C. 636(a)(36)(P)(iv).

[14] See letter from Department of Education to Department of the Treasury requesting an exemption under 31 CFR 285.13 of the ban on Federal financial assistance to debtors with delinquent Federal student loans, for the PPP program, dated February 27, 2021.

[15] See Department of Education, Coronavirus and Forbearance Info for Students, Borrowers, and Parents, *https://studentaid.gov/announcements-events/coronavirus.*

Paycheck Protection Program may be directed to the Lender Relations Specialist in the local SBA Field Office. The local SBA Field Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

Compliance With Executive Orders 12866, 12988, 13132 and 13563 the Congressional Review Act, the Administrative Procedure Act, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Orders 12866 and 13563

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. SBA, however, is proceeding under the emergency provision at Executive Order 12866 section 6(a)(3)(D) based on the need to move expeditiously to mitigate the current economic conditions arising from the COVID–19 emergency.

This rule is necessary to provide economic relief to small businesses nationwide adversely impacted under the COVID–19 Emergency Declaration. We anticipate that this rule will result in substantial benefits to small businesses, their employees, and the communities they serve. However, we lack data to estimate the effects of this rule.

The Administrator of the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) has determined that this is a major rule for purposes of Subtitle E of the Small Business Regulatory Enforcement and Fairness Act of 1996 (also known as the Congressional Review Act or CRA) (5 U.S.C. 804(2) *et seq.*). Under the CRA, a major rule takes effect 60 days after the rule is published in the **Federal Register**. 5 U.S.C. 801(a)(3).

Notwithstanding this requirement, the CRA allows agencies to dispense with the requirements of section 801 when the agency for good cause finds that such procedure would be impracticable, unnecessary, or contrary to the public interest and the rule shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). Pursuant to § 808(2), SBA for good cause finds that a 60-day delay to provide public notice is impracticable and contrary to the public interest. Likewise, for the same reasons, SBA for good cause finds that there are grounds to waive the 30-day effective date delay under the Administrative Procedure Act. 5 U.S.C. 553(d)(3).

The last day to apply for and receive a PPP loan is March 31, 2021. Given the short duration of this program, and the urgent need to issue loans quickly, SBA, in consultation with Treasury, has determined that it is impractical and not in the public interest to provide a delayed effective date. An immediate effective date will give small businesses affected by this interim final rule the maximum amount of time to apply for loans and lenders the maximum amount of time to process applications before the program ends.

Executive Order 12988

SBA has drafted this rule, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, to minimize litigation, eliminate ambiguity, and reduce burden. The rule has no preemptive effect but the change to remove the eligibility restriction that prevents businesses with owners who are delinquent on their Federal student loans from obtaining PPP loans is retroactive to March 27, 2020.

Executive Order 13132

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

Paperwork Reduction Act, 44 U.S.C. Chapter 35

Paperwork Reduction Act, 44 U.S.C. Chapter 35

SBA has determined that this rule will require revisions to existing recordkeeping or reporting requirements of the Paycheck Protection Program (PPP) information collections (OMB Control Numbers 3245–0407 and 3245–0417. The revisions will affect SBA Form 2483, Borrower Application Form Revised February 17, 2021, SBA Form 2483–SD, Second Draw Borrower Application Form Revised February 17, 2021, SBA Form 2484, Lender's Application—Paycheck Protection Program Loan Guaranty Revised January 8, 2021, and SBA Form 2484–SD, Lender's Application—Second Draw Loan Guaranty. SBA Forms 2483 and 2483–SD were amended to implement to the revisions to the criminal history and delinquent student loan restrictions as set forth in this interim final rule. SBA Forms 2484 and 2484–SD were amended to implement the new loan amount calculation option for Schedule C filers, and the revisions to the criminal history and delinquent student loan restrictions as set forth in this interim final rule.

Additionally, to implement the new loan amount calculation option for Schedule C filers, SBA has developed two new forms, SBA Form 2483–C, PPP Borrower Application Form for Schedule C Filers Using Gross Income, and SBA Form 2483–SD–C, PPP Second Draw Borrower Application Form for Schedule C Filers Using Gross Income, which are required for applicants who are Schedule C filers and choose the gross income loan amount calculation option.

SBA has requested Office of Management and Budget (OMB) emergency approval of the revisions to the information collections to give small businesses affected by this interim final rule the maximum amount of time to apply for loans and lenders the maximum amount of time to process applications before the program ends.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604.

Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. SBA Office of Advocacy guide: How to Comply with the Regulatory Flexibility Act, Ch.1. p.9. Since this rule is exempt from notice and comment, SBA is not required to conduct a regulatory flexibility analysis.

Authority: 15 U.S.C. 636(a)(36); 15 U.S.C. 636(a)(37); 15 U.S.C. 636m; Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116–136, section 1114 and Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Pub. L. 116–260), section 303.

Tami Perriello,

Acting Administrator, Small Business Administration.

[FR Doc. 2021–04795 Filed 3–4–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0811; Product Identifier 2019–CE–055–AD; Amendment 39–21431; AD 2021–04–10]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Textron Aviation Inc. (Textron) (type certificate previously held by Cessna Aircraft Company) Models 208 and 208B airplanes. This AD was prompted by reports of loose elevator torque tube attach fasteners. This AD requires repetitively inspecting the inboard and outboard elevator torque tube attachments for loose or incorrectly installed fasteners, replacing all fasteners if loose or incorrectly installed fasteners are found, and reporting the inspection results to the FAA. This AD also includes optional actions to terminate the repetitive inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 12, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 12, 2021.

ADDRESSES: For service information identified in this final rule, contact Textron Aviation Inc., One Cessna Boulevard, Wichita, KS 67215; phone: 316–517–5800; email: *teamturbopropsupport@txtav.com;* website: *https://support.cessna.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust St., Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0811.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0811; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bobbie Kroetch, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: 316–946–4155; fax: 316–946–4107; email: *bobbie.kroetch@faa.gov* or *Wichita-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Textron (type certificate previously held by Cessna Aircraft Company) Models 208 and 208B airplanes. The NPRM published in the **Federal Register** on September 22, 2020 (85 FR 59457). The NPRM was prompted by reports of loose elevator torque tube attach fasteners on low flight time Textron Model 208B airplanes. Textron identified a quality escape affecting certain serial-numbered Model 208 and 208B airplanes. Fastener holes in the inboard and outboard elevator torque tube connections may have been oversized and fasteners at the inboard and outboard torque tube connections may have been installed incorrectly.

In the NPRM, the FAA proposed to require repetitively inspecting the inboard and outboard elevator torque tube attachments for loose or incorrectly installed fasteners, replacing all fasteners if loose or incorrectly installed fasteners are found, and reporting the inspection results to the FAA. The NPRM also proposed optional actions to terminate the repetitive inspections. This condition, if not addressed, could result in failure of the elevator torque tube fasteners, leading to loss of elevator control and loss of controlled flight. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Task 27–30–00–290, Left and Right Elevator Torque Tube Attach Points (Borescope) Special Detailed Inspection, dated October 1, 2018, of the Cessna Model 208 Maintenance Manual (Task 27–30–00–290). This service information contains procedures for performing a detailed borescope inspection of the left and right elevator torque tube attach points. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA also reviewed Textron Aviation Mandatory Caravan Service Bulletin CAB–27–06, dated October 14, 2019 (CAB–27–06). This service information contains instructions for visually inspecting the left and right elevator torque tube attach points for the presence of loose rivets and replacing loose or incorrectly installed rivets.

Differences Between This AD and the Service Information

Task 27–30–00–290 only specifies replacing loose fasteners. This AD requires replacement of all 48 fasteners if any single inboard or outboard elevator torque tube attach fastener is found loose or incorrectly installed. The FAA determined based on field evidence that identification of one loose fastener often indicates other fasteners may be affected.

CAB–27–06, which is not incorporated by reference in this AD, specifies performing an initial inspection within 800 flight hours or 12 months from date of receipt, whichever occurs first. This AD requires an initial inspection before the airplane accumulates 800 hours time-in-service (TIS) or within 200 hours TIS after the AD effectivity date, whichever occurs later.

CAB–27–06 also specifies, without sufficient data, that an inspection is not required for airplanes that have reached 4,000 hours. The FAA determined an inspection of high-time airplanes is necessary to verify whether these airplanes are affected. This AD requires a one-time visual inspection for airplanes that have already accumulated 4,000 hours TIS.

Costs of Compliance

The FAA estimates that this AD affects 232 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	Not applicable	$85 per inspection cycle.	$19,720 per inspection cycle.
Reporting Requirement	1 work-hour × $85 per hour = $85	Not applicable	$85 per report.	$19,720 per report.

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The FAA has no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Fastener Replacement: All 48 Fasteners	16 work-hours × $85 per hour = $1,360	$10	$1,370

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–10 Textron Aviation, Inc. (Type Certificate Previously Held by Cessna Aircraft Company): Amendment 39–21431; Docket No. FAA–2020–0811; Product Identifier 2019–CE–055–AD.

(a) Effective Date

This airworthiness directive (AD) is effective April 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Textron Aviation Inc. (Textron) (type certificate previously held by Cessna Aircraft Company) Model 208 airplanes, serial numbers 20800564 through 20800594 and 20800603 through 20800605; and Model 208B airplanes, serial numbers 208B5141 through 208B5285, 208B5287 through 208B5305, 208B5307 through 208B5312, 208B5314, 208B5316 through

208B5344, 208B5346 through 208B5350, 208B5353, 208B5354, 208B5356 through 208B5359, 208B5362 through 208B5366, 208B5401, 208B5403, 208B5404, and 208B5408; certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 5520, Elevator Structure.

(e) Unsafe Condition

This AD was prompted by reports of loose elevator torque tube attach fasteners. The FAA is issuing this AD to detect and correct loosening and eventual failure of the elevator torque tube attach fasteners. The unsafe condition, if not addressed, could result in loss of elevator control, resulting in loss of control of the airplane.

(f) Compliance

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

(g) Inspection and Fastener Replacement

(1) At the following compliance times, inspect each inboard and outboard elevator torque tube attach fastener for looseness and fretting by following sections 2.C. and 2.D. of Task 27–30–00–290, Left and Right Elevator Torque Tube Attach Points (Borescope) Special Detailed Inspection, dated October 1, 2018, of the Cessna Model 208 Maintenance Manual. You must also inspect for incorrectly installed fasteners.

(i) For airplanes that have accumulated less than 800 hours time-in-service (TIS) as of the effective date of this AD, complete the initial inspection before the airplane accumulates 800 hours TIS or within 200 hours TIS after the effective date of the AD, whichever occurs later. Thereafter, repeat the visual inspection at intervals not to exceed 200 hours TIS until the airplane has accumulated 4,000 hours TIS or until all 48 elevator torque tube attach fasteners are replaced, whichever occurs first.

(ii) For airplanes that have accumulated 800 or more hours TIS but less than 4,000 hours TIS as of the effective date of this AD, complete the initial inspection within 200 hours TIS after the effective date of the AD. Thereafter, repeat the visual inspection at intervals not to exceed 200 hours TIS until the airplane has accumulated 4,000 hours TIS or until all 48 elevator torque tube attach fasteners are replaced, whichever occurs first.

(iii) For airplanes that have accumulated 4,000 or more hours TIS as of the effective date of this AD, complete a one-time visual inspection within 200 hours TIS after the effective date of the AD. No repetitive inspections are required after completion of the one-time visual inspection.

(2) If there are any loose, fretting, or incorrectly installed fasteners, remove the elevator and replace all 48 elevator torque tube attach fasteners (24 per side, with 12 each on the inboard and outboard elevator torque tube attach point) before further flight. Maintain proper alignment by marking each part prior to removal and by replacing one fastener at a time. Replacing all 48 fasteners is terminating action for the repetitive inspections required by paragraphs (g)(1)(i) and (ii) of this AD.

(3) If all 48 fasteners were replaced before the effective date of this AD by following the instructions in paragraph (g)(2) of this AD, then the initial and recurring inspections detailed in paragraph (g)(1) of this AD are not required provided you report the information required by paragraph (h) of this AD.

(h) Reporting Requirement

Within 30 days after doing the initial inspection (regardless if loose, fretting, or incorrectly installed fasteners were found) or within 30 days after the effective date of this AD, whichever occurs later, and then within 30 days after each inspection where loose, fretting, or incorrectly installed fasteners were found, report the following information to the FAA at *Wichita-COS@faa.gov:*

(1) Name and address of owner.

(2) Date of the inspection.

(3) Name, address, phone number, and email address of person submitting the report.

(4) Airplane serial number, registration number, and total hours TIS on the airplane at the time of the inspection.

(5) If an earlier inspection identified loose, fretting, or incorrectly installed fasteners, identify the hours TIS on the airplane and which fasteners were replaced, if known, or if all fasteners were replaced.

(6) If loose, fretting, or incorrectly installed fasteners were found, detailed information including a sketch or picture showing the location of the loose, fretting, or incorrectly installed fasteners and identification of any installed supplemental type certificates (STCs), alterations, repairs, or field approvals affecting the area of concern.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

For more information about this AD, contact Bobbie Kroetch, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: 316–946–4155; fax: 316–946–4107; email: *bobbie.kroetch@faa.gov* or *Wichita-COS@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Task 27–30–00–290, Left and Right Elevator Torque Tube Attach Points (Borescope) Special Detailed Inspection, dated October 1, 2018, of the Cessna Model 208 Maintenance Manual.

(ii) [Reserved]

(3) For Textron Aviation, Inc. service information identified in this AD, contact Textron Aviation Inc., One Cessna Boulevard, Wichita, KS 67215; phone: 316–517–5800; email: *teamturbopropsupport@txtav.com;* website: *https://support.cessna.com.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust St., Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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

Issued on February 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03478 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0095; Project Identifier MCAI–2020–01658–R; Amendment 39–21439; AD 2021–04–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. This AD was prompted by two reports of debonding of the tail rotor (T/R) blade leading edge protection shields. This AD requires repetitively inspecting certain T/R blades and depending on the inspection results, replacing the T/R blade, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). This AD also prohibits installing certain T/R blades. The FAA is issuing

this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 23, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 23, 2021.

The FAA must receive comments on this AD by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For IBR material in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0095.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0095; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0224R1, dated November 11, 2020 (EASA AD 2020–0224R1), to correct an unsafe condition for all Airbus Helicopters Model AS 350 B, AS 350 BA, AS 350 BB, AS 350 B1, AS350 B2, AS 350 D, AS 355 E, AS 355 F, AS 355 F1, AS 355 F2, and AS 355 N helicopters. EASA AD 2020–0224R1 revises EASA AD 2020–0224–E, dated October 16, 2020, to expand the list of serviceable parts (post-mod 075580).

This AD was prompted by two reports of large debonding of the T/R blade leading edge protection shields. According to EASA, the design and assembly procedure of the affected part (pre-mod 075580) is such that rapid debonding can occur if humidity/liquid water reaches the bonding surface between the leading edge and blade spar. The FAA is issuing this AD to prevent failure of the T/R blade, which could result in loss of tail rotor control and subsequent loss of control of the helicopter. See the EASA AD for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0224R1 specifies repetitively visually inspecting each T/R blade leading edge protection shield and repetitively tap inspecting each T/R blade leading edge. EASA AD 2020–0224R1 also prohibits the installation of an affected part and specifies a longer-term modification to replace each affected part with a serviceable part. EASA AD 2020–0224R1 states that replacing all affected parts with serviceable parts on a helicopter constitutes terminating action for the repetitive visual and tap inspections.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0224R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this AD and the EASA AD.'' Additionally, the owner/operator (pilot) may perform the required visual checks but must enter compliance with the applicable paragraph of this AD in the helicopter maintenance records in accordance with 14 CFR 43.9(a)(1) through (4) and 91.417(a)(2)(v). A pilot may perform these checks because they only involve visually checking affected T/R blade leading edge protection shields and bonding strips. This action can be performed equally well by a pilot or a mechanic. This check is an exception to the FAA's standard maintenance regulations.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0224R1 will be incorporated by reference in the FAA final rule. This AD would, therefore, require compliance with EASA AD 2020–0224R1 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0224R1 that is required for compliance with EASA AD 2020–0224R1 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0095.

Differences Between This AD and the EASA AD

The EASA AD applies to all Model AS 350 B, AS 350 BA, AS 350 BB, AS

350 B1, AS350 B2, AS 350 D, AS 355 E, AS 355 F, AS 355 F1, AS 355 F2, and AS 355 N helicopters, whereas this AD applies to Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters with certain part-numbered T/R blades installed instead. This AD does not apply to Model AS 350 BB because this model is not FAA type-certificated. The EASA AD requires visually inspecting each T/R blade leading edge protection shield. This AD requires visually checking each T/R blade leading edge protection shield and bonding strip instead and allows a pilot to accomplish these visual checks. The EASA AD requires a longer-term modification of replacing each affected part with a serviceable part, whereas this AD does not. The FAA plans to publish a notice of proposed rulemaking to give the public an opportunity to comment on this longer-term requirement.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the visual repetitive checks must be done before each flight and the initial instance of the repetitive tap inspections must be done within 30 hours time-in-service, a time period of up to about 1.5 months based on the average flight-hour utilization rate of these helicopters. Accordingly, the compliance time for the required actions is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0095; Project Identifier MCAI–2020–01658–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Kristi Bradley, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 450 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually checking the T/R blades takes about 0.25 work-hour for an estimated cost of $21 per helicopter and $9,450 for the U.S. fleet, per inspection cycle. Tap inspecting the T/R blades takes about 0.5 work-hour for an estimated cost of $43 per helicopter and $19,350 for the U.S. fleet, per inspection cycle. Replacing a T/R blade takes about 12 work-hours and parts cost about $10,000 for an estimated cost of $11,020 per T/R blade.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–17 Airbus Helicopters: Amendment 39–21439; Docket No. FAA–2021–0095; Project Identifier MCAI–2020–01658–R.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350D, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters, certificated in any category, with a tail rotor (T/R) blade part number (P/N) listed in Appendix 1, Table 1, of European Union Aviation Safety Agency (EASA) AD 2020–0224R1, dated November 11, 2020 (EASA AD 2020–0224R1) (pre-mod 075580).

(d) Subject

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

(e) Reason

This AD was prompted by two reports of debonding of the T/R blade leading edge protection shields. The FAA is issuing this AD to prevent failure of the T/R blade, which could result in loss of tail rotor control and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0224R1.

(h) Exceptions to EASA AD EASA AD 2020–0224R1

(1) Where EASA AD 2020–0224R1 refers to flight hours (FH), this AD requires using hours time-in-service.

(2) Where EASA AD 2020–0224R1 refers to October 20, 2020 (the effective date of the original issuance of its AD (EASA AD 2020–0224–E, dated October 16, 2020)) and its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2020–0224R1 specifies visually inspecting each T/R blade leading edge protection shield with instructions in the service information, this AD requires visually checking each T/R blade leading edge protection shield and bonding strip for a distortion, dent, and scratch; visually checking the area surrounding each T/R blade leading edge protection along the skin length for a gap; and visually checking the area surrounding the bonding strip for a crack. These visual checks may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(4) Where paragraph (5) of EASA AD 2020–0224R1 specifies the modification of replacing each affected part with a serviceable part, this AD does not require this modification.

(5) The ''Remarks'' section of EASA AD 2020–0224R1 does not apply to this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, do not install a T/R blade identified in paragraph (c) of this AD on any helicopter.

(j) Special Flight Permit

Special flight permits are prohibited if an installed T/R blade does not pass the visual or tap inspections.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

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

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0224R1, dated November 11, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0224R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0095.

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

Issued on February 10, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04803 Filed 3–4–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0682; Product Identifier 2017–SW–028–AD; Amendment 39–21433; AD 2021–04–12]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson) Model R66 helicopters. This AD was prompted by reports of tail rotor (T/R) drive shaft forward hanger bearing failures. This AD requires installing a certain part numbered kit and removing parts from service or replacing a certain part-numbered T/R drive shaft assembly. This AD also prohibits the installation of certain parts. The FAA is

issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 12, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of April 12, 2021.

ADDRESSES: For service information identified in this final rule, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone 310–539–0508; fax 310–539–5198; or at *https://robinsonheli.com/technical-support/.* You may view a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0682; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M 30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5247; email *danny.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to Robinson Model R66 helicopters with a T/R drive shaft assembly part number (P/N) D224–3 without B900–11 modification installed. The SNPRM published in the **Federal Register** on July 28, 2020 (85 FR 45360). The FAA preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on March 30, 2018 (83 FR 13706). The NPRM was prompted by two incidents of forward hanger bearing failure of the T/R drive shaft assembly because the bearing was undersized for its housing. Consequently, the bearing was spinning at a speed that caused excessive heating of the bearing during operation and led to the breakdown of the bearing's grease and ultimately seizure of the C647–16 bearing.

To correct this condition, Robinson initially issued R66 Service Bulletin SB–14, dated June 25, 2015 (SB–14), for certain serial-numbered helicopters, which specified installing a temperature recorder on the T/R drive shaft forward hanger bearing assembly and inspecting the temperature recorder during preflight checks and during each 100-hour inspection. If the bearing was found running hot, then Robinson advised upgrading the bearing to a newer design.

Following additional reports of overheating forward hanger bearing assemblies, Robinson superseded SB–14 with R66 Service Bulletin SB–20, dated November 7, 2016 (SB–20), which affected additional serial-numbered helicopters and specified modifying T/R drive shaft assembly P/Ns D224–3 and D224–4 by using kit Robinson KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015 (KI–235) and installing yoke assembly P/N D224–5. This installation has an improved, larger bearing that spins with less friction. SB–20 also specified inspecting the forward and aft sides of the hanger and damper bearings for a minimum of 0.5 inch in length of sealant on the junction of the black seal and bearing outer race and applying sealant if there was less than 0.5 inch in length of sealant.

Robinson revised SB–20 with R66 Service Bulletin SB–20A, dated June 6, 2017 (SB–20A), to clarify that helicopters with either T/R drive shaft assembly P/N D224–3 with modification B900–11 or P/N D224–4 installed include the upgraded bearing and do not require kit KI–235.

Robinson later revised SB–20A with R66 Service Bulletin SB–20B, dated December 20, 2017 (SB–20B), which updates writing practices and organizes the procedures into two separate sections, clarifies the ''Rotorcraft Affected'' section, and reduces the helicopters that need to perform the inspection and sealant application procedures to just helicopters without the latest version damper and housing bearings.

The NPRM proposed to require within 100 hours time-in-service (TIS) replacing an affected T/R drive shaft forward yoke assembly with T/R drive shaft yoke assembly P/N D224–5. The NPRM proposed to require inspections of the forward and aft sides of the hanger bearing and the damper bearing for sealant, and depending on the results of the inspections applying sealant. The SNPRM proposed to revise the NPRM by expanding the applicability, changing the proposed requirements, and correcting nomenclature. The FAA is issuing this AD to address the unsafe condition on these products.

Comments

The FAA gave the public the opportunity to comment on the proposed rulemaking. The following presents the comments received on the SNPRM and the FAA's response to each comment.

Request: Robinson requested the FAA change the note to the Applicability paragraph to identify certain serial-numbered helicopters that had T/R drive shaft assembly P/N D224–4 installed during production and clarify that these helicopters are not affected by this AD. Robinson explained that the specified serial-numbered helicopters with T/R drive shaft assembly P/N D224–4 installed have the larger (hanger) bearing, which is not affected by this AD, and clarified that P/N D224–5 is a sub-assembly upgrade to P/N D224–4.

FAA Response: The FAA agrees and has revised that note in this final rule to identify the serial-numbered helicopters with T/R drive shaft assembly P/N D224–4 installed during production and clarify that this part-numbered T/R drive shaft assembly is not affected by this AD.

Request: Robinson requested that the FAA change the exception in paragraph (e)(1)(i) of this AD about not requiring the discarding of removed nuts and palnuts and stated that exception implies that the nuts and palnuts may be reused. Robinson explained that FAA Advisory Circular (AC) 43.13–1B Section 7–122 (d) specifies that these nuts should be discarded and referenced Robinson service information that specifies upgrading certain nuts any time maintenance is done. Robinson also stated that the KI–235 kit includes all required nuts and palnuts to replace discarded hardware.

FAA Response: The FAA disagrees. The FAA cannot require discarding of parts in an AD. Paragraph (d), section 7–122, of FAA AC 43.13–1B states that the removed nuts should never be reused and should be replaced with new ones when removed. Accordingly, the FAA has added language to the exception stating that this AD requires removing the affected parts from service.

FAA's Determination

The FAA has reviewed the relevant information, considered the comments received, and determined that an unsafe condition exists and is likely to exist or

develop on other products of the same type design and that air safety and the public interest require adopting the AD requirements as proposed with the changes described previously. These changes are consistent with the intent proposed in the SNPRM for correcting the unsafe condition and will neither increase the economic burden on any operator nor increase the scope of the AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed KI–235. This service information provides instructions for installing the newly designed yoke assembly, P/N D224–5.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Related Service Information

The FAA has reviewed SB–14, which specifies installing a temperature recorder on the T/R drive shaft forward hanger bearing assembly and inspecting the temperature during preflight checks and during each 100-hour inspection. If the temperature of the bearing is found running hot, then Robinson advises upgrading the bearing to a newer design (kit P/N KI–235). This service information also specifies adding a caution page to the Pilot Operating Handbook regarding the overheating bearing assemblies. This service information was superseded by SB–20.

The FAA has reviewed SB–20, SB–20A, and SB–20B, which specify upgrading the forward hangar bearing assembly of certain T/R drive shaft assemblies to the newer design with kit P/N KI–235 if not previously done. For certain installations, this service information contains procedures for inspecting for sealant and applying sealant to the damper and hanger bearings if needed to prevent seal rotation. This service information also specifies removing the caution page from the Pilot Operating Handbook regarding the overheating bearing assemblies that was added by SB–14.

Differences Between This AD and the Service Information

SB–20 specifies replacing the yoke assembly and applying sealant to the bearing seals within the next 100 flight hours or by January 31, 2017, whichever comes first, and SB–20A and SB–20B continue the compliance time of no later than January 31, 2017. This AD does not have a calendar time compliance requirement. SB–20, SB– 20A, and SB–20B specify inspecting for sealant and applying sealant to the damper and hanger bearings if needed, while this AD does not.

Costs of Compliance

The FAA estimates that this AD affects 290 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Installing Robinson field kit KI–235 takes about 6 work-hours and parts cost about $950, for an estimated cost of $1,460 per helicopter. As an option, replacing an affected T/R drive shaft assembly P/N D224–3 with T/R drive shaft assembly P/N D224–4 takes about 5 work-hours and parts cost about $4,400, for an estimated cost of $4,825 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–12 Robinson Helicopter Company: Amendment 39–21433; Docket No. FAA–2017–0682; Product Identifier 2017–SW–028–AD.

(a) Applicability

This airworthiness directive (AD) applies to Robinson Helicopter Company (Robinson) Model R66 helicopters, certificated in any category, with a tail rotor (T/R) drive shaft assembly part number (P/N) D224–3 without B900–11 modification installed.

Note 1 to paragraph (a): Helicopters with serial number (S/N) 0631 and subsequent had T/R drive shaft assembly P/N D224–4 installed during production, which is not affected by this AD.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a T/R drive shaft forward hanger bearing. This condition could result in failure of the T/R drive shaft and subsequent loss of helicopter control.

(c) Effective Date

This AD is effective April 12, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 100 hours time-in-service, do one of the following:

(i) Install Robinson kit P/N KI–235 using KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015, except where the service information specifies discarding parts, you are required to remove those parts from service instead.

(ii) Replace the entire T/R drive shaft assembly with T/R drive shaft assembly P/N D224–4.

(2) As of the effective date of this AD, do not install a T/R drive shaft assembly P/N D224–3 without B900–11 modification on any helicopter.

(f) Alternative Methods of Compliance (AMOC)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5247; email *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Related Information

For service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone 310–539–0508; fax 310–539–5198; or at *https://www.robinsonheli.com.* You may view a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(h) Material Incorporated by Reference

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

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

(i) Robinson KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015.

(ii) [Reserved]

(3) For service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone 310–539–0508; fax 310–539–5198; or at *https://www.robinsonheli.com.*

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

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

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

Issued on February 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03656 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0094; Project Identifier MCAI–2021–00100–R; Amendment 39–21437; AD 2021–04–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N and AS355NP helicopters; and certain Model AS350B3 helicopters. This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area, a crack was found in the spar of the upper part of the vertical fin and fractures were found in the two front attachment screws. This AD requires repetitive visual inspections of the right-hand side of the vertical fin spar for discrepancies (cracking), and corrective action if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 23, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 23, 2021.

The FAA must receive comments on this AD by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0094.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0094; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0186, dated August 20, 2020 (EASA AD 2020–0186) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N and AS355NP helicopters; and certain Model AS350B3 helicopters.

This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area of an Airbus Helicopters Model AS355NP helicopter, a crack was found in the spar of the upper part of the vertical fin and fractures were found in the two front attachment screws. Airbus Helicopters Model AS350B3 helicopters have a similar vertical fin configuration and are subject to comparable load levels as the affected Model AS355NP helicopter, therefore, this model may be subject to the same unsafe condition revealed on the Model AS355NP helicopter. The FAA is issuing this AD to address

cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws. This condition could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0186 describes procedures for, among other actions, repetitive visual inspections of the right-hand side of the vertical fin spar for cracking and corrective action. The corrective action includes repair. EASA AD 2020–0186 also describes procedures for an optional modification, which terminates the repetitive inspections.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the aviation authority of another country, and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0186, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0186 will be incorporated by reference in the FAA final rule. This AD would, therefore, require compliance with EASA AD 2020–0186 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0186 that is required for compliance with EASA AD 2020–0186 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0094.

Differences Between This AD and the MCAI

Paragraph (2) of EASA AD 2020–0186 specifies doing repetitive cleaning and detailed inspections of the vertical fin spar and vertical fin upper attachments. The actions specified in paragraph (2) of EASA AD 2020–0186 are not required by this AD because the planned compliance time for those actions would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions. The FAA is considering additional rulemaking to address the actions specified in paragraph (2) of EASA AD 2020–0186.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter. In addition, the initial inspection is required within 55 hours time-in-service, a time period of less than 3 months based on the average flight-hour utilization rate of these helicopters. Therefore, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0094; Project Identifier MCAI–2021–00100–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives that is not specifically

designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 650 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
7 work-hour × $85 per hour = $595	$0	$595	$386,750

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680	$7,300	$7,980

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required or optional actions. The FAA has no way of determining the number of helicopters that might need this on-condition action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	4 work-hours × $85 per hour = $340	$17,052	$17,392

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–15 Airbus Helicopters: Amendment 39–21437; Docket No. FAA–2021–0094; Project Identifier MCAI–2021–00100–R.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters specified in paragraph (c)(1) and (2) of this AD, certificated in any category.

(1) Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters, all serial numbers.

(2) Model AS350B3 helicopters, all serial numbers except those that have embodied Modification 07.3148 in production, or Eurocopter AS350 Service Bulletin 55.00.14 (any revision) in service.

(d) Subject

Joint Aircraft System Component (JASC) Code 5531, Vertical Stabilizer, Spar/Rib.

(e) Reason

This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area of an Airbus Helicopters Model AS355NP helicopter, a crack was found in the spar of the upper fin and fractures were found in the two front attachment screws. The FAA is issuing this AD to address cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws. This condition could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0186, dated August 20, 2020 (EASA AD 2020–0186).

(h) Exceptions to EASA AD 2020–0186

(1) Where EASA AD 2020–0186 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0186 does not apply to this AD.

(3) The actions specified in paragraph (2) of EASA AD 2020–0186 are not required by this AD.

(4) Where paragraph (3) of EASA AD 2020–0186 specifies to contact the manufacturer for approved repair instructions, for this AD, if any cracking is detected during any inspection, repair before further flight using a method approved by the Manager, International Validation Branch, FAA. For a repair method to be approved by the Manager, International Validation Branch, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(5) Where EASA AD 2020–0186 refers to flight hours (FH), this AD requires using hours time-in-service.

(6) Where the service information referred to in EASA AD 2020–0186 specifies to perform a visual inspection and ''if in doubt'' remove the rear and the tail rotor gear box (TGB) fairings to perform a detailed inspection and ''carry out'' a dye-penetrant inspection, those actions are required by this AD if any crack indication (*e.g.,* paint chips, dents, or swelling) is found during any inspection done without removing the rear and the TGB fairings.

(7) Although the service information referenced in EASA AD 2020–0186 specifies to scrap certain parts, this AD requires removing those parts from service instead.

(i) Special Flight Permit

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

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0186, dated August 20, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0186, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0094.

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

Issued on February 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04800 Filed 3–4–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0941; Airspace Docket No. 20–ASO–24]

RIN 2120–AA66

Amendment and Cancellation of VOR Federal Airways V–49 and V–541 in the Vicinity of Decatur, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies VHF Omni-directional Range Federal airway V–541 and removes V–49, in the vicinity of Decatur, AL. This action is necessary due to the planned decommissioning of the Decatur, AL, VOR/Distance Measuring Equipment (DME) navigation aid, which provides navigation guidance for segments of the routes. This will provide for the safe and efficient use of navigable airspace within the National Airspace System (NAS) while reducing NAVAID dependencies throughout the NAS as part of the FAA VOR Minimum Operation Network program.

DATES: Effective date 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2020–0941 in the **Federal Register** (85 FR 71292; November 9, 2020), modifying VHF Omni-directional Range Federal airway V–541 and removing V–49, in the vicinity of Decatur, AL. This will provide for the safe and efficient use of navigable airspace within the National Airspace System (NAS) while reducing NAVAID dependencies throughout the NAS as part of the FAA VOR Minimum Operation Network program. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by modifying VOR Federal airway V–541 and removing V–49, in the vicinity of Decatur, AL, due to the planned decommissioning of the Decatur, AL, VOR/DME as part of the FAA VOR Minimum Operation Network program. The route changes are described below.

V–49: V–49 currently extends from the Vulcan, AL, VORTAC to the Nashville, TN, VORTAC. The airway is removed in its entirety.

V–541: V–541 currently extends from the Gadsden, AL, VOR/DME to the Muscle Shoals, AL, VORTAC. The FAA straightens V–541 from the Gadsden VOR to the EDDIE intersection and removes the portion from the EDDIE intersection (INT Gadsden 318° T/316° M and Vulcan, AL, 029° T/027°M radials) to the Muscle Shoals VORTAC. This eliminates the dogleg that currently exists at AWPOJ, which is a Computer Notification Fix.

Note: In the V–541 description, both True (T) and Magnetic (M) degrees are stated because new radials are being used in the legal description (EDDIE intersection) to replace AWPOJ intersection (INT Gadsden 318° and Decatur, AL, 130° radials).

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying VOR Federal airway V–541 and removing V–49, in the vicinity of Decatur, AL, qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–49 [Remove]

* * * * *

V–541 [Amended]

From Gadsden, AL, to INT Gadsden 318° T/316° M and Vulcan, AL, 029° T/027° M radials.

* * * * *

Issued in Washington, DC, on February 24, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–04156 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0992; Airspace Docket No. 20–ANE–3]

RIN 2120–AA66

Deletion of VOR Federal Airways V–346 and V–400 in the Vicinity of Beauce, Canada.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes VHF Omni-directional Range Federal airway V–346 and V–400, in the vicinity of

Beauce, Canada. This action is necessary due to Canada's civil air navigation services provider, NAV Canada, planned decommissioning of the Beauce, Canada, VHF Omni-directional Range (VOR)/Distance Measuring Equipment (DME) navigation aid, which provides navigation guidance for segments of the routes. NAV Canada has deleted the portions of both airways that resided in their airspace.

DATES: Effective date 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2020–0992 in the **Federal Register** (85 FR 70534; November 5, 2020), removing VHF Omni-directional Range Federal airway V–346 and V–400, in the vicinity of Beauce, Canada. NAV Canada has deleted the portions of both airways that resided in their airspace. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by removing VOR Federal airway V–346 and V–4000, in the vicinity of Beauce, Canada, due to the planned decommissioning of the Beauce, Canada, VOR/DME navigational aid. The routes have already been removed by NAV Canada for those portions in Canada. The VOR Federal airway changes are outlined below.

V–346: V–346 currently extends from Beauce, PQ, Canada, VOR/DME to Millinocket, ME, VOR/DME, excluding the airspace within Canada. The airway is removed in its entirety.

V–400: V–400 currently extends from Presque Isle, ME, VOR/DME to Beauce, PQ, Canada, VOR/DME, excluding the airspace within Canada. The airway is removed in its entirety.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of removing VHF Omni-directional Range Federal airways V–346 and V–400, in the vicinity of Beauce, Canada, qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–346 [Remove]

* * * * *

V–400 [Remove]

Issued in Washington, DC, on February 24, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–04155 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1014; Airspace Docket No. 20–ASW–7]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Farmington, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace at Four Corners Regional Airport, Farmington, NM. This action also modifies the Class E airspace, designated as a surface area, to match the modified Class D dimensions. Additionally, this action modifies the Class E airspace extending upward from 700 feet above the surface. Further, this action removes the Class E airspace, extending upward from 1,200 feet above the surface. This action also removes the Four Corners Regional ILS Localizer and the Farmington VORTAC from the legal descriptions' text headers and airspace descriptions. Lastly, this action implements several administrative corrections to the Class D, Class E2, and Class E5 airspaces' legal descriptions.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Class D and Class E airspace at Four Corners Regional Airport, Farmington, NM, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 78811, December 7, 2020) for Docket No. FAA–2020–1014 to modify the Class D and Class E airspace at Four Corners Regional Airport, Farmington, NM. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to the publication of the NPRM, the FAA discovered ''The Proposal'' section in **SUPPLEMENTARY INFORMATION** of the preamble for the NPRM contained incorrect verbiage. The section that discussed the Class E airspace designated as a surface area incorrectly stated ''Within a 4.7-mile radius of Four Corners Regional Airport and within 1 mile each side of the Four Corners Regional ILS Localizer east course extending from the 4.7-mile radius to 5.6 miles east of the airport.''

However, the proposed regulatory text contained the correct verbiage which reads ''That airspace extending upward from the surface within a 4.7-mile radius of the airport, and within 1.8 miles each side of the 086° bearing from the airport, extending from the 4.7-mile radius to 5.6 miles east of Four Corners Regional Airport.''

Class D, E2, and E5 airspace designations are published in paragraphs 5000, 6002, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 modifies the Class D airspace at Four Corners Regional Airport, Farmington, NM. To properly contain IFR departures flying toward or over rising terrain an area is added to the eastern boundary of the Class D airspace.

This action also modifies the Class E airspace, designated as a surface area, to be coincident with the new Class D dimensions.

Additionally, this action modifies the Class E airspace extending upward from 700 feet above the surface. This airspace is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The current

configuration does not properly contain IFR aircraft performing instrument approaches to the airport. To properly contain IFR arrivals, the areas to the east and the west of the airport have been expanded.

This action also removes the Class E airspace extending upward from 1,200 feet above the surface. This area is wholly contained with the Denver en route airspace and duplication is not necessary.

Further, this action removes the Four Corners Regional ILS Localizer from the Class D and Class E2 text headers and airspace descriptions. The action also removes the Farmington VORTAC from the Class E5 airspace text header and airspace description. The navigational aids (NAVAIDs) are not needed to define the airspace. Removal of the NAVAIDs allows the airspace to be defined from a single reference point which simplifies how the airspace is described.

Lastly, this action implements several administrative corrections to the Class D, Class E2, and Class E5 airspaces' legal descriptions. This action removes the city name from the second line of Class D, Class E2, and Class E5 text headers. The legal descriptions for the Class D and Class E2 airspace contain the outdated term ''Airport/Facility Directory.'' this action updates the term to ''Chart Supplement.'' The airport's geographic coordinates in the Class D and Class E2 text headers do not match the FAA database; this action updates the geographic coordinates to ''lat. 36°44′29″ N., long. 108°13′48″ W.''

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASW NM D Farmington, NM [Amended]

Four Corners Regional Airport, NM
(Lat. 36°44′29″ N, long. 108°13′48″ W)

That airspace extending upward from the surface to and including 8,000 feet MSL within a 4.7-mile radius of the airport, and within 1.8 miles each side of the 086° bearing from the airport, extending from the 4.7-mile radius to 5.6 miles east of Four Corners Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as a Surface Area.

* * * * *

ASW NM E2 Farmington, NM [Amended]

Four Corners Regional Airport, NM
(Lat. 36°44′29″ N, long. 108°13′48″ W)

That airspace extending upward from the surface within a 4.7-mile radius of the airport, and within 1.8 miles each side of the 086° bearing from the airport, extending from the 4.7-mile radius to 5.6 miles east of Four Corners Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASW NM E5 Farmington, NM [Amended]

Four Corners Regional Airport, NM
(Lat. 36°44′29″ N, long. 108°13′48″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airport, and within 4 miles north and 8 miles south of the 088° bearing from the airport, extending from 4 miles east of the airport to 22.4 miles east of the airport, and within 4.2 miles each side of the 267° bearing from the airport, extending from the 6.7-mile radius to 12.5 miles west of Four Corners Regional Airport.

Issued in Seattle, Washington, on February 24, 2021.

B.G. Chew,

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

[FR Doc. 2021–04212 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1072; Airspace Docket No. 20–ACE–23]

RIN 2120–AA66

Establishment of Class E airspace; Leoti, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Mark Hoard Memorial Airport, Leoti, KS. The airspace contains the new instrument approach and departure procedures that were developed for the airport.

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

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Mark Hoard Memorial Airport, Leoti, KS, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 81167, December 15, 2020) for Docket No. FAA–2020–1072 to establish Class E airspace for Mark Hoard Memorial Airport, Leoti, KS. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface at the Mark Hoard Memorial Airport, Leoti, KS. The airspace is designed to contain IFR arrivals descending below 1,500 feet above the surface, and IFR departures to 1,200 feet above the surface. The airspace contains the new instrument approach and departure procedures that were developed for the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE KS E5 Leoti, KS [New]

Mark Hoard Memorial Airport, KS
(Lat. 38°27′27″ N, long. 101°21′03″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mark Hoard Memorial Airport.

Issued in Seattle, Washington, on February 24, 2021.

B.G. Chew,

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

[FR Doc. 2021–04211 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742 and 744

[Docket No. 210302–0033]

RIN 0694–AI43

Burma: Implementation of Sanctions

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In response to the Burmese military coup that overthrew the democratically-elected government of Myanmar (Burma), in this final rule, the

Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to apply more restrictive treatment to exports and reexports to, and transfers within, Burma of items subject to the EAR. This action advances the U.S. Government's efforts to reduce the availability of items to Burma's military and security services.

DATES: This rule is effective March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Tracy Patts, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, U.S. Department of Commerce, by email at *Foreign.Policy@bis.doc.gov,* or by phone at 202–482–4252.

SUPPLEMENTARY INFORMATION:

Background

Burma Under the Export Administration Regulations

On February 10, 2021, President Biden signed Executive Order (E.O.) 14014, ''Blocking Property With Respect to the Situation in Burma.'' *See* 86 FR 9429 (Feb. 12, 2021). In E.O. 14104, the President declared a national emergency to address the threat posed to the United States by the situation in, and in relation to, Burma following a February 1, 2021 military coup, citing the military's overthrow of the country's democratically-elected government and arrest and detention of government leaders, human rights defenders, and journalists. *See id.* The United States had removed sanctions on Burma over the past decade based on progress toward democracy, and the reversal of that progress necessitated an immediate review of our sanction laws and authorities, followed by appropriate action. *See President Biden's February 1, 2021 statement, available at https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/01/statement-by-president-joseph-r-biden-jr-on-the-situation-in-burma/.*

In response to the February 1, 2021 Burmese military coup, on February 18, 2021, BIS took action under the Export Administration Regulations, 15 CFR parts 730–774 (EAR), and published a **Federal Register** notice announcing a more restrictive review policy for applications involving exports and reexports of items requiring a license under the EAR that are destined for Burma's military and security services and suspended the availability of certain license exceptions for items destined for Burma. *See* 86 FR 10011 (Feb. 18, 2021). Taken together, the measures set forth in the February 18, 2021 **Federal Register** notice and this final rule are consistent with recent actions taken by the Department of the Treasury's Office of Foreign Assets Control under E.O. 14104. Specifically, this rule: 1) moves Burma from Country Group B to the more restrictive Country Group D:1; 2) adds Burma to the countries subject to the national security licensing policy for certain military end uses and end users, and to the 'military end use' and 'military end user' restrictions; and 3) moves Burma from Computer Tier 1 to the more restrictive Computer Tier 3 in the (Computers) (APP) license exception.

Burma Under the EAR Prior to the February 18, 2021 Notice

As a general matter, during a four-year period following BIS's placement of Burma in Country Group B in December 2016, BIS did not maintain special controls on Burma. *See* 81 FR 94962 (Dec. 27, 2016). Applications for items requiring a license for export or reexport to Burma were generally subject to case-by-case review consistent with the licensing policies set forth in Part 742 and other applicable parts of the EAR. For purposes of License Exception Computers (APP) (Section 740.7 of the EAR) in August 2017, Burma was placed in Computer Tier 1, a relatively less-restrictive placement. *See* 82 FR 38764, 8/15/17.

Prior to December 2016, BIS had imposed more significant restrictions on exports and reexports to Burma as part of a broad U.S. Government-wide embargo in effect for nearly two decades that had restricted trade with or involving Burma under a national emergency declared by President Bill Clinton pursuant to Executive Order 13047 of May 20, 1997, in response to repression by the then-governing regime in Burma. This emergency was extended and expanded by Presidents George W. Bush and Barack Obama, who together issued five additional Burma-related Executive Orders. Between October 2007 and December 2016, Burma was located in Country Group D:1, Supp. No. 1 to Part 740 of the EAR. It was located in Computer Tier 3, a relatively restrictive placement, for purposes of License Exception Computers (APP) until August 2017. *See* 82 FR 38764, 8/15/17. BIS also maintained license requirements in part 744 (then § 744.22) (*see* 72 FR 60248, October 24, 2007, as modified by 74 FR 770, January 8, 2009), for the export, reexport, or transfer (in country) of most items subject to the EAR, to persons listed in or designated pursuant to three of the Burma-related Executive Orders. Executive Order 13742 of October 7, 2016, terminated the national emergency declared in Executive Order 13047 and revoked that Executive Order and the other Burma-related Executive Orders.

Notwithstanding the EAR changes made following the October 2016 termination of the embargo, Burma continued to be located in Country Group D:3 (countries raising proliferation concerns related to chemical and biological weapons) and Country Group D:5 (U.S. arms-embargoed countries), consistent with § 126.1 of the International Traffic in Arms Regulations, 22 CFR parts 120–130.

Burma Under the EAR: February 18, 2021 Notice

On February 1, 2021, the Burmese military overthrew the democratically-elected government of Burma and detained President Win Myint and State Counsellor Aung San Suu Kyi and other parliamentarians affiliated with the National League for Democracy.

In response to this coup, as noted above, BIS issued a **Federal Register** notice effective February 18, 2021, adopting a more restrictive license application review policy of a presumption of denial for items subject to the EAR that require a license for export and reexport and that are destined for Burma's Ministry of Defense, Ministry of Home Affairs, armed forces, or security services. BIS also suspended the use of four license exceptions set forth in part 740 of the EAR that would otherwise have generally been available to Burma as a result of its Country Group B placement: Shipments of Limited Value (LVS) (§ 740.3); Shipments to Group B Countries (GBS) (§ 740.4); Technology and Software under Restriction (TSR) (§ 740.6); and Computers (APP) (§ 740.7).

Changes Made by This Rule

This rule strengthens export controls on Burma consistent with the policy concerns described in BIS's February 18, 2021 notice. The actions in this rule support the United States Government's efforts to promote an immediate return to democracy in Burma, to underscore to Burma's security forces there must not be violence against civilians, and to stand in solidarity with the people of Burma, who continue to voice their desire for democracy, peace, and rule of law. In particular, this rule enhances the U.S. Government's efforts to ensure that items subject to the EAR are not available to Burma's military and security services. These measures also address the foreign policy and national

security concerns that formed the basis for the issuance of E.O. 14104 of February 10, 2021.

Country Group D:1

The rule removes Burma from EAR Country Group B in supplement no. 1 to part 740 (Country Groups) and moves it into the more restrictive Country Group D:1. This action makes certain license exceptions or portions of license exceptions unavailable for Burma, or imposes conditions on the use of such license exceptions, including as follows:

• Shipments of Limited Value (LVS) (§ 740.3). This license exception is no longer available for Burma due to Burma's removal from Country Group B.

• Shipments to Group B Countries (GBS) (§ 740.4). This license exception is no longer available for Burma due to Burma's removal from Country Group B.

• Technology and Software under Restriction (TSR) (§ 740.6). This license exception is no longer available for Burma due to Burma's removal from Country Group B.

• Temporary Imports, Exports, Reexports, and Transfers (in-country) (TMP) (§ 740.9). Paragraph (b) (Exports of items temporarily in the United States) of this license exception places restrictions on shipments of national security (NS) controlled items to D:1 countries, and thus the provisions in paragraph (b) that would authorize exports of NS-controlled items to Country Group B (but not Country Group D:1) are no longer available for shipments destined to Burma.

• Servicing and Replacement Parts and Equipment (RPL) (§ 740.10). This license exception authorizes certain items to be returned to Country Group B (*see* (a)(4) (Reexports), and (b)(3)(ii)(C) (return of defective or unacceptable equipment)). These two paragraphs are no longer available for the return of such items to Burma due to Burma's removal from Country Group B.

• Aircraft, Vessels, and Spacecraft (AVS) (§ 740.15). Paragraph (b) of this license exception authorizes exports and reexports of certain equipment and spare parts for permanent use upon a vessel or aircraft, except for vessels registered in a D:1 country or aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Group D:1, or a national of any of these countries. With the publication of this rule, Burma is a D:1 country, and restrictions in this paragraph are applied to exports for vessels registered in Burma, or aircraft registered in, owned or controlled by, or under charter or lease to Burma or a Burmese national. Paragraph (c) of this license exception authorizes certain exports to U.S. or Canadian vessels, planes and airline installations or agents except for exports to D:1 countries and for aircraft located in, or owned, operated or controlled by, or leased or chartered to a D:1 country. Burma is now subject to all D:1-related specified restrictions set forth in paragraph (c) of § 740.15.

• Additional Permissive Reexports (APR) (§ 740.16(j)). Paragraph (j) of this license exception authorizes certain reexports of nuclear non-proliferation controlled items except when also controlled for NS reasons when destined to a D:1 country. Burma is now a D:1 country and will thus no longer be eligible for reexports of NS-controlled items under this provision.

• Encryption commodities, technology, and software (ENC) (§ 740.17). Paragraph (b)(2)(iv)(B) of this license exception places restrictions on certain encryption technology exports to users in D:1 countries. These restrictions shall apply to users in Burma now, due to Burma's placement in Country Group D:1.

The restrictions on the export, reexport, and transfer (in-country) of certain microprocessors to military end uses and end users in Country Group D:1, pursuant to § 744.17 (Restrictions on certain exports, reexports, and transfers (in-country) of microprocessors and associated ''software'' and ''technology'' for 'military end uses' and to 'military end users'), apply to transactions to Burma now that it is in Country Group D:1 as a result of this rule. Furthermore, the restrictions in § 744.7 (Restrictions on certain exports to and for the use of certain foreign vessels or aircraft) on certain exports and reexports to vessels and aircraft located in ports in a D:1 country now apply to exports and reexports to Burma, and restrictions in that section that apply to aircraft located in, or owned, operated or controlled by, or leased or chartered to, Country Group D:1 or a national of such country, now apply to aircraft located in, or owned, operated or controlled by, or leased or chartered to Burma or a Burmese national. Finally, the addition of Burma to Country Group D:1 expands the applicability of § 736.2(b)(3), General Prohibition Three, by imposing licensing requirements for reexports of foreign-produced direct products of certain U.S.-origin technology and software to Burma.

Burma remains in Country Groups D:3 (countries raising proliferation concerns related to chemical and biological weapons) and D:5 (U.S. arms-embargoed countries). *See* supplement no. 1 to part 740 of the EAR.

Licensing Policy

As noted below, this rule adds Burma to the countries subject to the military end use and end user controls, and associated licensing policies, in § 744.21. This rule also adds Burma to the list of countries subject to the licensing policy in § 742.4(b)(7) (NS-controlled items) of the EAR. The license review policy for NS-controlled items in § 742.4(b)(7) applies to transactions with the other countries included in § 744.21, and now applies to Burma as well.

Section 744.21

This rule adds Burma to the countries subject to the 'military end use' and 'military end user' (MEU) restrictions in § 744.21 of the EAR. In addition to the license requirements for items specified on the Commerce Control List (CCL), § 744.21 prohibits the export, reexport, or transfer (in-country) without a license of items subject to the EAR that are listed in supplement no. 2 to part 744—List of Items Subject to the Military End Use or End User License Requirement of § 744.21—to the People's Republic of China (China), the Russian Federation, or Venezuela, and with the publication of this rule, Burma, in certain circumstances. Such exports, reexports, or transfers (in-country) require a license if, at the time of the export, reexport, or transfer (in-country), the exporter, reexporter, or transferor (in-country) has ''knowledge,'' as defined in § 772.1 of the EAR that the item is intended, entirely or in part, for a 'military end use,' or 'military end user,' in Burma, China, the Russian Federation, or Venezuela. Applications submitted for the export or reexport to Burma, or transfer within Burma, of an item in supplement no. 2 to part 744 under this section will be reviewed with a presumption of denial.

This rule also adds a reference to Burma in supplement no. 7 to part 744—'Military End User' List but does not add any entities located in Burma to the list of Military End Users (MEU List) at this time. The MEU List notifies the public that certain entities are subject to the military end-user prohibitions in § 744.21 of the EAR. BIS may add entities located in Burma to the MEU List in the future.

This rule also corrects a typo in the last sentence of the introductory text to supplement no. 7 to part 744. The correction removes the phrase 'supplement no. 2 to part 744' from the last sentence of the introductory text and adds in its place the phrase 'supplement no. 7 to part 744'. Supplement no. 7 to part 744 is the

correct supplement reference in the context of this sentence. With this correction, the last sentence correctly states that ''. . . license application procedure and license review policy for entities specified in supplement no. 7 to part 744 is specified in § 744.21(d) and (e).''

Computer Tier 3

This rule moves Burma from Computer Tier 1 to Computer Tier 3 under License Exception Computers (APP), § 740.7. This change limits the use of that license exception for exports and reexports to, or transfers (in-country) within, Burma. The placement of Burma in Country Group D:1 by this rule and movement of Burma into Computer Tier 3 supersedes the suspension of four License Exceptions announced as part of the February 18, 2021 notice, as the prior suspension was linked to Burma's placement at the time in Country Group B and in Computer Tier 1.

Export Control Reform Act of 2018

On August 13, 2018, President Donald J. Trump signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852) that provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated to be a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866.

2. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

3. Pursuant to section 1762 of the Export Control Reform Act of 2018 (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

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

5. Notwithstanding any other provision of law, no person may be required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves a collection currently approved by OMB under control number 0694–0088, Simplified Network Application Processing System. The collection includes, among other things, license applications, and carries a burden estimate of 42.5 minutes for a manual or electronic submission for a total burden estimate of 31,878 hours. BIS expects the burden hours associated with this collection to not significantly increase with the publication of this rule.

Savings Clause

Shipments of items that may no longer be made under No License Required (NLR) or license exception as a result of this action and were on dock for loading, on lighter, laden aboard an exporting or transferring carrier, or en route aboard a carrier to a port of export or reexport on April 7, 2021, pursuant to actual orders for export to Burma, reexport to Burma, or transfer (in country) within Burma may proceed to their destination under the prior authorization.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Terrorism

15 CFR 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 740, 742, and 744 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 740—LICENSE EXCEPTIONS

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

§ 740.7 [Amended]

■ 2. Amend § 740.7 by
■ a. Removing ''Burma,'' from paragraph (c)(1); and
■ b. Adding ''Burma'' alphabetically in paragraph (d)(1).

Supplement No. 1 to Part 740—Country Groups

■ 3. Supplement no. 1 to part 740 is amended by
■ a. In the Country Group B table, removing ''Burma''; and
■ b. In the Country Group D table revising the entry for ''Burma'' to read as follows:

Supplement No. 1 to Part 740—Country Groups

* * * * *

Country Group D

Country	[D:1] National security	[D:2] Nuclear	[D:3] Chemical & biological	[D:4] Missile technology	[D:5] U.S. Arms embargoed countries [1]
* * *	*	*		*	*
Burma	X		x		x

Country	[D:1] National security	[D:2] Nuclear	[D:3] Chemical & biological	[D:4] Missile technology	[D:5] U.S. Arms embargoed countries [1]
* * *	*	*		*	*

[1] Note to Country Group D:5: Countries subject to U.S. arms embargoes are identified by the State Department through notices published in the FEDERAL REGISTER. The list of arms embargoed destinations in this table is drawn from 22 CFR 126.1 and State Department FEDERAL REGISTER notices related to arms embargoes (compiled at *http://www.pmddtc.state.gov/embargoed_countries/index.html*) and will be amended when the State Department publishes subsequent notices. If there are any discrepancies between the list of countries in this table and the countries identified by the State Department as subject to a U.S. arms embargo (in the FEDERAL REGISTER), the State Department's list of countries subject to U.S. arms embargoes shall be controlling.

* * * * *

PART 742—CONTROL POLICY—CCL BASED CONTROLS

■ 4. The authority citation for part 742 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of November 12, 2019, 84 FR 61817 (November 13, 2019).

■ 5. Section 742.4 is amended by revising paragraph (b) (7) to read as follows:

§ 742.4 National security.

* * * * *

(b) * * *

(7)(i) For Burma, the People's Republic of China (China), the Russian Federation, and Venezuela, all applications will be reviewed to determine the risk of diversion to a military end user or military end use. There is a general policy of approval for license applications to export, reexport, or transfer items determined to be for civil end users for civil end uses. There is a presumption of denial for license applications to export, reexport, or transfer items that would make a material contribution to the ''development,'' ''production,'' maintenance, repair, or operation of weapons systems, subsystems, and assemblies, such as, but not limited to, those described in supplement no. 7 to part 742 of the EAR, of Burma, China, the Russian Federation, or Venezuela.

(ii) The following factors are among those that will be considered in reviewing license applications described in paragraph (b)(7)(i) of this section:

(A) The appropriateness of the export, reexport, or transfer for the stated end use;

(B) The significance of the item for the weapon systems capabilities of the importing country;

(C) Whether any party is a 'military end user' as defined in § 744.21(g) of the EAR;

(D) The reliability of the parties to the transaction, including whether:

(*1*) An export or reexport license application has previously been denied;

(*2*) Any parties are or have been engaged in unlawful procurement or diversion activities;

(*3*) The parties are capable of securely handling and storing the items; and

(*4*) End-use checks have been and may be conducted by BIS or another U.S. government agency on parties to the transaction;

(E) The involvement of any party to the transaction in military activities, including activities involving the ''development,'' ''production,'' maintenance, repair, or operation of weapons systems, subsystems, and assemblies;

(F) Government strategies and policies that support the diversion of exports from their stated civil end use and redirection towards military end use.

(G) The scope and effectiveness of the export control system in the importing country; and

(iii) The review will also include an assessment of the impact of a proposed export of an item on the United States defense industrial base and the denial of an application for a license that would have a significant negative impact, as defined in § 1756(d)(3) of the Export Control Reform Act of 2018 (50 U.S.C. 4815(d)(3)), on such defense industrial base.

* * * * *

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

■ 6. The authority citation for part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2020, 85 FR 59641 (September 22, 2020); Notice of November 12, 2020, 85 FR 72897 (November 13, 2020).

■ 7. Section 744.21 is revised to read as follows:

§ 744.21 Restrictions on certain 'military end use' or 'military end user' in Burma, The People's Republic of China, The Russian Federation, or Venezuela.

(a) *General prohibition.* In addition to the license requirements for items specified on the Commerce Control List (CCL), you may not export, reexport, or transfer (in-country) any item subject to the EAR listed in supplement no. 2 to part 744 to Burma, the People's Republic of China (China), the Russian Federation, or Venezuela without a license if, at the time of the export, reexport, or transfer (in-country), you have ''knowledge,'' as defined in § 772.1 of the EAR, that the item is intended, entirely or in part, for a 'military end use,' as defined in paragraph (f) of this section, or 'military end user,' as defined in paragraph (g) of this section, in Burma, China, the Russian Federation, or Venezuela.

(b) *Additional prohibition on those informed by BIS.* BIS may inform you either individually by specific notice, through amendment to the EAR published in the **Federal Register**, or through a separate notice published in the **Federal Register**, that a license is required for specific exports, reexports, or transfers (in-country) of any item because there is an unacceptable risk of use in or diversion to a 'military end use' or 'military end user' in Burma, China, the Russian Federation, or Venezuela. Specific notice will be given only by, or at the direction of, the Deputy Assistant Secretary for Export Administration. When such notice is provided orally, it will be followed by written notice within two working days signed by the Deputy Assistant Secretary for Export Administration or the Deputy Assistant Secretary's

designee. The absence of BIS notification does not excuse the exporter from compliance with the license requirements of paragraph (a) of this section.

(1) *'Military End-User' (MEU) List.* BIS may inform and provide notice to the public that certain entities are subject to the additional prohibition described under this paragraph (b) following a determination by the End-User Review Committee (ERC) that a specific entity is a 'military end user' pursuant to this section and therefore any exports, reexports, or transfers (in-country) to that entity represent an unacceptable risk of use in or diversion to a 'military end use' or 'military end user' in Burma, China, the Russian Federation, or Venezuela. Such entities may be added to supplement No. 7 to part 744—'Military End-User' (MEU) List through **Federal Register** notices published by BIS, and will thus be subject to a license requirement for exports, reexports, or transfers (in-country) of items specified in supplement No. 2 to part 744. The listing of entities under supplement No. 7 to part 744 is not an exhaustive listing of 'military end users' for purposes of this section. Exporters, reexporters, and transferors are responsible for determining whether transactions with entities not listed on supplement No. 7 to part 744 are subject to a license requirement under paragraph (a) of this section. The process in paragraph this (b)(1) for placing entities on the MEU List is only one method BIS may use to inform exporters, reexporters, and transferors of license requirements under this section.

(i) *End-User Review Committee (ERC).* The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the MEU List. Decisions by the ERC for purposes of the MEU List will be made following the procedures identified in this section and in supplement no. 5 to part 744—Procedures for End-User Review Committee Entity List and 'Military End User' (MEU) List Decisions.

(ii) *License requirement for parties to the transaction.* The license requirement for entities listed in supplement no. 7 to part 744 applies to the export, reexport, or transfer (in-country) of any item subject to the EAR listed in supplement No. 2 to part 744 when an entity that is listed on the MEU List is a party to the transaction as described in § 748.5(c) through (f).

(2) *Requests for removal from or modification of 'Military End User' (MEU) List.* Any entity listed on the MEU List may request that its listing be removed or modified. All such requests, including reasons therefor, must be in writing and sent to: Chair, End-User Review Committee, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW, Room 3886, Washington, DC 20230. In order for an entity listed on the MEU List to petition BIS for their removal or modification, as applicable, the entity must address why the entity is not a 'military end user' for purposes of this section.

(i) *Review.* The ERC will review such requests for removal or modification in accordance with the procedures set forth in supplement No. 5 to part 744.

(ii) *BIS action.* The Deputy Assistant Secretary for Export Administration will convey the decision on the request to the requester in writing. That decision will be the final agency action on the request.

(c) *License exception.* Despite the prohibitions described in paragraphs (a) and (b) of this section, you may export, reexport, or transfer (in-country) items subject to the EAR under the provisions of License Exception GOV set forth in § 740.11(b)(2)(i) and (ii) of the EAR.

(d) *License application procedure.* When submitting a license application pursuant to this section, you must state in the ''additional information'' block of the application that ''this application is submitted because of the license requirement in this section. In addition, either in the additional information block of the application or in an attachment to the application, you must include all known information concerning the 'military end use' and 'military end user(s)' of the item(s). If you submit an attachment with your license application, you must reference the attachment in the ''additional information'' block of the application.

(e) *License review standards.* (1) Applications to export, reexport, or transfer (in-country) items described in paragraph (a) of this section will be reviewed with a presumption of denial.

(2) Applications may be reviewed under chemical and biological weapons, nuclear nonproliferation, or missile technology review policies, as set forth in §§ 742.2(b)(4), 742.3(b)(4), and 742.5(b)(4) of the EAR, if the end use may involve certain proliferation activities.

(3) Applications for items requiring a license for any reason that are destined to Burma, China, the Russian Federation, or Venezuela for a 'military end use' or 'military end user' also will be subject to the review policy stated in paragraph (e)(1) of this section.

(f) *Military end use.* In this section, 'military end use' means: Incorporation into a military item described on the U.S. Munitions List (USML) (22 CFR part 121, International Traffic in Arms Regulations); incorporation into items classified under ECCNs ending in ''A018'' or under ''600 series'' ECCNs; or any item that supports or contributes to the operation, installation, maintenance, repair, overhaul, refurbishing, ''development,'' or ''production,'' of military items described on the USML, or items classified under ECCNs ending in ''A018'' or under ''600 series'' ECCNs.

(g) *Military end user.* In this section, the term 'military end user' means the national armed services (army, navy, marine, air force, or coast guard), as well as the national guard and national police, government intelligence or reconnaissance organizations, or any person or entity whose actions or functions are intended to support 'military end uses' as defined in paragraph (f) of this section.

(h) *Effects on contracts.* Venezuela: Transactions involving the export, reexport, or transfer (in country) of items to or within Venezuela are not subject to the provisions of § 744.21 if the contracts for such transactions were signed prior to November 7, 2014.

Supplement No. 7 to Part 744 [Amended]

■ 8. The Supplement No.7 to Part 744 table is amended by:

■ a. Removing from the last sentence of the introductory text the phrase 'supplement no. 2 to part 744' and adding in its place the phrase ''this supplement 7 to part 744''; and

■ b. In the table adding in alphabetical order an entry for ''BURMA''.

The addition reads as follows:

* * * * *

Country	Entity	**Federal Register** citation
Burma	[Reserved]	[Reserved]

* * * * *

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–04745 Filed 3–4–21; 4:15 pm]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 210303–0036]

RIN 0694–AI42

Addition of Entities to the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to further implement U.S. sanctions on selected Burmese government ministries and related enterprises. Specifically, BIS amends the EAR by adding four entities to the Entity List under the destination of Burma. These four entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. The actions in this rule support the United States Government's efforts to promote a return to democracy in Burma following the February 1, 2021 Burmese military coup. They also reflect the United States Government's goal of supporting the people of Burma by preventing Burma' military and security services from obtaining items subject to the EAR.

DATES: This rule is effective March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Entity List

The Entity List (15 CFR, subchapter C, part 744, Supplement No. 4) identifies entities reasonably believed to be involved in, or to pose a significant risk of being or becoming involved in, activities contrary to the national security or foreign policy interests of the United States. The Export Administration Regulations (EAR) (15 CFR parts 730–774) impose additional license requirements on, and limit the availability of most license exceptions for exports, reexports, and transfers (in-country) to listed entities. The license review policy for each listed entity is identified in the ''License review policy'' column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document adding entities to the Entity List. BIS places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote. The Departments represented on the ERC have approved these changes to the Entity List.

Additions to the Entity List Made in Response to the February 1, 2021 Military Coup in Burma

BIS is making additions to the Entity List as part of a broader U.S. Government response to the February 1, 2021 coup by the military in Burma, which overthrew Burma's democratically-elected government, and the military's subsequent arrest and detention of government leaders, human rights defenders, and journalists. On February 10, 2021, President Biden signed Executive Order (E.O.) 14014, ''Blocking Property With Respect to the Situation in Burma'' (E.O. 14104) in which he declared a national emergency to address the threat posed to the United States by the situation in, and in relation to, Burma following the coup. *See* 86 FR 9429 (Feb. 12, 2021).

Since February 10, 2021, BIS has taken action under the EAR to strengthen export controls on Burma and address the foreign policy and national security concerns that formed the basis for the issuance of E.O. 14104. On February 18, 2021, BIS published a rule in the **Federal Register** adopting a more restrictive review policy of a presumption of denial for license applications involving items subject to the EAR that require a license for export and reexport and that are destined for Burma's Ministry of Defence, Ministry of Home Affairs, armed forces, or security services. The February 18, 2021 rule also suspended the availability in part or in full of four license exceptions in part 740 of the EAR for items destined for Burma. *See* 86 FR 10011 (Feb. 18, 2021). As part of an additional final rule, BIS imposed additional restrictions on Burma, including by removing the country from Country Group B, and placing it in the more restrictive Country Group D:1, and by adding it to the list of countries subject to defined 'military end use' and 'military end user' restrictions. *See* supp. no. 1 to part 740 and §§ 742.4 and 744.21 of the EAR.

In this rule, BIS is taking additional steps in response to the situation in Burma. BIS is adding four entities, including specifically identified aliases, to the Entity List under the destination of Burma: The Ministry of Defence, the Ministry of Home Affairs, Myanmar Economic Corporation, and Myanmar Economic Holdings Limited. The actions in this rule support the United States Government's efforts to promote a return to democracy in Burma. In particular, this rule enhances the U.S. Government's efforts to ensure that items subject to the EAR are not available to Burma's Ministry of Defence and the Ministry of Home Affairs, the entities responsible for the coup, or the two commercial entities owned and operated by the Ministry of Defence, Myanmar Economic Corporation and Myanmar Economic Holdings Limited, which provide revenue for the Ministry of Defence.

The departments represented on the ERC reviewed and applied § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these four entities to the Entity List. Under paragraph (b), persons for whom there is reasonable cause to believe, based on specific and articulable facts, that they have been involved, are involved, or pose a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States, along with those acting on behalf of such persons, may be added to the Entity List. Paragraphs (b)(1) through (5) of § 744.11 provide an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States. For each of the four entities identified below, the ERC made the requisite determination based on the standard set forth in § 744.11(b). The four entities added to the Entity List in this rule are involved in activities that are contrary to the national security and foreign policy of the United States by being involved in, or supporting, the military coup in Burma.

For the four entities added to the Entity List in this final rule, BIS imposes a license requirement for all items subject to the EAR and a license review policy of presumption of denial. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule. The acronym ''a.k.a.'' (also known

as) is used in entries on the Entity List to identify aliases, thereby assisting exporters, reexporters, and transferors in identifying entities on the Entity List.

For the reasons described above, this final rule adds the following four entities to the Entity List.

Burma

- Ministry of Defence;
- Ministry of Home Affairs;
- Myanmar Economic Corporation; *and*
- Myanmar Economic Holdings Limited.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on March 8, 2021, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Control Reform Act of 2018

On August 13, 2018, President Donald J. Trump signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852) that provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

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

Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications, and carries a burden estimate of 42.5 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

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

Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

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

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2020, 85 FR 59641 (September 22, 2020); Notice of November 12, 2020, 85 FR 72897 (November 13, 2020).

■ 2. Supplement No. 4 to part 744 is amended under Burma by adding in alphabetical order entries for ''Ministry of Defence,'' ''Ministry of Home Affairs,'' ''Myanmar Economic Corporation,'' and ''Myanmar Economic Holdings Limited'' to read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	**Federal Register** Citation
*	*	*	*	*
BURMA.				
*	*	*	*	*
	Ministry of Defence, a.k.a., the following two aliases: —Ministry of Defense; *and* —MoD. Building 24, Nay Pyi Taw, Burma.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	86 FR [INSERT FR PAGE NUMBER], 3/8/2021.
	Ministry of Home Affairs, a.k.a., the following one alias: —MOHA. Building 10, Nay Pyi Taw, Burma.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER], 3/8/2021.

Country	Entity	License requirement	License review policy	Federal Register Citation
	Myanmar Economic Corporation, a.k.a., the following one alias: —MEC. Corner of Ahlone Road and Strand Road, Ahlone Township, Yangon, Myanmar.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER], 3/8/2021.
	Myanmar Economic Holdings Limited, a.k.a., the following eight aliases: —MEHL; —Myanma Economic Holdings Limited; —Myanma Economic Holdings Public Company Limited; —Myanmar Business Holdings Public Company Limited; —Myanmar Economic Holdings Public Company Limited; —UMEH; —Union of Myanmar Economic Holdings Company Limited; *and* —Union of Myanmar Economic Holdings Limited. 189–191 Maha Bandoola Road, Botahtaung Township, Yangon, Burma.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER], 3/8/2021.
*	*	*	*	*	*	*

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–04794 Filed 3–4–21; 4:15 pm]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 516, 520, 522, 524, 526, 529, 556, and 558

[Docket No. FDA–2020–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during April, May, and June 2020. FDA is informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to improve the accuracy and readability of the regulations.

DATES: This rule is effective March 8, 2021.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approval Actions

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during April, May, and June 2020, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING APRIL, MAY, AND JUNE 2020

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
April 2, 2020	141–527	Bayer HealthCare LLC, Animal Health Division, P.O. Box 390, Shawnee Mission, KS 66201.	BAYTRIL 100–CA1 (enrofloxacin) Injectable Solution.	Cattle	Conditional approval for the treatment of clinical anaplasmosis in certain classes of cattle.	FOI Summary.
April 10, 2020 ...	141–533	Boehringer Ingelheim Animal Health USA, Inc., 3239 Satellite Blvd., Duluth, GA 30096.	ASERVO EQUIHALER (ciclesonide inhalation spray).	Horses	Original approval for the management of clinical signs associated with severe equine asthma in horses.	FOI Summary.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING APRIL, MAY, AND JUNE 2020—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
April 22, 2020	200–673	Aurora Pharmaceutical, Inc., 1196 Highway 3 South, Northfield, MN 55057–3009.	REVOLT (selamectin) Topical Solution.	Dogs and cats	Original approval as a generic copy of NADA 141–152.	FOI Summary.
April 27, 2020	200–674	Modern Veterinary Therapeutics, LLC, 14343 SW 119th Ave., Miami, FL 33186.	Detomidine Hydrochloride (detomidine hydrochloride) Injectable Solution.	Horses	Original approval as a generic copy of NADA 140–862.	FOI Summary.
May 14, 2020	200–679	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	OPTIGRID (ractopamine HCl) Type A Medicated Article.	Cattle	Original approval as a generic copy of NADA 141–221.	FOI Summary.
May 21, 2020	200–680	Felix Pharmaceuticals Pvt. Ltd., 25–28 North Wall Quay, Dublin 1, Ireland.	Enrofloxacin flavored tablets.	Dogs	Original approval as a generic copy of NADA 140–441.	FOI Summary.
May 27, 2020	200–638	Vétoquinol USA, Inc., 4250 N Sylvania Ave., Fort Worth, TX 76137.	IMOXI Topical Solution for Cats (imidacloprid and moxidectin).	Cats	Original approval as a generic copy of NADA 141–254.	FOI Summary.
May 28, 2020	200–510	Pharmgate, Inc., 1800 Sir Tyler Dr., Wilmington, NC 28405.	Chlortetracycline Type B and Type C medicated feeds.	Cattle	Supplemental approval for use of DERACIN (chlortetracycline) Type A medicated articles in the manufacture of Type B and Type C medicated feeds for control of bacterial pneumonia in beef cattle and replacement dairy heifers.	N/A.
June 1, 2020	200–134	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	FERTAGYL (gonadorelin) Injectable Solution.	Cattle	Supplemental approval for fixed-time artificial insemination in beef cows.	FOI Summary.
June 2, 2020	200–682	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	VETMULIN 12.5% (tiamulin hydrogen fumarate) Liquid concentrate.	Swine	Original approval as a generic copy of NADA 140–916.	FOI Summary.
June 4, 2020	200–399	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	CYCLEGUARD (melengestrol acetate Type A liquid medicated article).	Cattle	Original approval as a generic copy of NADA 039–402.	FOI Summary.
June 15, 2020	141–534	Orion Corp., Orionintie 1, 02200 Espoo, Finland.	CLEVOR (ropinirole ophthalmic solution).	Dogs	Original approval for the induction of vomiting in dogs.	FOI Summary.
June 18, 2020	141–535	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	Chlortetracycline, sulfamethazine, and lasalocid Type B and Type C medicated feeds.	Cattle	Original approval for use of AUREO S 700 (chlortetracycline and sulfamethazine) and BOVATEC (lasalocid) in the manufacture of Type B and Type C medicated feeds for beef steers and heifers fed in confinement for slaughter.	FOI Summary.

II. Changes of Sponsor

Virbac AH, Inc., P.O. Box 162059, Fort Worth, TX 76161 has informed FDA that it has transferred ownership of, and all rights and interest in, NADA 141–084 for SENTINEL (lufenuron and milbemycin oxime) Flavor Tabs, NADA 141–204 for the SENTINEL Flavor Tabs and CAPSTAR (nitenpyram) Flea Management System, and NADA 141–333 for SENTINEL SPECTRUM (lufenuron, milbemycin oxime, and praziquantel) Chews to Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940. Also, Sparhawk Laboratories, Inc., 12340 Santa Fe Trail Dr., Lenexa, KS 66215 has informed FDA that it has transferred ownership of, and all rights and interest in, A 200–348 for ECOMECTIN (ivermectin) Cattle Pour-On to Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sofia, Bulgaria. The animal drug regulations will be amended to reflect these changes of sponsor.

III. Technical Amendments

FDA is making the following amendments to improve the accuracy and readability of the animal drug regulations:

- The entries in 21 CFR 510.600(c), 520.304, and 520.812 for Dechra Veterinary Products LLC are being amended to reflect the firm's current drug labeler code.
- The entries in 21 CFR 510.600(c) for Cronus Pharma Specialities India Private Ltd. are being amended to reflect the firm's current address.
- Conditions for use in 21 CFR 520.100 for use of amprolium crumbles in calves are being removed because no approved NADA exists for this dosage form product.
- The regulations in part 526 (21 CFR part 526) for intramammary dosage form drugs are being amended to reflect a current format and improve readability.
- The section in part 529 (21 CFR part 529) for sevofluorane anesthetic gas is being redesignated to reflect a current organizational scheme for dosage form new animal drugs.
- Cross references in part 556 (21 CFR part 556) to related approved uses of new animal drugs are being amended as conforming changes to improve the accuracy of the regulations.
- The table in 21 CFR 558.4 is being amended to reflect the correct format for displaying assay limits for component drugs in fixed-ratio, combination drug Type A medicated articles and Type B and Type C medicated feeds.
- Three tabular entries in 21 CFR 558.68 are being amended to reflect the approved conditions of use of certain feed use combinations, which had been removed in error.

• Typographical errors are being corrected wherever they have been found.

IV. Legal Authority

This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities. This rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b(i)), which requires **Federal Register** publication of the conditions of use of an approved or conditionally approved new animal drug and the name and address of the drug's sponsor in a ''notice, which upon publication shall be effective as a regulation.'' A notice published pursuant to section 512(i) is not subject to the notice-and-comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* See section 512(i) of the FD&C Act (21 U.S.C. 360b(i)); 21 CFR 10.40(e)(3); S. Rep. 90–1308, at 5 (1968).

This document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 516

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, 526, and 529

Animal drugs.

21 CFR Part 556

Animal drugs, Food.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 516, 520, 522, 524, 526, 529, 556, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600—
■ a. In the table in paragraph (c)(1):
■ i. Revise the entries for ''Cronus Pharma Specialities India Private Ltd.'' and ''Dechra Veterinary Products LLC'';
■ ii. Add an entry in alphabetical order for ''Felix Pharmaceuticals Pvt. Ltd.''; and
■ iii. Revise the entry for ''Pharmgate, Inc.''; and
■ b. In the table in paragraph (c)(2):
■ i. Add an entry in numerical order for ''017033'';
■ ii. Remove the entry for ''026637'';
■ iii. Revise the entries for ''069043'' and ''069254''; and
■ iv. Add an entry in numerical order for ''086101''.

The additions and revisions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Cronus Pharma Specialities India Private Ltd., Sy No-99/1, GMR Hyderabad Aviation SEZ Ltd., Mamidipalli Village, Shamshabad Mandal, Ranga Reddy, Hyderabad Telangana 501218, India	069043
* * * * * * *	
Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211	017033
* * * * * * *	
Felix Pharmaceuticals Pvt. Ltd., 25–28 North Wall Quay, Dublin 1, Ireland	086101
* * * * * * *	
Pharmgate Inc., 1800 Sir Tyler Dr., Wilmington, NC 28405	069254
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
017033	Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211.
* * * * * * *	
069043	Cronus Pharma Specialities India Private Ltd., Sy No-99/1, GMR Hyderabad Aviation SEZ Ltd., Mamidipalli Village, Shamshabad Mandal, Ranga Reddy, Hyderabad Telangana 501218, India.

Drug labeler code	Firm name and address
*	* * * * * *
069254	Pharmgate Inc., 1800 Sir Tyler Dr., Wilmington, NC 28405.
*	* * * * * *
086101	Felix Pharmaceuticals Pvt. Ltd., 25–28 North Wall Quay, Dublin 1, Ireland.
*	* * * * * *

PART 516—NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES

■ 3. The authority citation for part 516 continues to read as follows:

Authority: 21 U.S.C. 360ccc–1, 360ccc–2, 371.

■ 4. Add § 516.812 to subpart E to read as follows:

§ 516.812 Enrofloxacin.

(a) *Specifications.* Each milliliter (mL) of solution contains 100 milligrams (mg) enrofloxacin.

(b) *Sponsor.* See No. 000859 in § 510.600(c) of this chapter.

(c) *Conditions of use in cattle*—(1) *Amount.* Administer, by subcutaneous injection, a single dose of 12.5 mg/kilogram of body weight (5.7 mL/100 pounds of body weight). Administered dose volume should not exceed 20 mL per injection site.

(2) *Indications for use.* For the treatment of clinical anaplasmosis associated with *Anaplasma marginale* in replacement dairy heifers under 20 months of age and all classes of beef cattle except beef calves less than 2 months of age and beef bulls intended for breeding (any age). Not for use in any other class of dairy cattle or in veal calves.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. Federal law prohibits the extra-label use of this drug in food-producing animals. Cattle intended for human consumption must not be slaughtered within 28 days from the last treatment. This product is not approved for use in female dairy cattle 20 months of age or older including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 5. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 6. In § 520.100, remove paragraph (a)(3), revise paragraph (b)(2), add paragraph (b)(3), and revise paragraph (d)(2) introductory text.

The revisions and addition read as follows:

§ 520.100 Amprolium.

* * * * *

(b) * * *

(2) No. 066104 for use of product described in paragraph (a)(1) of this section as in paragraph (d) of this section.

(3) No. 051072 for use of product described in paragraph (a)(1) of this section as in paragraph (d)(1) of this section.

* * * * *

(d) * * *

(2) *Calves.* Administer concentrate solution or soluble powder as a drench or in drinking water as follows:

* * * * *

■ 7. In § 520.304, revise paragraph (b), remove reserved paragraph (c), and redesignate paragraph (d) as paragraph (c).

The revision reads as follows:

§ 520.304 Carprofen.

* * * * *

(b) *Sponsors.* See sponsors in § 510.600(c) of this chapter for use as in paragraph (c) of this section.

(1) Nos. 017033, 054771, 055529, and 062250 for use of products described in paragraph (a) as in paragraph (c) of this section.

(2) No. 000859 for use of product described in paragraph (a)(2) as in paragraph (c) of this section.

* * * * *

■ 8. In § 520.812, revise paragraphs (a) and (b) to read as follows:

§ 520.812 Enrofloxacin.

(a) *Specifications*—(1) Each tablet contains:

(i) 22.7, 68.0, or 136.0 milligrams (mg) enrofloxacin; or

(ii) 22.7, 68.0, 136.0, or 272 mg enrofloxacin.

(2) Each chewable tablet contains 22.7, 68.0, or 136.0 mg enrofloxacin.

(3) Each soft chewable tablet contains 22.7, 68.0, or 136.0 mg enrofloxacin.

(b) *Sponsors.* See sponsor numbers in § 510.600(c) of this chapter for use as in paragraph (c) of this section.

(1) No. 000859 for use of products described in paragraphs (a)(1)(i), (a)(2), and (a)(3) of this section.

(2) No. 017033 for use of product described in paragraph (a)(1)(i) of this section.

(3) No. 058198 for use of product described in paragraph (a)(1)(ii) of this section.

(4) No. 086101 for use of product described in paragraph (a)(2) of this section.

* * * * *

§ 520.1443 [Amended]

■ 9. In § 520.1443, in paragraph (b), remove ''051311'' and in its place add ''000061''.

§ 520.1447 [Amended]

■ 10. In § 520.1447, in paragraph (b), remove ''051311'' and in its place add ''000061''.

§ 520.1510 [Amended]

■ 11. In § 520.1510, in paragraph (b)(2), remove ''051311'' and in its place add ''000061''.

§ 520.2455 [Amended]

■ 12. In § 520.2455, in paragraph (b)(4), remove ''No. 061133'' and in its place add ''Nos. 016592 and 061133''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 13. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.536 [Amended]

■ 14. In § 522.536, in paragraph (b), remove ''No. 052483'' and in its place add ''Nos. 015914 and 052483''.

■ 15. In § 522.1077:

■ a. Revise paragraphs (a)(3), (b), (d), and (e)(1)(i);

■ b. Remove paragraph (e)(1)(ii);

■ c. Redesignate paragraphs (e)(1)(iii) through (e)(1)(vii) as paragraphs (e)(1)(ii) through (e)(1)(vi);

■ d. Revise newly redesignated paragraphs (e)(1)(ii) and (iii); and

■ e. Remove and reserve paragraph (e)(2).

The revisions read as follows:

§ 522.1077 Gonadorelin.

(a) * * *

(3) 50 µg of gonadorelin as gonadorelin diacetate tetrahydrate (equivalent to 43 µg gonadorelin); or

* * * * *

(b) *Sponsors.* See sponsor numbers in § 510.600(c) of this chapter.

(1) No. 000061 for use of the 43-µg/mL product described in paragraph (a)(1) as in paragraphs (e)(1)(i) and (iii) of this section.

(2) No. 068504 for use of the 100-µg/mL product described in paragraph (a)(2) as in paragraph (e)(1)(iv) of this section.

(3) No. 061133 for use of the 50-µg/mL product described in paragraph (a)(3) as in paragraphs (e)(1)(i) of this section.

(4) No. 000010 for use of the 43-µg/mL product described in paragraph (a)(3) as in paragraphs (e)(1)(i) and (v) of this section.

(5) No. 054771 for use of the 50-µg/mL product described in paragraph (a)(4) as in paragraphs (e)(1)(ii) and (vi) of this section.

* * * * *

(d) *Special considerations*—(1) Concurrent luteolytic drug use is approved as follows:

(i) Cloprostenol injection for use as in paragraph (e)(1)(iii) of this section as provided by No. 000061 in § 510.600(c) of this chapter.

(ii) Cloprostenol injection for use as in paragraph (e)(1)(iv) of this section as provided by No. 068504 in § 510.600(c) of this chapter.

(iii) Cloprostenol injection for use as in paragraph (e)(1)(v) of this section as provided by Nos. 000010 in § 510.600(c) of this chapter.

(iv) Dinoprost injection for use as in paragraphs (e)(1)(vi) of this section as provided by No. 054771 in § 510.600(c) of this chapter.

(2) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(e) * * *

(1) *Indications for use and amounts*—(i) For the treatment of ovarian follicular cysts in dairy cattle: Administer 86 µg gonadorelin (No. 000061) or 100 µg gonadorelin diacetate tetrahydrate (Nos. 000010 and 061133) by intramuscular or intravenous injection.

(ii) For the treatment of ovarian follicular cysts in cattle: Administer 100 µg gonadorelin hydrochloride by intramuscular injection.

(iii) For use with cloprostenol sodium to synchronize estrous cycles to allow for fixed-time artificial insemination (FTAI) in beef cows and lactating dairy cows: Administer to each cow 86 µg gonadorelin by intramuscular injection, followed 6 to 8 days later by 500 µg cloprostenol by intramuscular injection, followed 30 to 72 hours later by 86 µg gonadorelin by intramuscular injection.

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 16. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 17. In § 524.1146, revise paragraph (b)(2) and add paragraph (b)(3) to read as follows:

§ 524.1146 Imidacloprid and moxidectin.

* * * * *

(b) * * *

(2) Nos. 000859 and 017030 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(2) of this section.

(3) No. 000859 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(3) of this section.

* * * * *

§ 524.1193 [Amended]

■ 18. In § 524.1193, in paragraph (b)(2), remove ''016592, 054925, and 058005'' and in its place add ''016592 and 054925''.

■ 19. Add § 524.2080 to read as follows:

§ 524.2080 Ropinirole.

(a) *Specifications.* Each milliliter of solution contains 30 milligrams (mg) ropinirole (equivalent to 34.2 mg ropinirole hydrochloride).

(b) *Sponsor.* See No. 052483 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Using the table provided in labeling, administer the number of eye drops topically, corresponding to body weight, that results in a target dose of 3.75 mg per square meter (mg/m^2) (dose band 2.7 to 5.4 mg/m^2). If the dog does not vomit within 20 minutes of the first dose, then a second dose may be administered.

(2) *Indications for use.* For the induction of vomiting in dogs.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 524.2098 [Amended]

■ 20. In § 524.2098, in paragraph (b), remove ''Nos. 054771, 055529, and 061651'' and in its place add ''Nos. 051072, 054771, 055529, and 061651''.

PART 526—INTRAMAMMARY DOSAGE FORM NEW ANIMAL DRUGS

■ 21. The authority citation for part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 22. In § 526.88, revise the section heading, paragraph (a), the paragraph (d) subject heading, and paragraphs (d)(1) and (3) to read as follows:

§ 526.88 Amoxicillin.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains amoxicillin trihydrate equivalent to 62.5 milligrams (mg) amoxicillin.

* * * * *

(d) *Conditions of use in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 62.5 mg amoxicillin) into each infected quarter every 12 hours for a maximum of 3 doses.

* * * * *

(3) *Limitations.* Milk taken from animals during treatment and for 60 hours (5 milkings) after the last treatment must not be used for food. Treated animals must not be slaughtered for food purposes within 12 days after the last treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 23. In § 526.313, revise paragraphs (a) and (d) and add paragraph (e) to read as follows:

§ 526. 313 Ceftiofur.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains:

(1) 125 milligrams (mg) ceftiofur equivalents as the hydrochloride salt; or

(2) 500 mg ceftiofur equivalents as the hydrochloride salt.

* * * * *

(d) *Conditions of use for syringe described in paragraph (a)(1) of this section in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (125 mg ceftiofur equivalents) into each affected quarter. Repeat treatment in 24 hours. Once daily treatment may be repeated for up to 8 consecutive days.

(2) *Indications for use.* For the treatment of clinical mastitis associated with coagulase-negative staphylococci, *Streptococcus dysgalactiae,* and *Escherichia coli;* and the treatment of diagnosed subclinical mastitis associated with coagulase-negative staphylococci and *S. dysgalactiae.*

(3) *Limitations.* Milk taken from cows during treatment (a maximum of 8 daily infusions) and for 72 hours after the last treatment must not be used for human consumption. Following label use for up to 8 consecutive days, a 2-day preslaughter withdrawal period is

required. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(4) *Special considerations.* Federal law prohibits extralabel use of this drug in lactating dairy cattle for disease prevention purposes; at unapproved doses; frequencies, durations, or routes of administration; and in unapproved major food-producing species/production classes.

(e) *Conditions of use for syringe described in paragraph (a)(2) of this section in dry cows*—(1) *Amount.* Infuse the contents of one syringe (500 mg ceftiofur equivalents) into each affected quarter at the time of dry off.

(2) *Indications for use.* For the treatment of subclinical mastitis in dairy cattle at the time of dry off associated with *Staphylococcus aureus, Streptococcus dysgalactiae,* and *Streptococcus uberis.*

(3) *Limitations.* Milk taken from cows completing a 30-day dry-off period may be used for food with no milk discard due to ceftiofur residues. Following intramammary infusion, a 16-day preslaughter withdrawal period is required for treated cows. No preslaughter withdrawal period is required for neonatal calves from treated cows regardless of colostrum consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(4) *Special considerations.* Federal law prohibits extralabel use of this drug in dry dairy cattle for disease prevention purposes; at unapproved doses; frequencies, durations, or routes of administration; and in unapproved major food-producing species/production classes.

■ 24. In § 526.363, revise paragraphs (a) and (d) to read as follows:

§ 526. 363 Cephapirin benzathine.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains 300 milligrams cephapirin activity (as cephapirin benzathine).

* * * * *

(d) *Conditions of use in dry cows*—(1) *Amount.* Infuse the contents of one syringe (300 mg cephapirin activity) into each quarter following last milking, but no later than 30 days before calving.

(2) *Indications for use.* For the treatment of mastitis caused by susceptible strains of *Streptococcus agalactiae* and *Staphylococcus aureus,* including penicillin-resistant strains.

(3) *Limitations.* For use in dry cows only. Milk from treated cows must not be used for food during the first 72 hours after calving. Animals infused with this product must not be slaughtered for food until 42 days after the latest infusion.

■ 25. In § 526.365, revise paragraphs (a) and (d)(1) to read as follows:

§ 526.365 Cephapirin sodium.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains 200 milligrams (mg) cephapirin sodium activity.

* * * * *

(d) * * *

(1) *Amount.* Infuse the contents of one syringe (200 mg cephapirin activity) into each infected quarter immediately after the quarter has been completely milked out. Do not milk out for 12 hours. Repeat once only in 12 hours.

* * * * *

■ 26. Revise § 526.464 to read as follows:

§ 526.464 Cloxacillin benzathine.

(a) *Specifications.* Each single-dose, 7.5- or 10-milliliter syringe contains cloxacillin benzathine equivalent to 500 milligrams (mg) cloxacillin.

(b) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.165 of this chapter.

(d) *Conditions of use in dry cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 500 mg cloxacillin) into each quarter immediately after last milking, but no later than 30 days before calving.

(2) *Indications for use.* For the treatment of mastitis caused by *Staphylococcus aureus* and *Streptococcus agalactiae* including penicillin resistant strains in dairy cows during the dry period.

(3) *Limitations.* Animals infused with this product must not be slaughtered for food until 30 days after the latest infusion. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 526.464a [Removed]

■ 27. Remove § 526.464a.

§ 525.464b [Redesignated as § 526.464]

■ 28. Redesignate § 526.464b as § 526.465 and revise the section heading and paragraphs (a) and (d) to read as follows:

§ 526.465 Cloxacillin sodium.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains cloxacillin sodium equivalent to 200 milligrams (mg) cloxacillin.

* * * * *

(d) *Conditions of use in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 200 mg cloxacillin) into each infected quarter. Treatment should be repeated at 12-hour intervals for a total of 3 doses.

(2) *Indications for use.* For the treatment of mastitis in lactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus,* nonpenicillinase-producing strains.

(3) *Limitations.* Milk taken from treated animals within 48 hours (4 milkings) after the latest treatment should not be used for food. Treated animals should not be slaughtered for food within 10 days after the latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 29. Revise § 526.820 to read as follows:

§ 526.820 Erythromycin.

(a) *Specifications*—(1) Each single-dose, 6-milliliter (mL) syringe contains 300 milligrams (mg) erythromycin (as the base).

(2) Each single-dose, 12-mL syringe contains 600 mg erythromycin (as the base).

(b) *Sponsors.* See Nos. 054771 and 061133 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.230 of this chapter.

(d) *Conditions of use for syringe described in paragraph (a)(1) of this section in lactating cows*—(1) *Amount.* Infuse the contents of one 6-mL syringe (300 mg erythromycin base) into each infected quarter. Repeat infusion at 12-hour intervals for a maximum of 3 infusions.

(2) *Indications for use.* For the treatment of mastitis due to *Staphylococcus aureus, Streptococcus agalactiae, Streptococcus dysgalactiae,* and *Streptococcus uberis* in lactating cows.

(3) *Limitations.* Milk taken from animals during treatment and for 36 hours (3 milkings) after the latest treatment must not be used for food.

(e) *Conditions of use for syringe described in paragraph (a)(2) of this section in dry cows*—(1) *Amount.* Infuse the contents of one 12-mL syringe (600 mg erythromycin base) into each infected quarter at the time of drying off.

(2) *Indications for use.* For the treatment of mastitis due to *Staphylococcus aureus, Streptococcus agalactiae, Streptococcus dysgalactiae,* and *Streptococcus uberis* in dry cows.

(3) *Limitations.* For use in dry cows only.

■ 30. In § 526.1130, revise paragraph (a), the paragraph (d) subject heading, and paragraphs (d)(1) and (2) to read as follows:

§ 526.1130 Hetacillin.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains hetacillin potassium equivalent of 62.5 milligrams (mg) ampicillin.

* * * * *

(d) *Conditions of use in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 62.5 mg ampicillin) into each infected quarter. Repeat at 24-hour intervals for a maximum of 3 treatments.

(2) *Indications for use.* For the treatment of acute, chronic, or subclinical mastitis in lactating cows caused by susceptible strains of *Streptococcus agalactiae, Streptococcus dysgalactiae, Staphylococcus aureus,* and *Escherichia coli.*

* * * * *

■ 31. Revise § 526.1590 to read as follows:

§ 526.1590 Novobiocin.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains:

(1) 150 milligrams (mg) of novobiocin equivalents as sodium novobiocin, or

(2) 400 mg of novobiocin equivalents as sodium novobiocin.

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.460 of this chapter.

(d) *Conditions of use for syringe described in paragraph (a)(1) of this section in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 150 mg novobiocin) into each infected quarter after milking. Repeat treatment once after 24 hours. Do not milk for at least 6 hours after treatment.

(2) *Indications for use.* For the treatment of mastitis caused by susceptible strains of *Staphylococcus aureus* in lactating cows.

(3) *Limitations.* Milk taken from treated animals within 72 hours (6 milkings) after latest treatment should not be used for food. Do not slaughter treated animals for food for 15 days following latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(e) *Conditions of use for syringe described in paragraph (a)(2) of this section in dry cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 400 mg novobiocin) into each quarter at the time of drying off.

(2) *Indications for use.* For the treatment of mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae* in dry cows.

(3) *Limitations.* For udder installation for the treatment of mastitis in dry cows only. Infuse each quarter at the time of drying off, but not less than 30 days prior to calving. Do not slaughter treated animals for food for 30 days following udder infusion.

■ 32. Revise § 526.1696 to read as follows:

§ 526.1696 Penicillin G procaine.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains penicillin G procaine equivalent to 100,000 units of penicillin G.

(b) *Sponsors.* See Nos. 010515 and 061133 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.510 of this chapter.

(d) *Conditions of use in lactating cows*—(1) *Amount.* Infuse the contents of one 10-milliliter syringe (equivalent to 100,000 units penicillin G) into each infected quarter. Treatment may be repeated at 12-hour intervals for not more than 3 doses, as indicated by clinical response.

(2) *Indications for use.* For the treatment of mastitis caused by *Streptococcus agalactiae, S. dysgalactiae,* and *S. uberus* in lactating cows.

(3) *Limitations.* For intramammary infusion in lactating cows only. Discard all milk for 60 hours (5 milkings) after the latest treatment. Animals intended for human consumption must not be slaughtered within 3 days of latest treatment.

(e) *Conditions of use in dry cows*—(1) *Amount.* Infuse the contents of one 10-milliliter syringe (equivalent to 100,000 units penicillin G) into each infected quarter at time of drying-off.

(2) *Indications for use.* For the treatment of mastitis caused by *Streptococcus agalactiae* in dry cows.

(3) *Limitations.* For intramammary infusion in dry cows only. Animals intended for human consumption must not be slaughtered within 14 days of last treatment. Discard all milk for 72 hours (6 milkings) following calving, or later as indicated by the marketable quality of the milk.

§ 526.1696a [Removed]

■ 33. Remove § 526.1696a.

§ 526.1696b [Redesignated as § 526.1697]

■ 34. Redesignate § 526.1696b as § 526.1697 and revise the section heading and paragraphs (a) and (d) and add paragraph (e).

The revisions and addition read as follows:

§ 526.1697 Penicillin G procaine and dihydrostreptomycin.

(a) *Specifications.* Each single-use, 10-milliliter syringe contains a suspension of:

(1) Penicillin G procaine equivalent to 200,000 units penicillin G and dihydrostreptomycin sulfate equivalent to 300 milligrams dihydrostreptomycin; or

(2) Penicillin G procaine equivalent to 1 million units penicillin G and dihydrostreptomycin sulfate equivalent to 1 gram dihydrostreptomycin.

* * * * *

(d) *Conditions of use for syringe described in paragraph (a)(1) of this section in dry cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 200,000 units penicillin G and 300 milligrams dihydrostreptomycin) into each quarter at the last milking prior to drying off.

(2) *Indications for use.* For the treatment of subclinical mastitis in dairy cows at the time of drying off, specifically against infections caused by *Staphylococcus aureus* and *Streptococcus agalactiae.*

(3) *Limitations.* For use in dry cows only. Not to be used within 6 weeks of calving. Milk taken from cows within 24 hours (2 milkings) after calving must not be used for food. Animals infused with this drug must not be slaughtered for food within 60 days of treatment or within 24 hours after calving.

(e) *Conditions of use for syringe described in paragraph (a)(2) of this section in dry cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 1 million units penicillin G and 1 gram dihydrostreptomycin) into each quarter at the last milking prior to drying off.

(2) *Indications for use.* To reduce the frequency of existing infection and to prevent new infections with *Staphylococcus aureus* in dry cows.

(3) *Limitations.* Not for use in lactating cows. Not to be used within 6 weeks of calving. Milk taken from cows within 96 hours (8 milkings) after calving must not be used for food. Animals infused with this drug must not be slaughtered for food within 60 days from the time of infusion or within 96 hours after calving. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 526.1696c [Removed]

■ 35. Remove § 526.1696c.

§ 526.1696d [Redesignated as § 526.1698]

■ 36. Redesignate § 526.1696d as § 526.1698 and revise the section heading and paragraphs (a) and (d) and add paragraph (e).

The revisions and addition read as follows:

§ 526.1698 Penicillin G procaine and novobiocin.

(a) *Specifications.* Each single-use, 10-milliliter syringe contains a suspension of:

(1) Penicillin G procaine equivalent to 100,000 units penicillin G and 150 milligrams (mg) novobiocin as novobiocin sodium; or

(2) Penicillin G procaine equivalent to 200,000 units penicillin G and 400 mg novobiocin as novobiocin sodium.

* * * * *

(d) *Conditions of use for syringe described in paragraph (a)(1) of this section in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 100,000 units penicillin G and 150 mg novobiocin) into each infected quarter after milking. Repeat once after 24 hours.

(2) *Indications for use.* For the treatment of mastitis caused by susceptible strains of *Staphylococcus aureus, Streptococcus agalactiae, Streptococcus dysgalactiae,* and *Streptococcus uberis* in lactating cows.

(3) *Limitations.* For udder instillation in lactating cows only. Do not milk for at least 6 hours after treatment; thereafter, milk at regular intervals. Milk taken from treated animals within 72 hours (6 milkings) after the latest treatment must not be used for food. Treated animals must not be slaughtered for food for 15 days following the latest treatment. If redness, swelling, or abnormal milk persists, discontinue use and consult a veterinarian.

(e) *Conditions of use for syringe described in paragraph (a)(2) of this section in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (equivalent to 200,000 units penicillin G and 400 mg novobiocin) into each quarter at dry off.

(2) *Indications for use.* For the treatment of subclinical mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae* in dry cows.

(3) *Limitations.* For udder instillation in dry cows only. Do not use less than 30 days prior to calving. Milk from treated cows must not be used for food during the first 72 hours after calving. Treated animals must not be slaughtered for food for 30 days following udder infusion.

■ 37. In § 526.1810, revise paragraph (a), the paragraph (d) subject heading, and the first sentence of paragraph (d)(1) to read as follows:

§ 526.1810 Pirlimycin.

(a) *Specifications.* Each single-dose, 10-milliliter syringe contains 50 milligrams (mg) of pirlimycin (as pirlimycin hydrochloride).

* * * * *

(d) *Conditions of use in lactating cows*—(1) *Amount.* Infuse the contents of one syringe (50 mg pirlimycin) into each infected quarter. * * *

* * * * *

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

■ 38. The authority citation for part 529 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 39. Add § 529.443 to read as follows:

§ 529.443 Ciclesonide.

(a) *Specifications.* A non-pressurized metered dose inhaler and drug cartridge combination containing a solution of 30 milligrams/milliliter of the prodrug ciclesonide. Each actuation releases 343 micrograms (mcg) of ciclesonide.

(b) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Administer an initial dose of 8 actuations (2,744 mcg ciclesonide) twice daily for 5 days, followed by 12 actuations (4,116 mcg ciclesonide) once daily for 5 days.

(2) *Indications for use.* For the management of clinical signs associated with severe equine asthma.

(3) *Limitations.* Do not use in horses intended for human consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 529.2150 [Redesignated as § 529.2110]

■ 40. Redesignate § 529.2150 as § 529.2110.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 41. The authority citation for part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

§ 556.38 [Amended]

■ 42. In § 556.38, in paragraph (c), add ''520.88e,'' after ''520.88d,''.

§ 556.165 [Amended]

■ 43. In § 556.165, in paragraph (c), remove ''§§ 526.464a and 526.464b'' and in its place add ''§§ 526.464 and 526.465''.

§ 556.170 [Amended]

■ 44. In § 556.170, in paragraph (c), remove ''520.543'' and in its place add ''520.534''.

§ 556.180 [Amended]

■ 45. In § 556.180, in paragraph (c), remove ''558.205'' and in its place add ''558.198''.

§ 556.185 [Amended]

■ 46. In § 556.185, in paragraph (c), remove ''§ 558.198'' and in its place add ''§ 558.205''.

§ 556.226 [Amended]

■ 47. In § 556.226, in paragraph (c), remove ''§ 522.812'' and in its place add ''§§ 516.812 and 522.812''.

§ 556.300 [Amended]

■ 48. In § 556.300, in paragraph (c), remove ''§§ 522.1044a, 520.1044b, 520.1044c, and 524.1044e'' and in its place add ''§§ 520.1044a, 520.1044b, 520.1044c, 522.1044, 524.1044e, and 529.1044b''.

§ 556.360 [Amended]

■ 49. In § 556.360, in paragraph (c), add ''520.1265,'' after ''520.1260,''.

§ 556.510 [Amended]

■ 50. In § 556.510, in paragraph (c), remove ''526.1696a, 526.1696b, 526.1696c, and 526.1696d'' and in its place add ''526.1696, 526.1697, and 526.1698''.

§ 556.670 [Amended]

■ 51. In § 556.670, in paragraph (c), remove ''§§ 520.2218'' and add ''§§ 520.445, 520.2218'' in its place.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 52. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 53. In § 558.68, revise paragraphs (e)(1)(ii), (iii), and (v) to read as follows:

§ 558.68 Avilamycin.

* * * * *

(e) * * *

(1) * * *

Avilamycin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	* * * *	
(ii) 13.6 to 40.9	Monensin, 90 to 110.	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens*; and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati, and E. maxima.*	Feed as the sole ration for 21 consecutive days. To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 18 days of age. See § 558.355(d) of this chapter. Monensin as provided by No. 058198 in § 510.600(c) of this chapter.	058198
(iii) 13.6 to 40.9	Narasin, 54 to 90	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens*; and for the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*.	Feed as the sole ration for 21 consecutive days to chickens that are at risk of developing, but not yet showing clinical signs of, necrotic enteritis associated with *Clostridium perfringens*. To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 18 days of age. Do not allow adult turkeys, horses, or other equines access to narasin formulations. Ingestion of narasin by these species has been fatal. Narasin as provided by No. 058198 in § 510.600(c) of this chapter.	058198
*	*	*	* * * *	
(v) 13.6 to 40.9	Salinomycin sodium, 40 to 60.	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens*; and for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*	Feed as the sole ration for 21 consecutive days. Feed to chickens that are at risk of developing, but not yet showing clinical signs of, necrotic enteritis associated with *Clostridium perfringens*. Not approved for use with pellet binders. To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 18 days of age. The safety of avilamycin has not been established in chickens intended for breeding purposes. Avilamycin has not been demonstrated to be effective in broiler chickens showing clinical signs of necrotic enteritis prior to the start of medication. Do not feed to laying hens producing eggs for human consumption. May be fatal if fed to adult turkeys or to horses. Salinomycin as provided by No. 016592 in § 510.600(c) of this chapter.	058198

* * * * *

■ 54. In § 558.128, revise paragraphs (e)(4)(xv) and (xvi) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(4) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	* * * *	
(xv) 350 mg/head/day.	.....	1. Beef cattle: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline.	To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: withdraw 48 hours prior to slaughter. To sponsor No. 069254 under NADA 138–935 and ANADA 200–510: zero withdrawal period.	054771 069254
	.....	2. Beef cattle (under 700 lb): For control of active infection of anaplasmosis caused by *A. marginale* susceptible to chlortetracycline.	Withdraw 48 hours prior to slaughter. To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: withdraw 48 hours prior to slaughter. To sponsor No. 054771 under NADA 048–761 and No. 069254 under NADA 138–935 and ANADA 200–510: zero withdrawal time.	054771 069254
(xvi) 20 to 350 g/ton.	.....	Beef cattle and replacement dairy heifers: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline.	Feed to provide chlortetracycline at the rate of 350 mg per head per day. This drug is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. To sponsor No. 054771 under NADA 048–761 and No. 069254 under ANADA 200–510: zero withdrawal period.	054771 069254
*	*	*	* * * *	

* * * * *

■ 55. In § 558.140, revise paragraph (b)(1), redesignate paragraph (b)(2) as paragraph (b)(3), add new paragraph (b)(2), and revise paragraph (e)(1).

The revisions and addition read as follows:

§ 558.140 Chlortetracycline and sulfamethazine.

* * * * *

(b) * * *

(1) No. 054771 for use of product described in paragraph (a)(1) as in paragraph (e)(1) of this section.

(2) No. 069254 for use of product described in paragraph (a)(1) as in paragraph (e)(1)(i) of this section.

* * * * *

(e) * * *

(1) Cattle—

Chlortetracycline and sulfamethazine amount each	Combination in grams/ton	Indications for use	Limitations	Sponsors
(i) To provide 350 milligrams per head per day.	.....	Beef cattle: As an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.	Feed for 28 days. Withdraw 7 days prior to slaughter. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal.	054771 069254
(ii) 35 to 105 g/ton, each.	Lasalocid, 10 to 30.	Beef steers and heifers fed in confinement for slaughter: As an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever, and for improved feed efficiency.	Feed continuously for 28 days to provide 350 mg chlortetracycline, 350 mg sulfamethazine, and 100 to 300 mg lasalocid per head per day. Do not allow horses or other equines access to Type C feeds containing lasalocid as ingestion may be fatal. Safety of lasalocid for use in unapproved species has not been established. Withdraw 7 days prior to slaughter. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771
(iii) 35 to 42.2 g/ton, each.	Lasalocid, 25 to 30.	Beef steers and heifers fed in confinement for slaughter: As an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever, and for improved feed efficiency and increased rate of weight gain.	Feed continuously for 28 days to provide 350 mg chlortetracycline, 350 mg sulfamethazine, and 250 to 300 mg lasalocid per head per day. Do not allow horses or other equines access to Type C feeds containing lasalocid as ingestion may be fatal. Safety of lasalocid for use in unapproved species has not been established. Withdraw 7 days prior to slaughter. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771
(iv) 35 to 700 g/ton, each.	Lasalocid, 30 to 181.8.	Beef cattle up to 800 lb: As an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever, and for control of coccidiosis caused by *Eimeria bovis* and *E. zuernii*.	Hand feed continuously for 28 days to provide 350 mg chlortetracycline, 350 mg sulfamethazine, and 1 mg lasalocid per 2.2 lb body weight per day up to a maximum of 360 mg lasalocid per head per day. Do not allow horses or other equines access to Type C feeds containing lasalocid as ingestion may be fatal. Safety of lasalocid for use in unapproved species has not been established. Withdraw 7 days prior to slaughter. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771

* * * * *

■ 56. In § 558.311, redesignate paragraphs (e)(5)(ii) through (vi) as paragraphs (e)(5)(iii) through (vii) and add new paragraph (e)(5)(ii) to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e) * * *

(5) * * *

(ii) Chlortetracycline and sulfamethazine as in § 558.140.

* * * * *

■ 57. In § 558.342, in paragraph (b)(2), remove ''No. 058198'' and in its place add ''Nos. 016592 and 058198'' and revise paragraph (e)(1)(i).

The revision reads as follows:

§ 558.342 Melengestrol.

* * * * *

(e) * * *

(1) * * *

Melengestrol acetate in mg/head/day	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 0.25 to 0.5	.....	Heifers fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat).	Administer 0.5 to 2.0 pounds (lb)/head/day of medicated feed containing 0.125 to 1.0 mg melengestrol acetate/lb to provide 0.25 to 0.5 mg melengestrol acetate/head/day.	016592 054771 058198

* * * * * * *

* * * * *

■ 58. In § 558.500, in paragraph (b), remove ''Nos. 054771 and 058198'' and in its place add ''Nos. 016592, 054771, and 058198'' and revise paragraphs (e)(2)(i), (iii), and (vi).

The revisions read as follows:

§ 558.500 Ractopamine.

* * * * *

(e) * * *

(2) * * *

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 8.2 to 24.6	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed	Feed continuously as sole ration during the last 28 to 42 days on feed	016592 054771 058198

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	
(iii) 9.8 to 24.6	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness during the last 28 to 42 days on feed	Feed continuously as sole ration during the last 28 to 42 days on feed	016592 054771 058198
*	*	*	*	
(vi) Not to exceed 800; to provide 70 to 400 mg/head/day.	.....	Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed	Top dress in a minimum of 1 lb of medicated feed	016592 054771 058198
*	*	*	*	

* * * * *

Dated: February 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–04453 Filed 3–5–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9926]

RIN 1545–BO60

Title: Withholding of Tax and Information Reporting With Respect to Interests in Partnerships Engaged in a U.S. Trade or Business; Correcting Amendment

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (Treasury Decision 9926) that were published in the **Federal Register** on Monday, November 30, 2020. The final regulations provide guidance related to the withholding of tax and information reporting with respect to certain dispositions of interests in partnerships engaged in a trade or business within the United States.

DATES: This correction is effective on *March 8, 2021* and applies to partnership taxable years beginning on or after November 30, 2020. See § 1.1446–7.

FOR FURTHER INFORMATION CONTACT: Chadwick Rowland or Ronald M. Gootzeit (202) 317–6937 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9926) that are the subject of this correction are issued under section 1446 of the Code.

Need for Correction

As published, November 30, 2020 (85 FR 76910), the final regulations (TD 9926) contain an error that needs to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Amend § 1.1446–4, by revising the last seven sentences of paragraph (f)(1).''

§ 1.1446–4 Publicly traded partnerships.

* * * * *

(f)* * * (1) * * * LTP makes a distribution subject to section 1446 of $100 to UTP during its taxable year beginning January 1, 2020, and withholds 37 percent (the highest rate in section 1) ($37) of that distribution under section 1446. UTP receives a net distribution of $63 which it immediately redistributes to its partners. UTP has a liability to pay 37 percent of the total actual and deemed distribution it makes to its foreign partners as a section 1446 withholding tax. UTP may credit the $37 withheld by LTP against this liability as if it were paid by UTP. See §§ 1.1462–1(b) and 1.1446–5(b)(1). When UTP distributes the $63 it actually receives from LTP to its partners, UTP is treated for purposes of section 1446 as if it made a distribution of $100 to its partners ($63 actual distribution and $37 deemed distribution). UTP's partners (U.S. and foreign) may claim a credit against their U.S. income tax liability for their allocable share of the $37 of 1446 tax paid on their behalf.

* * * * *

Crystal Pemberton,

Senior Federal Register Liaison, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2021–00504 Filed 3–5–21; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0661; FRL–10019–92–Region 4]

Air Plan Approval; GA: Non-Interference Demonstration and Maintenance Plan Revision for the Removal of Transportation Control Measures in the Atlanta Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by Georgia, through the Georgia Environmental Protection Division (GA EPD), on September 16, 2019, for the purpose of removing certain transportation control measures (TCMs) from the SIP for the thirteen counties in the Atlanta, Georgia, area. EPA is also approving Georgia's update to the 2008 8-hour ozone maintenance plan that was submitted in the September 16, 2019, SIP revision. Specifically, EPA is approving the updated mobile emissions inventory,

the associated 2030 motor vehicle emissions budgets (MVEBs), and the measures offsetting the potential emissions increases due to removal of the TCMs from the Georgia SIP. This approval is based on the determination that this SIP revision will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS or standards) or any other Clean Air Act (CAA or Act) requirements.

DATES: This rule is effective April 7, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R04–OAR–2019–0661. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if possible, you contact the person 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 Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dianna Myers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Myers can be reached via telephone at (404) 562–9207 or via electronic mail at *Myers.Dianna@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is the background for this action?

On November 6, 1991 (56 FR 56694), EPA designated and classified the following counties in the Atlanta Area as a Serious ozone nonattainment area for the 1-hour ozone national ambient air quality standards (NAAQS): Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale (the Atlanta 1979 1-hour ozone Area). TCMs were implemented in the 13 counties comprising the Atlanta 1979 1-hour ozone Area. Because the Atlanta 1979 1-hour ozone Area failed to attain the 1-hour ozone NAAQS by November 15, 1999, EPA issued a final rulemaking action (68 FR 55469) on September 26, 2003, to reclassify the area to a Severe ozone nonattainment area. Subsequently, the Atlanta 1979 1-hour ozone Area attained the 1-hour ozone NAAQS, and thus EPA redesignated the nonattainment area to attainment for the 1-hour ozone NAAQS. *See* 70 FR 34660 (June 15, 2005). The 1979 1-hour ozone NAAQS was revoked, effective June 15, 2005. *See* 69 FR 23951 (April 30, 2004).

On April 30, 2004 (69 FR 23858), EPA designated the following 20 counties in the Atlanta Area as a Marginal nonattainment area for the 1997 8-hour ozone NAAQS: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton (Atlanta 1997 8-hour ozone Area). The Atlanta 1979 1-hour ozone Area is a subset of this 20-county area. EPA reclassified the Atlanta 1997 8-hour ozone Area as a Moderate nonattainment area on March 6, 2008, because the area failed to attain the 1997 8-hour ozone NAAQS by the required attainment date of June 15, 2007. *See* 73 FR 12013. Subsequently, the Atlanta 1997 8-hour ozone Area attained the 1997 8-hour ozone standard, and on December 2, 2013, EPA redesignated the-Atlanta 1997 8-hour ozone Area to attainment for the 1997 8-hour ozone NAAQS. *See* 78 FR 72040. The 1997 8-hour ozone NAAQS was revoked, effective April 6, 2015. *See* 80 FR 12264 (March 6, 2015).

On May 21, 2012 (77 FR 30088), EPA designated the following 15 counties as Marginal nonattainment for the 2008 8-hour ozone NAAQS: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale (Atlanta 2008 8-hour ozone Area). The Atlanta 1979 1-hour ozone Area is a subset of the Atlanta 2008 8-hour ozone Area. The Atlanta 2008 8-hour ozone Area did not attain the 2008 8-hour ozone NAAQS by the attainment date of July 20, 2015, and therefore on May 4, 2016, EPA reclassified the area from a Marginal nonattainment area to a Moderate nonattainment area for the 2008 8-hour ozone standard. *See* 81 FR 26697. Subsequently, on July 14, 2016, EPA determined that the Atlanta 2008 8-hour ozone Area attained the 2008 8-hour ozone standard. *See* 81 FR 45419 (determination that the area attained the standard, also known as a Clean Data Determination). EPA redesignated the Atlanta 2008 8-hour ozone Area to attainment for the 2008 8-hour ozone NAAQS. *See* 82 FR 25523.

On October 26, 2015 (80 FR 65292), EPA revised the 8-hour ozone standard from 0.075 parts per million (ppm) to 0.070 ppm. Subsequently, on June 4, 2018 (83 FR 25776), EPA designated the following seven Atlanta counties as Marginal nonattainment for the 2015 8-hour ozone NAAQS: Bartow, Clayton, Cobb, Dekalb, Fulton, Gwinnett, and Henry (Atlanta 2015 8-hour ozone Area). The seven counties comprising the Atlanta 2015 8-hour ozone Area were also part of the 13-county Atlanta 1979 1-hour ozone Area. Areas designated as Marginal nonattainment must attain the standard by August 3, 2021. Although the attainment date is August 3, 2021, Marginal areas must show attainment using air quality data for years 2018 through 2020. Preliminary data indicates that the Atlanta Area will be able to attain the 2015 8-hour ozone NAAQS by the August 3, 2021, attainment deadline.[1]

On September 16, 2019, Georgia submitted a SIP revision requesting removal of certain TCMs from the Georgia SIP. The following TCMs have been approved into the Georgia SIP: High Occupancy Vehicle (HOV) Lanes; High Occupancy Toll Lanes; Atlantic Station; Express Bus Routes; Improvements/Expansion of Bus Service; Park and Ride Lots; Transit Signal Preemption; Clean Fuel Buses; Clean Fuels Revolving Loan Program; Intersection Upgrade, Coordination and Computerization; ATMS/Incident Management; Regional Commute Options & HOV Marketing; Transportation Management Associations; Transit Incentives; and University Rideshare Programs. *See* 63 FR 23387 (April 29, 1998), 63 FR 34300 (June 24, 1998), 64 FR 13348 (March 18, 1999), 64 FR 20186 (April 26, 1999), 65 FR 52028 (August 28, 2000), 77 FR 24397 (April 24, 2012), and Table 1, Appendix A, Table 2–1 and Table 2–2 of Georgia's September 16, 2019, SIP revision. Georgia is requesting removal of all the TCMs that are approved into the SIP except for Intersection Upgrade, Coordination and Computerization.

Georgia's September 16, 2019, SIP revision includes a demonstration that two offset measures—school bus replacements and rail locomotive

[1] States are not required to certify their air quality data until May 1st of the following year.

conversions—obtain the necessary emissions reductions to make up for the increases in nitrogen oxides (NO_X) and volatile organic compounds (VOC) emissions resulting from the TCM removals. Removing the TCMs will not worsen air quality because Georgia's offsets provided compensating, equivalent, and contemporaneous emissions reductions to negate the increases in emissions from NO_X and VOC. More information on the offsets is provided below.

The Georgia Environmental Protection Division (GA EPD) has a school bus early replacement program and a locomotive conversion program. School bus replacement projects that were completed in 2018 using Diesel Emissions Reduction Act funding have resulted in NO_X emissions reductions. Specifically, eighty-five older school buses (built in 1999–2005) in Fulton County were replaced with 2018 engine model year school buses. The Locomotive Conversion Program consists of two components in the Atlanta Area: (1) The conversion of three older Norfolk Southern Railway, Inc., traditional switcher locomotives into newly-available low emissions engine technology and (2) Norfolk Southern Railway, Inc.'s conversion of two switchers into ''slugs'' which are driven by electrical motors whose electricity is received from companion ''mother'' locomotives. The offsets available from both the school bus replacements and locomotive conversions total 38.85 tons per year (tpy) of NO_X. As there are 31.99 tpy of equivalent NO_X associated with removing the TCMs, the annual NO_X decreases from the school bus replacements and locomotive conversions will offset the removal of the TCMs with 6.86 tpy excess NO_X emissions offset that will remain available. As further detailed in EPA's June 30, 2020, notice of proposed rulemaking (NPRM), the school bus replacements and locomotive conversions were more than what was needed to compensate for the amount of NO_X and VOC increases associated with removing the TCMs.

Georgia's September 16, 2019, SIP revision also included an update to the on-road emissions inventory and associated 2030 MVEBs due to the removal of the TCMs. The on-road emissions inventory and safety margin allocation for the year 2030 were updated but the MVEB totals themselves remained unchanged. *See* Table 1 below.

TABLE 1—UPDATED MVEBS FOR THE ATLANTA 2008 8-HOUR OZONE AREA (tpd)

	2014[2]		2030	
	NO_X	VOC	NO_X	VOC
On-Road Emissions	170.15	81.76	39.63	36.01
Safety Margin Allocation[3]	.....	.....	18.37	15.99
MVEBs with Safety Margin	170.15	81.76	58	52

In the June 30, 2020, NPRM (85 FR 39135), EPA proposed to approve the September 16, 2019, SIP revision. The details of Georgia's submittal and the rationale for EPA's action are further explained in the NPRM.

II. Response to Comments

EPA received three comments on the proposal. Overall, the commenters disagreed with EPA's proposal to approve removal of the TCMs from the Georgia SIP. EPA has summarized and responded to these adverse comments below.

Comment 1: A Commenter disagrees with EPA's proposal, asserting that Georgia EPD does not have ''a very good reason for its request,'' making the request seem ''very arbitrary and capricious.'' The Commenter goes on to discuss the expense to install the TCMs and the usable lifespans of the TCMs and questions the State's objective in removing the TCMs, while also acknowledging that EPA has ''no purview'' over the monetary costs of the TCMs. The Commenter mentions that there is not enough analysis to determine whether removal of the TCMs ''will allow the state to meet [the] NAAQS'' and questions the use of school bus fleets to offset the potential increase in emissions as a result of removal of certain TCMs from the SIP. Additionally, the Commenter mentions that the State failed to consider the increases in other pollutants such as carbon monoxide (CO) as a result of the retirement of the express bus fleets.

Response 1: EPA disagrees with the Commenter's assertions that this action is arbitrary and capricious and that there is not enough analysis to determine whether removal will allow the state to meet the NAAQS. With respect to the Commenter's assertion that Georgia EPD ''does not have a very good reason for its request,'' EPA notes that, with respect to SIPs, ''each State is given wide discretion in formulating its plan,'' so long as the revision is consistent with the applicable requirements of the CAA, including section 110(l). *See Union Elec. Co.* v. *EPA,* 427 U.S. 246, 250 (1976); *see also Alabama Envtl. Council* v. *EPA,* 711 F.3d 1277, 1280 (11th Cir. 2013), *Sierra Club* v. *EPA,* 939 F.3d 649, 673 (5th Cir. 2019), and *Alaska Dep't of Envtl. Conservation* v. *EPA,* 540 U.S. 461, 470 (2004). CAA section 110(l) provides that the Administrator cannot approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. Pursuant to section 110(k), EPA must approve a SIP revision that meets all applicable CAA requirements, including section 110(l).

In EPA's June 30, 2020, NPRM, the Agency provided specific analysis and rationale supporting its proposed approval of Georgia's September 16, 2019, SIP revision that demonstrates compliance with the CAA, including section 110(l). As Georgia is in nonattainment only for the 2015 8-hour ozone NAAQS, Georgia was only required to obtain offsets to ensure that the TCM removals would not affect attainment of the 2015 8-hour ozone NAAQS. Georgia provided a technical analysis including modeling showing that removal of the TCMs would not impact attainment or maintenance of any NAAQS, and that Georgia secured offsetting, contemporaneous, compensating, equivalent, emissions reductions for the 2015 8-hour ozone NAAQS. EPA reviewed Georgia's analysis and agrees with the methodology and the results. EPA is not

[2] The 2014 on-road emissions and MVEBs in this chart are shown for illustration purposes only, as no changes were made to the 2014 attainment year emissions inventory due to removing the TCMs.

[3] The safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The transportation conformity rule provides for establishing safety margins for use in transportation conformity determinations. *See* 40 CFR 93.124(a).

aware of any information, and the Commenter did provide a demonstration or other information, that is contrary to EPA's analysis and proposed finding that Georgia's September 16, 2019, SIP revision complies with CAA section 110(l).

With respect to the offsets related to school buses, Georgia provided data and calculations regarding emission reductions attributable to school bus replacements in the September 16, 2019, SIP submittal, which was included in Georgia's 110(l) demonstration, and the Commenter did not provide any information indicating that these data and calculations are erroneous.[4] As discussed above and further in the June 30 2020, NPRM, the school buses are only a part of the emissions reductions that Georgia used to offset the increase in emissions due to the removal of the TCMs, and between the locomotive and school bus offsets, Georgia has secured more than enough offsets to support removal of the TCMs.

Although the Commenter asserts that Georgia failed to consider the increases in other pollutants due to the retirement of the express bus fleets, the Atlanta Regional Commission's (ARC)[5] activity-based modeling and Georgia's motor vehicle emissions modeling calculated the emissions associated with the removal of the TCMs pertaining to transit buses. Further, Georgia considered all pollutants in its analysis, but provided more detail with respect to pollutants that are likely to be increased due to the removal of the TCMs, specifically ozone and ozone precursors (NO_X and VOCs). Additional discussion regarding VOCs, NO_X, and particulate matter (PM) was included because VOC and NO_X emissions are also precursors for PM, and NO_X is also a precursor for nitrogen dioxide. The TCMs were not designed to reduce emissions of sulfur dioxide (SO_2), CO, and PM_{10}, and do not reduce SO_2, CO, and PM_{10} emissions. See the June 30, 2020, NPRM for more detail.

With respect to the Commenter's assertions specific to CO, EPA disagrees. Removing the fleet of express buses as a TCM from the Georgia SIP will not cause a violation of the CO NAAQS. The transit bus fleet in the Atlanta area is mostly comprised of compressed natural gas and diesel, which have low CO emissions. Further, there has never been a designated CO nonattainment area in Georgia. Additionally, the current level of the CO NAAQS is 9 ppm on an 8-hour average and 35 ppm on a 1-hour average; the Atlanta Area's current design values for 2018–2019 are 2.0 ppm for the 8-hr average and 2.2 ppm for the 1-hour average, which equates to 78 percent and 94 percent below the standard, respectively.

Comment 2: A Commenter states that EPA should not remove the TCMs from the Georgia SIP, that removal of the controls will create an inconsistent regulatory environment that is contrary to the CAA, and that removal of the TCMs would give Georgia an unfair advantage. The Commenter also notes that the Georgia Department of Transportation (GDOT) issued a draft environmental impact statement (EIS) ''for the Georgia SIPs'' but that it was ''delayed because of legal reasons.''

Response 2: EPA disagrees with the Commenter's assertions and is not clear on how the removal of the TCMs creates an inconsistent regulatory environment or gives Georgia an unfair advantage. The Agency notes that TCMs were adopted into the SIP as part of the State's discretion to implement measures to attain and maintain the NAAQS. The CAA requires each state to have a SIP, which is a federally-enforceable plan that identifies how the state will attain and maintain the NAAQS. As discussed previously, states have wide discretion in determining the control measures they choose to utilize in achieving and maintaining the NAAQS. A state has the option of revising its SIP so long as state and Federal requirements governing SIPs are met.

It is unclear from the comment how an EIS relates to this action or what draft EIS the Commenter is referring to. To the extent the Commenter suggests that the SIP or this SIP revision should have gone through an EIS process, EPA also disagrees. Generally, actions taken under the CAA are exempted from the National Environmental Policy Act of 1969 (NEPA), including this SIP action. *See* 15 U.S.C. 793(c)(1).

Comment 3: A Commenter contends that EPA cannot remove the TCMs from the Georgia SIP without ''input and concurrence'' from GDOT and the Georgia Department of Environmental Management. The Commenter goes on to assert that the SIP must be amended to ensure compliance with all Federal and state laws that address the construction of new facilities, the application of engineering standards, procedures or practices for new facilities, and must ensure the ''highest level of protection,'' specifically referencing the ''Georgia Environmental Protection Act, as revised,'' the CAA, and Federal requirements from the ''Federal Aviation Act and Federal Motor Carrier Safety Improvement Act, as revised.''

Response 3: EPA agrees with the Commenter's assertion that Georgia's removal of the TCMs is subject to ''input'' from various agencies such as GDOT, and notes that the environmental agency for Georgia is GA EPD, the author of the September 16, 2019, SIP revision. Specifically, 40 CFR part 93 governs transportation conformity requirements pursuant to CAA section 176(c) and requires interagency consultation for certain actions. The interagency consultation process, set forth in 40 CFR 93.105, is a process in which Federal, state, and local jurisdictions consult on the status of air quality and transportation projects. The Atlanta interagency consultation group consists of transportation and air quality partners such as the Federal Highway Administration-GA Division, US EPA Region 4, GA EPD, GDOT, the ARC, Metropolitan Atlanta Rapid Transit Authority (MARTA), the Georgia Regional Transportation Authority, and several others. Before submitting the September 16, 2019, SIP revision requesting removal of the TCMs from the Georgia SIP, GA EPD consulted with the Atlanta interagency consultation group (which includes GDOT). None of the Atlanta Interagency Consultation partners expressed objection to the removal of the TCMs from the Georgia SIP.

In addition, EPA disagrees with the Commenter's other assertions. The removal of TCMs from Georgia's SIP does not involve the construction of new facilities. EPA's review and approval of SIPs is restricted to compliance with the CAA, rather than compliance with the Georgia Environmental Protection Act or the Federal Aviation Act and Federal Motor Carrier Safety Improvement Act. As discussed in more detail above and in the NPRM, states have discretion as to the contents of their plans, EPA must approve SIPs that meet the CAA requirements, and Georgia's September 16, 2019, SIP revision meets CAA requirements.

III. Final Action

EPA is taking final action to approve Georgia's September 16, 2019, SIP revision to remove certain TCMs from the Georgia SIP that are applicable within the Atlanta Area. This approval

[4] Data and calculations related to school bus offsets are available in the docket to this action at Appendix F, documents EPA–R04–OAR–2019–0661–0015, EPA–R04–OAR–2019–0661–0020, and EPA–R04–OAR–2019–0661–0021.

[5] The Atlanta Regional Commission (ARC) is the federally designated Metropolitan Planning Organization (MPO) and is responsible for developing a multi-modal, financially constrained transportation plan that meets all federal transportation and Clean Air Act planning requirements.

updates Georgia's 2008 8-hour ozone standard Maintenance Plan, specifically the on-road emissions inventory and the associated 2030 MVEBs, and measures offsetting the emissions increases due to removal of the TCMs. EPA is also determining that this SIP revision will not interfere with any requirement concerning attainment or any other applicable CAA requirement.

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 7, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: February 25, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. In § 52.570, amend paragraph (e) by adding an entry for ''2008 8-hour ozone Maintenance Plan for the Atlanta Area, Revision for the Removal of Transportation Control Measures'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
* *	* *	*	*	*
2008 8-hour ozone Maintenance Plan for the Atlanta Area, Revision for the Removal of Transportation Control Measures.	Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale Counties.	9/16/2019	3/8/2021, [Insert citation of publication].	

[FR Doc. 2021–04413 Filed 3–5–21; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0665; FRL–10020–34]

Quizalofop ethyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of quizalofop ethyl in or on multiple commodities which are identified and discussed later in this document. The Interregional Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 8, 2021. Objections and requests for hearings must be received on or before May 7, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0665, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0665 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before May 7, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0665, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 8, 2020 (85 FR 27346) (FRL–10008–38), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8803) by IR–4, Rutgers, the State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.441 be amended by establishing tolerances for residues of the herbicide quizalofop ethyl convertible to 2-methoxy-6-chloroquinoxaline, expressed as quizalofop ethyl, in or on carinata at 1.5 parts per million (ppm); cottonseed subgroup 20C at 0.1 ppm; fruit, pome, group 11–10 at 0.1 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13 07F at 0.1 ppm; fruit, stone, group 12–12 at 0.1 ppm; pennycress, meal at 2 ppm; pennycress, seed at 1.5 ppm; and sunflower subgroup 20B at 3 ppm. Additionally, the petition requested, upon approval of the above tolerances, to remove the existing tolerances in 40 CFR 180.441(a) in or on cotton, undelinted seed at 0.1 ppm and sunflower, seed at 1.9 ppm. That document referenced a summary of the petition prepared by AMVAC Chemical Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* Two comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA corrected several tolerance definitions and is not establishing a tolerance on pennycress, meal, as proposed by the petitioner. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

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

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

Toxicological Profile. For a discussion of the Toxicological Profile of quizalofop ethyl, see Unit III.A. of the February 23, 2018 rulemaking (83 FR 8006) (FRL–9972–30).

Toxicological Points of Departure/ Levels of Concern. For a summary of the Toxicological Points of Departure/ Levels of Concern used for the safety assessment, see Unit III.B. of the December 1, 2016 rulemaking (81 FR 86581) (FRL–9950–89).

Exposure Assessment. Much of the exposure assessment remains the same, although updates have occurred to accommodate exposures from the petitioned-for tolerances. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the February 23, 2018 rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposure from the new uses of quizalofop ethyl on brassica carinata; fruit, pome, group 11–10; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F; fruit, stone, group 12–12; and pennycress and the crop subgroup expansions for cottonseed subgroup 20C and sunflower subgroup 20B. The assessment used the same assumptions as the February 23, 2018 final rule concerning tolerance level residues and default processing factors for all processed commodities except sunflower oil, where an empirical factor was used.

Updated average percent crop treated values were used for the following crops that are currently registered for quizalofop-ethyl: Beans, green: 2.5%; canola: 5%; cotton: 1%; dry beans/peas: 15%; peas, green: 2.5%; soybeans: 2.5%; sugar beets: 1%; and sunflowers: 5%; and 100% crop treated for other registered and new uses of quizalofop ethyl.

Anticipated residue and PCT information. Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, and the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6 to 7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that Conditions a, b, and c discussed above have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which quizalofop-ethyl may be applied in a particular area.

Drinking water, non-occupational, and cumulative exposures. Drinking

water exposures and residential (non-occupational) exposures are not impacted by the new uses, and thus have not changed since the last assessment. EPA's conclusions concerning cumulative risk remain unchanged from the February 23, 2018 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the February 23, 2018 rulemaking for a discussion of the Agency's rationale for that determination.

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

An acute dietary exposure assessment was not conducted as toxicological effects attributable to a single dose were not identified. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD: They are 92% of the cPAD for all infants less than 1-year old, the population subgroup with the highest exposure estimate. Quizalofop-ethyl is classified as a Category D chemical, *i.e.* ''Not Classifiable as to Human Carcinogenicity;'' therefore, quantification of chronic risks using a non-linear approach will adequately account for all chronic toxicity, including any potential carcinogenicity that would result from exposure. There are no registered or new uses of quizalofop ethyl that would result in residential exposure, therefore the aggregate risk estimates are equivalent to the chronic dietary (food and water) risk estimates and are not of concern.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to quizalofop ethyl residues. More detailed information about the Agency's analysis can be found at *http://www.regulations.gov* in the documents titled ''Quizalofop-P-ethyl. Human-Health Risk Assessment in Support of the Proposed New Uses on Carinata, Pennycress, Pome Fruit (Group 11–10), Stone Fruit (Group 12–12), and Small Vine-climbing Fruit, Except Fuzzy Kiwifruit (Subgroup 13–07F); and Use Expansions for Sunflower and Cottonseed (Subgroups 20B and 20C)'' in docket ID number EPA–HQ–OPP–2019–0665.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the February 23, 2018 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Codex has not established MRLs for quizalofop ethyl.

C. Response to Comments

Although two comments were submitted to the docket in response to the May 8, 2020 Notice of Filing, only one specifically related to this tolerance action. The commenter requested that EPA deny IR–4's request for tolerances for quizalofop ethyl on cotton sunflower seeds out of a concern for the general health impacts of pesticides.

Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that the quizalofop ethyl tolerances are safe. The commenter has provided no information indicating that a safety determination cannot be supported.

D. Revisions to Petitioned-For Tolerances

The commodity definition for carinata has been revised to brassica carinata, seed; and brassica carinata, meal. The tolerance for brassica carinata, seed will be established at 1.5 ppm; and the tolerance for brassica carinata, meal will be established at 2 ppm. EPA is not establishing a tolerance for pennycress, meal as requested by the petitioner because the glucosinolates in pennycress meal restrict its use to a livestock feedstuff, not a human food. EPA's current practice is to set tolerances for livestock feedstuffs only if they are significant, which is not the case for pennycress meal.

V. Conclusion

Therefore, tolerances are established for residues of quizalofop ethyl convertible to 2-methoxy-6-chloroquinoxaline, expressed as quizalofop ethyl, in or on brassica carinata, meal at 2 ppm; brassica carinata, seed at 1.5 ppm; cottonseed subgroup 20C at 0.1 ppm; fruit, pome, group 11–10 at 0.1 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.1 ppm; fruit, stone, group 12–12 at 0.1 ppm; pennycress, seed at 1.5 ppm; and sunflower subgroup 20B at 3 ppm. Upon establishment of the above tolerances, the established tolerances for cotton, undelinted seed at 0.1 ppm; and sunflower, seed at 1.9 ppm will be removed as they are superseded by the new tolerances on subgroups 20C and 20B, respectively.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition

under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 2, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

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

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

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

■ 2. In § 180.441, amend the table in paragraph (a)(1) as follows:

■ i. Add a table heading.

■ ii. Add alphabetically the entries ''Brassica carinata, meal''; and ''Brassica carinata, seed''.

■ iii. Remove the entry for ''Cotton, undelinted seed''.

■ iv. Add alphabetically the entries ''Cottonseed subgroup 20C''; ''Fruit, pome, group 11–10''; ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''; ''Fruit, stone, group 12–12''; and ''Pennycress, seed''.

■ v. Remove the entry for ''Sunflower, seed''.

■ vi. Add alphabetically the entry ''Sunflower subgroup 20B''.

The additions read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * * * *	
Brassica carinata, meal	2
Brassica carinata, seed	1.5
* * * * * * *	
Cottonseed subgroup 20C	0.1
* * * * * * *	
Fruit, pome, group 11–10	0.1
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	0.1
Fruit, stone, group 12–12	0.1
* * * * * * *	
Pennycress, seed	1.5
* * * * * * *	
Sunflower subgroup 20B	3
* * * * * * *	

* * * * *

[FR Doc. 2021–04720 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2019–0013; FF09E22000 FXES11130900000 212]

RIN 1018–BD59

Endangered and Threatened Wildlife and Plants; Removing Bradshaw's Lomatium (Lomatium bradshawii) From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), remove Bradshaw's lomatium (*Lomatium bradshawii,* also known as Bradshaw's desert parsley), a plant found in western Oregon and southwestern Washington, from the Federal List of Endangered and Threatened Plants. Our review of the best available scientific and commercial data indicates that the threats to Bradshaw's lomatium have been eliminated or reduced to the point that the species no longer meets the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act).

DATES: This rule is effective April 7, 2021.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2019–0013. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov* under FWS–R1–ES–2019–0013.

FOR FURTHER INFORMATION CONTACT: Paul Henson, State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266; telephone 503–231–6179. If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On November 26, 2019, we published in the **Federal Register** (84 FR 65067) a proposed rule to remove Bradshaw's lomatium from the List of Endangered and Threatened Plants (*i.e.,* to ''delist'' the species). Please refer to that proposed rule for a detailed description of the Federal actions concerning this species that occurred prior to November 26, 2019.

Summary of Changes From the Proposed Rule

In response to public comments and in the process of developing this final rule, we have made the following changes from our November 26, 2019, proposed rule (84 FR 65067):

- We added language in the final post-delisting monitoring plan to indicate that additional Bradshaw's lomatium populations may be visited upon occasion, as time and resources allow, to provide for a ''spot check'' on the status of additional populations that are outside of the 18 priority sites identified for regular visits during the post-delisting monitoring period. These abbreviated field visits may collect information through assessment of population abundance, photo points, and/or evaluation of management practices and habitat condition.
- We incorporated into the preamble to this final rule mention of the recently developed MOU among the U.S. Army Core of Engineers, the Bureau of Land Management, the Natural Resource Conservation Service and the Service, to provide for the long-term conservation of Bradshaw's lomatium, regardless of listing status.
- We made minor editorial changes in the preamble of this final rule, including revising our description of how we develop and implement recovery plans, adding additional discussion about which recovery criteria were met, inserting an updated description of our regulatory and analytical frameworks, updating our description of how we determine species status throughout all or a portion of the species' range, and making minor textual updates to our assessment of Bradshaw's lomatium's status throughout a portion of its range.

I. Final Delisting Determination

Background

Status Assessment for Bradshaw's Lomatium

A thorough review of the taxonomy, life history, and ecology of Bradshaw's lomatium is presented in the document ''Species Status Assessment Report for Bradshaw's lomatium (*Lomatium bradshawii* (Rose ex. Math.) Mathias & Constance) Version 1.0'' (SSA report) (Service 2018), which is available at *http://www.regulations.gov* in Docket No. FWS–R1–ES–2019–0013, under Supporting Documents. The SSA report documents the results of our comprehensive biological status review for Bradshaw's lomatium, and has undergone peer review. The SSA report does not represent any decision by the Service regarding the status of Bradshaw's lomatium under the Act (16 U.S.C. 1531 *et seq.*). It does, however, provide the scientific basis that informed our most recent 5-year status review, which resulted in a recommendation that the species should be removed from the List. The SSA report also served as one of the bases for this final rule and our regulatory decision, which involves the further application of standards within the Act and its implementing regulations and policies.

In this final rule, we present only a summary of the key results and conclusions from the SSA report; the full report is available at *http://www.regulations.gov,* as referenced above.

Summary of the Biology of the Species

Bradshaw's lomatium is a perennial herb in the carrot or parsley family (Apiaceae) that is endemic to wet prairie habitats in western Oregon's Willamette Valley and adjacent southwestern Washington. These seasonally wet habitats may be flooded in the spring, or have soils saturated at or near the surface due to factors such as heavy precipitation in winter and spring, flooding, and poor drainage. A high light environment is important for Bradshaw's lomatium to complete its life cycle and reproduce, as reduced sunlight is associated with lower flower and seed production (Alverson 1993, unpublished data). This species is often associated with tufted hairgrass (*Deschampsia cespitosa*), and frequently occurs on and around the small mounds created by senescent tufted hairgrass plants. In wetter areas, Bradshaw's lomatium occurs on the edges of tufted hairgrass or sedges in patches of bare or open soil. In drier areas, it is found in low areas, such as small depressions, trails, or seasonal channels, with open, exposed soils. Self-fertilization is rare in Bradshaw's lomatium (Kaye and Kirkland 1994, p. 8), indicating that pollinator-mediated outcrossing is required for reproduction. Over 30 species of solitary bees, flies, wasps, and beetles have been observed visiting the flowers (Kaye 1992, p. 3; Kaye and Kirkland 1994, p. 9; Jackson 1996, pp. 72–76). Bradshaw's lomatium does not reproduce asexually and depends exclusively on seeds for reproduction (Kaye 1992, p. 2), but does not maintain

a persistent seed bank in the soil. Although some fruit survives in the soil for 1 year, the seeds are not viable (Kaye *et al.* 2001, p. 1376). Further information on the basic biology and ecology of Bradshaw's lomatium is summarized in the SSA report (Service 2018, entire).

Recovery and Recovery Plan Implementation

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the List.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and that the species is robust enough that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

In 2010, we finalized the revised recovery plan for Bradshaw's lomatium (Service 2010). The recovery plan states that Bradshaw's lomatium could be considered for downlisting to threatened status when there are 12 populations and 60,000 plants distributed in such a way as to reflect the species' historical geographic distribution, when the number of individuals in the populations have been stable or increasing over a period of 10 years, when sites are managed to meet established habitat quality guidelines, when a substantial portion of the species' habitat is protected for conservation, and when populations are managed to ensure maintenance of habitat and to control threats.

The recovery plan states that, in addition to the criteria described above, Bradshaw's lomatium could be considered for delisting when there are 20 populations and 100,000 plants properly distributed, genetic material is stored in a facility approved by the Center for Plant Conservation, and post-delisting monitoring plans and monitoring agreements are in place. Given our current understanding of this species, the criteria addressing abundance, distribution, and site management and protection are the most important in assessing recovery. Accordingly, these criteria are the basis of our analysis of resiliency, redundancy, and representation, and the focus of the discussion that follows. The remaining two criteria have also been met; genetic material is preserved at the Institute of Applied Ecology seed bank, and post-delisting monitoring plans and agreements are in place (see Post-Delisting Monitoring).

To reflect the historical distribution of Bradshaw's lomatium, the species' range was divided into eight recovery zones (Southwest Washington, Portland, Salem West, Salem East, Corvallis West, Corvallis East, Eugene West, and Eugene East), and targets for number of populations and number of plants for each zone were established based on historical presence, to the extent known (Service 2010, pp. IV–1—IV–6, IV–31—IV–34).

Two of the recovery zones (Portland and Salem West) are within the range of Bradshaw's lomatium, but do not have population targets for the species based on a lack of historical occurrence data. These recovery zones were nonetheless retained because if any populations of Bradshaw's lomatium were to be discovered or introduced within these zones, they could be considered as contributing to the recovery criteria for the species (under the category ''Additional Populations'').

The expression of recovery criteria in terms of population abundance, numbers of populations, and distribution across recovery zones reflects a foundational principle of conservation biology: That there is a positive relationship between the relative viability of a species over time and the resiliency, redundancy, and representation of its constituent populations (Shaffer and Stein 2000, pp. 307–310; Wolf *et al.* 2015, entire). To look at it another way, extinction risk is generally reduced as a function of increased population abundance (resiliency), numbers of populations (redundancy), and distribution or geographic or genetic diversity (representation). The recovery criteria laid out in the recovery plan for Bradshaw's lomatium were, therefore, informative for our review of the status of the species, as that analysis leans upon these measures of viability to assess the current and future status of the species (Service 2018, pp. 1–2).

The downlisting criteria for number and distribution of populations and numbers of plants were intended to help identify the point at which imminent threats to Bradshaw's lomatium had been ameliorated so that the populations were no longer in immediate risk of extirpation; the delisting criteria for number and distribution of populations and numbers of plants were intended to identify the point at which the species was unlikely to become in danger of extinction. In our analysis, only populations with moderate to high overall condition and with more than 200 plants were considered to have met the recovery criteria, as populations with lower overall condition or abundance were considered too high risk to be counted toward recovery. An estimated 11,276,253 plants in 17 populations meet this standard (Service 2018, p. 39, updated based on Wilderman 2018, entire), an increase from approximately 25,000 to 30,000 individuals in 11 populations at listing in 1988. An additional 1,361 plants, distributed among 7 populations, comprise the grand total number of known Bradshaw's lomatium plants. In total, 24 populations occur on 71 distinct sites that are owned by a mix of Federal, State, and local governments; nongovernmental organizations (NGOs); and private citizens. Multiple sites are considered to be part of the same population when those sites are within

a defined pollinator flight distance of 3 kilometers (km) (2 miles (mi)) of each other. The current population estimate is the combined count data from all sites; for some sites the plant count was the result of a full census (54 sites), while for others it was derived by visual estimate or calculated from count subsamples that were then extrapolated over the total area of the site (17 sites). The increase in known populations and number of plants over time is due to a combination of population augmentation and introductions, improved habitat management, and increased survey effort across the range of the species. Bradshaw's lomatium has been the focus of concentrated recovery efforts since it was listed in 1988. We now estimate there are likely more plants across the range of Bradshaw's lomatium than we have accounted for because not all areas of suitable habitat within the range of the species have been surveyed, and recent visits to previously unsurveyed areas have resulted in the identification of formerly unknown populations (*e.g.,* Service 2018, p. 10).

In our SSA report, we evaluated and ranked the resiliency of each population of Bradshaw's lomatium using the following criteria: (1) Population size, (2) current habitat conditions, (3) protection of the site from development, and (4) site management to restore and maintain appropriate habitat condition. Using these criteria, each population was given a rank of high, moderate, or low condition (Service 2018, pp. 26–30). The resiliency score for each population incorporates the degree to which the primary threats to the species have been addressed at each site as well as recovery criteria (population size and habitat quality), site protection (addressing habitat loss), and site management (addressing woody encroachment and invasive species). For details on evaluation and ranking of population condition, see the SSA report (Service 2018, pp. 26–43).

The table below summarizes our current knowledge of the abundance and distribution of Bradshaw's lomatium relative to the downlisting and delisting criteria presented in the recovery plan for the species (from Service 2018, p. 39, updated based on Wilderman 2018, entire). Because the table below summarizes only the abundance and distribution data for the species, the information in the table must be considered in conjunction with the five-factor analysis of threats to arrive at the status determination for Bradshaw's lomatium.

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Summary of recovery goals and current condition of known *Lomatium bradshawii* populations.

Distribution and Abundance of *Lomatium bradshawii*						
	Downlisting Goals		Delisting Goals		Current Condition*	
Recovery Zone	**Minimum Number of Populations per Zone**	**Target Number of Plants per Zone**	**Minimum Number of Populations per Zone**	**Target Number of Plants per Zone**	**Number of Populations Qualifying Toward Recovery Criteria**	**Number of Plants in Populations Qualifying Toward Recovery Criteria**
OREGON						
Portland	0	0	0	0	0	0
Salem East	1	5,000	2	10,000	3	62,604
Salem West	0	0	0	0	0	0
Corvallis East	2	10,000	3	15,000	3	179,462
Corvallis West	2	10,000	2	10,000	2	17,485
Eugene East	1	5,000	3	15,000	2	34,451
Eugene West	3	15,000	3	15,000	6	191,593
					Subtotal	485,595

WASHINGTON						
Southwest Washington	1	5,000	2	10,000	1	10,790,658
					Subtotal	10,790,658
+ Additional Populations (may occur in any Recovery Zone within the range of *Lomatium bradshawii*)	2	10,000	5	25,000		
Total	12	60,000	20	100,000	**17**	**11,276,253**

*Recovery zones highlighted in grey meet or exceed the recovery plan downlisting and delisting goals for the number of populations and target number of plants. Only populations with moderate to high overall condition and with more than 200 plants were considered to have met the recovery criteria and so are included in this count, as populations with lower overall condition or number of plants were considered too high risk to count toward recovery. For this reason, the total number of plants reported in this table (those counted for recovery) is not equivalent to the grand total number of plants known to occur throughout the range of the species.

Based on the most recent count, the number of plants counted towards recovery is 11,276,253, with an additional 1,361 plants occurring in populations with fewer than 200 individuals, which we did not count

toward recovery. Of the total number of known plants, an estimated 10,790,658 occur in a single population in southwestern Washington. The other approximately 486,956 plants are within 23 populations in Oregon. If we consider only the populations in moderate or high condition, and with more than 200 plants (*i.e.,* those we are counting toward recovery and presented in the table), we estimate there are 485,595 plants within Oregon populations. These populations are distributed from southeast of Salem, Oregon, south to Creswell, Oregon, both east and west of the Willamette River. The greatest density of populations occurs in the southern portion of the Willamette Valley near Eugene, Oregon.

Therefore, the most recent counts of Bradshaw's lomatium identify nearly 500,000 individuals in 23 known populations across the historical range of the species in Oregon and distributed among 69 known sites under various types of land ownership. We considered the abundance and distribution of Bradshaw's lomatium without including the roughly 10.8 million individuals concentrated in a single population (made up of 2 sites) in southwestern Washington to ensure our evaluation considered the abundance and distribution of the species across its entire range and also to ensure our overall evaluation was not unduly influenced by this single extremely large population. Of the 71 known sites, 51 are in public ownership, are within a public right-of-way, or are owned by a conservation-oriented NGO. Of the 20 remaining sites, 9 are under conservation easement or are enrolled in the Service's Partners for Fish and Wildlife Program (Service 2018, pp. 30–35, 36, 38, Appendix A). The remaining 11 sites are on private lands and are not currently under any formal protection agreements.

The figure below shows the results of this assessment across the range of the species. Of the 24 known populations, 4 are in low condition, 9 are in moderate condition, 10 are in high condition, and 1 is in unknown condition due to a lack of data (Service 2018, pp. 36–39). Populations occur in all recovery zones that have population goals. As noted above, the Portland and Salem West Recovery Zones contain no known current populations, were not assigned specific targets by the Recovery Team, and have no documented historical occurrences of the species within them.

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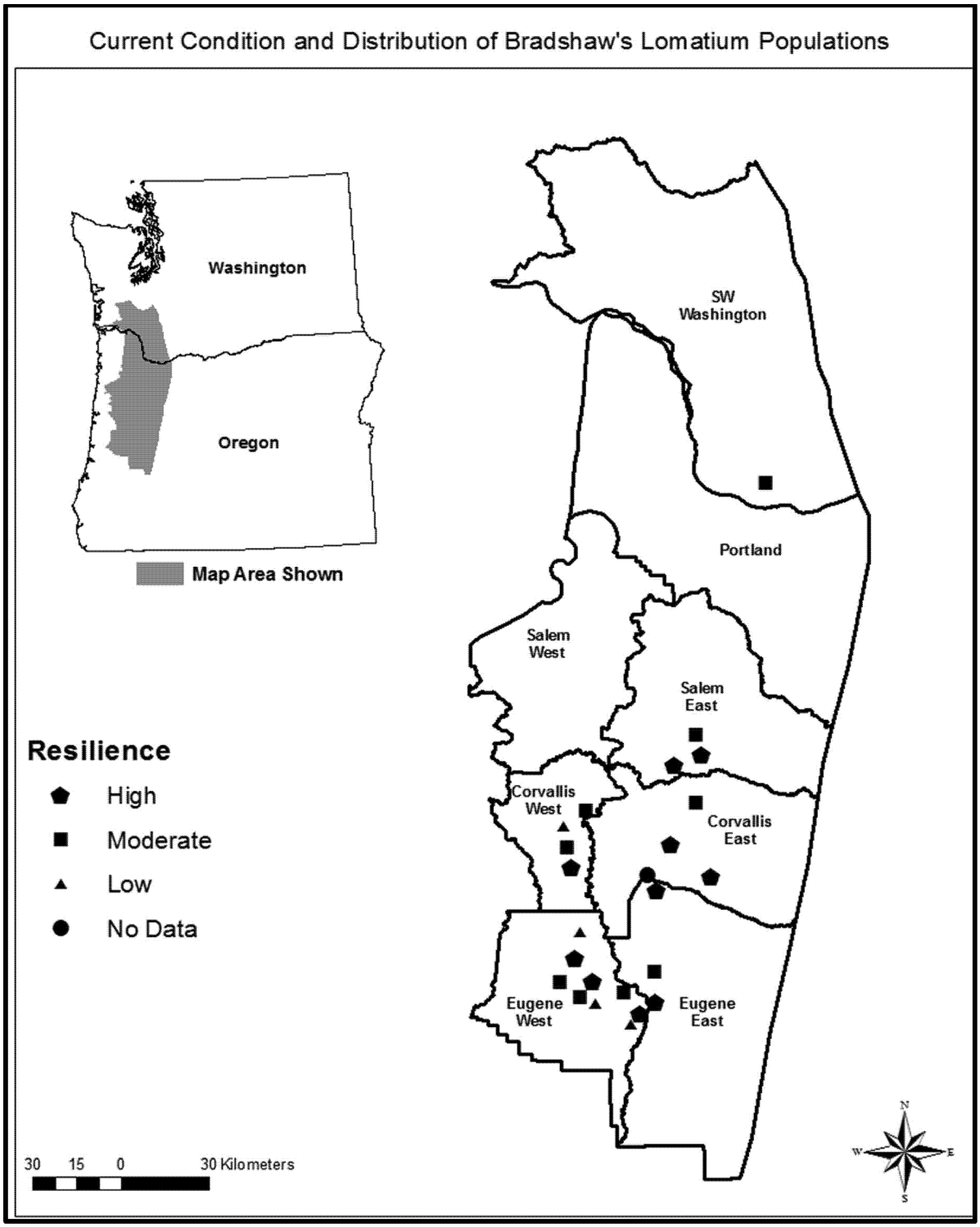

Map of known populations of Bradshaw's lomatium and the eight recovery zones identified for the species in the recovery plan. Resiliency rankings of high, moderate, and low are based on the assessment in our SSA report (Service 2018, pp. 30–35). Note: There are no recovery targets for Portland and Salem West recovery zones.

Based on this information, we conclude Bradshaw's lomatium is much more numerous than at the time of listing and is distributed throughout its known historical range. Across the 23 populations in Oregon, greater than 99 percent of known Bradshaw's lomatium plants are found on sites receiving some degree of protection from development

such as public lands, conservancy lands, or private lands with conservation easements (Service 2018, Appendix A). Two sites in southwestern Washington collectively comprise the single largest population of the species with millions of plants. The vast majority of plants in the southwestern Washington population occur on private property that is not under formal protection, but over the years the site has been consistently managed in a manner conducive to supporting the largest population of Bradshaw's lomatium known. The other portion of the population in southwestern Washington, owned by the Washington Department of Natural Resources (WDNR), contains approximately 658 plants. The WDNR has been actively protecting, managing, and augmenting this smaller portion of the southwestern Washington population, and they are currently working to further expand protection at this site. Furthermore, the WDNR is working to conserve the sizeable Bradshaw's lomatium site that is on private land.

Due to ongoing threats from woody encroachment and the spread of nonnative, invasive plants, sites containing Bradshaw's lomatium require regular management to maintain the open prairie conditions that support robust populations. Management activities may include, but are not limited to, herbicide application, mowing, and prescribed fire. Although guarantee of management into perpetuity exceeds the requirements of the Act in evaluating whether a species meets the statutory definition of endangered or threatened, it is necessary to evaluate whether current and expected future management is sufficient to maintain resilient populations of Bradshaw's lomatium into the foreseeable future. Across the range of Bradshaw's lomatium, 75 percent of sites receive some form of management as described above, accounting for greater than 99 percent of known Bradshaw's lomatium plants. Sites receiving management span all ownership types. Rangewide, 58 percent of sites have a management plan with goals for the conservation of Bradshaw's lomatium, or with goals for maintenance of the wet prairie habitat upon which this species depends. Sites with management plans include those owned by the U.S. Army Corps of Engineers, Bureau of Land Management, the Service, The Nature Conservancy, and privately owned sites covered by the Natural Resources Conservation Service's Wetland Reserve Program (Service 2018, pp. 30–35, Appendix A).

Although not considered as a basis for this delisting, a memorandum of understanding (MOU) among the Bureau of Land Management, the Natural Resources Conservation Service, the U.S. Army Corps of Engineers, and the Service has been developed with the express purpose of providing for the long-term conservation and sustained recovery of Bradshaw's lomatium (Service *et al.* 2020, entire). Together these agencies own or manage at least 35 of the 71 known Bradshaw's lomatium sites. The MOU describes the ongoing commitment of the cooperating management agencies to maintain wet prairie habitats containing Bradshaw's lomatium populations at a sufficient quality to support the resilience of those populations, to the best of their abilities, irrespective of any change in the species' legal status and its standing under the Act. This MOU did not enter into our consideration of the delisting of Bradshaw's lomatium. However, it is added evidence of the strength of the ongoing collaborative efforts of conservation partners dedicated to the recovery of the native prairie species and ecosystems of the Willamette Valley.

These and other data that we analyzed indicate that most threats identified at listing and in the recovery plan are reduced in areas occupied by Bradshaw's lomatium. The status of the species has improved primarily due to: (1) Discovery of previously unknown populations; (2) reestablishment and augmentation of populations over the 30 years since the species was listed; (3) improvement in habitat management; and (4) an increase in protection from development.

Regulatory and Analytical Framework

Regulatory Framework

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

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

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

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

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

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects. We consider these same five factors in delisting (removal from the Federal Lists of Endangered and Threatened Wildlife and Plants) or downlisting (reclassification from endangered to threatened) a species (see 50 CFR 424.11(c) through (e)).

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

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

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

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be downlisted or delisted under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket FWS–R1–ES–2019–0013 on *http://www.regulations.gov.*

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

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

Summary of Biological Status and Threats

In this discussion, we review the biological condition of Bradshaw's lomatium and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

We consider 25 to 50 years to be a reasonable period of time within which reliable predictions can be made for potential stressors and responses for Bradshaw's lomatium. This period of time is sufficient to observe population trends for the species, based on its life history characteristics, and captures the terms of many of the management plans that are in effect at Bradshaw's lomatium sites; it is also the length of time over which we conclude we can make reliable prediction about the anticipated effects of climate change. Although information exists regarding potential impacts from climate change beyond a 50-year timeframe, the projections depend on an increasing number of assumptions, and thus become more uncertain with increasingly long timeframes. We, therefore, use a maximum timeframe of 50 years to provide the best balance of scope of impacts considered versus the certainty of those impacts being realized.

At the time of listing, the primary threats to Bradshaw's lomatium were habitat loss due to land use conversion for agriculture or urbanization and the invasion of prairie vegetation by various woody plant species (53 FR 38449–38450; September 30, 1988). The listing rule did not find that overutilization for commercial, recreational, scientific, or educational purposes posed a threat to Bradshaw's lomatium. The listing rule noted that several parasitic organisms (a fungus, spittle bug, and two aphids) could potentially have negative effects on smaller, stressed populations of the plant (but not the species as a whole) and questioned whether inbreeding depression might pose a threat to the species since the populations known at the time appeared to be small and isolated from one another. The rule noted that further study was required to determine the significance of any such threats. Finally, the listing rule noted that State and Federal regulations existing at the time did not adequately protect the plant from habitat loss or other potential threats (53 FR 38450; September 30, 1988). By the time the recovery plan was developed in 1993, these same threats were still considered relevant (Service 1993, p. 12). There are three potential threats that were either not known or considered at the time of listing: (1) Competition from nonnative, invasive plant species; (2) potential impacts resulting from the effects of climate change; and (3) predation by voles (*Microtus* spp.), which has been observed within Bradshaw's lomatium sites. Subsequently, we conducted a 5-year status review based on the SSA report for Bradshaw's lomatium that includes an analysis of all factors known to affect the viability of the species (Service 2018, entire).

As discussed in our 2018 SSA report, the threat of habitat loss from land conversion for agriculture and urbanization has decreased since the time of listing due to land protection efforts. Although a few privately owned sites are still at risk, land use conversion is no longer considered a significant threat to the viability of Bradshaw's lomatium due to the number of sites now receiving some degree of protection from development (Service 2018, pp. 36–39, Appendix A). In Oregon, which supports 23 of the 24 known populations of the species, greater than 99 percent of known Bradshaw's lomatium plants occur on sites protected through public or NGO ownership, through designation as a

right-of-way, or by conservation easements on private lands. In Washington, one of two sites that support Bradshaw's lomatium is owned by the WDNR, and the State is actively working toward the conservation of the very large adjacent site that supports the majority of known individuals of the species. As the threat posed to Bradshaw's lomatium from habitat loss is no longer considered significant, we additionally no longer consider State or Federal protections to be inadequate to address this threat.

The present threat to Bradshaw's lomatium from modification of habitat due to invasion of prairies by nonnative, invasive plants and by woody species has been reduced in many populations due to active habitat management using herbicides, mowing, and prescribed fire, but ongoing habitat management is required to maintain these improvements. As noted above, across the range of Bradshaw's lomatium, 75 percent of the known sites receive active management that benefits the species, and 58 percent of total sites have a management plan in place with goals for the conservation of Bradshaw's lomatium, or for maintenance of the wet prairie habitat upon which it depends (Service 2018, pp. 36–39, Appendix A). Based on the high proportion of sites protected or managed, the history of positive management observed to date, and ongoing efforts to further restore and protect wet prairie habitats, we have confidence that management of Bradshaw's lomatium sites will continue to provide adequate protection to the species in the long term. This confidence is affirmed by the MOU committing to long-term conservation of Bradshaw's lomatium on Federal lands regardless of its listing status. We found no evidence that negative impacts due to parasitic organisms constitute a threat to the viability of Bradshaw's lomatium. Predation by voles appears to vary year to year, and can substantially reduce aboveground biomass and reproduction in years when vole abundance is high. However, the effect on populations is estimated to be minimal over time as long as there is sufficient time for Bradshaw's lomatium to regenerate taproot reserves between vole outbreaks (Drew 2000, pp. 54–55), and no consistent long-term declines attributable to vole predation have been reported (Service 2018, p. 20).

Concerns over the possibility of inbreeding depression expressed at the time of listing are now reduced due to a subsequent study indicating that overall genetic diversity in Bradshaw's lomatium is relatively high for a rare species (Gitzendanner and Soltis 2001, pp. 352–353), and is greater than that found in other rare *Lomatium* species (Gitzendanner and Soltis 2000, p. 787), although the most disjunct population in southwestern Washington showed relatively lower genetic diversity than less geographically isolated populations (Gitzendanner and Soltis 2001, p. 353). The threat of inbreeding depression is further considered reduced since we now understand Bradshaw's lomatium to be primarily an outcrossing species (which promotes increased genetic diversity), rather than an obligate self-pollinating species as was believed at the time of listing (Service 2018, pp. 7, 20).

The potential threat posed to Bradshaw's lomatium from the effects of climate change is difficult to predict. The primary threat to the species from the effects of climate change is likely reduced moisture availability due to warmer temperatures and alterations to precipitation patterns resulting in increased evapotranspiration (Bachelet *et al.* 2011, p. 414; Steel *et al.* 2011, pp. 43; Kaye *et al.* 2013, p. 18. The vulnerability of Bradshaw's lomatium to the effects of climate change, assessed over a range of potential future emissions scenarios, has been ranked as anywhere from low to moderate (Steel *et al.* 2011, pp. 25, 89) to highly vulnerable (Kaye *et al.* 2013, p. 20). Possible effects of climate change on Bradshaw's lomatium include increased reproduction after increased early precipitation, temporal shifts in life cycle completion to earlier in spring (earlier germination and seed set), increased mortality, and decreased recruitment (USFWS 2018, p. 43). We assessed the potential impacts of climate change on Bradshaw's lomatium projected out over a period up to 50 years in the future. Published assessments provide only qualitative appraisals of the potential response of Bradshaw's lomatium to the effects of climate change; therefore, we characterized a ''worst case'' future scenario in terms we could use in our analysis of future condition. In consultation with species experts and conservation partners, we defined the worst case scenario as one where increased mortality and decreased recruitment culminate in a 50 percent reduction of all populations. We considered this to be a conservative approach, in that the actual effects on populations size are likely to be more moderate. Even in the face of such a severe population reduction, the species is anticipated to remain viable as indicated by appreciable levels of resiliency, redundancy, and representation. We estimated that populations currently in low condition or with very low abundance may be extirpated due to the combined effects of climate change impacts and stochastic events; this translated to an estimated loss of up to five small populations, with other populations reduced in size. However, even with a presumed 50 percent reduction in abundance, at least 14 to 16 populations of Bradshaw's lomatium in moderate or high condition are expected to remain on the landscape with ongoing management. We do not anticipate any significant effect on representation, that is, the ability of the species to adapt to changing environmental conditions over time (Service 2018, pp. 42–46).

Cumulative Impacts

When multiple stressors co-occur, one may exacerbate the effects of the other, leading to effects not accounted for when each stressor is analyzed individually. The full impact of these synergistic effects may be observed within a short period of time or may take many years before they are noticeable. For example, high levels of predation on Bradshaw's lomatium during vole outbreaks can cause large temporary population declines but are not generally considered a significant threat to long-term viability; populations that are relatively large and well-distributed should be able to withstand such naturally occurring events. However, the relative impact of predation by voles may be intensified when outbreaks occur in conjunction with other factors that may lessen the resiliency of Bradshaw's lomatium populations, such as prolonged woody species encroachment; extensive nonnative, invasive plant infestations; or possible hydrological alterations resulting from the effects of climate change.

Although the types, magnitude, or extent of potential cumulative impacts are difficult to predict, we are not aware of any combination of factors that is likely to co-occur with significant negative consequences for the species. We anticipate that any negative consequence of co-occurring threats will be successfully addressed through the same active management actions that have contributed to the ongoing recovery of Bradshaw's lomatium and that are expected to continue into the future. The best scientific and commercial data available indicate that Bradshaw's lomatium is composed of multiple populations, primarily in moderate to high condition, which are sufficiently resilient, well distributed, protected, and managed such that they

will be robust in the face of potential cumulative effects to which they may be exposed.

Overall, we conclude that under current conditions, most populations of Bradshaw's lomatium are resilient, because they have abundant numbers of individuals. There are redundant populations of Bradshaw's lomatium, meaning that multiple populations occur in most recovery zones, indicating that the species has the ability to minimize potential loss from catastrophic events. The concern at the time of listing about a possible genetic bottleneck has been alleviated by genetic studies demonstrating that Bradshaw's lomatium has relatively high genetic diversity for a rare species. Also, with populations distributed across the known historical range of the species (Service 2018, p. 40), Bradshaw's lomatium has likely retained much of its adaptive capacity (*i.e.,* representation). We also considered the potential future conditions of Bradshaw's lomatium, taking into account the current condition and additional stressors not considered at the time of recovery plan development (*e.g.,* the effects of climate change). Projecting 25 to 50 years into the future, under a conservative estimate that conditions could potentially worsen such that all existing populations are reduced by half, the species would retain its resiliency and redundancy. With an estimated 14 to 16 populations in moderate or high condition expected to remain on the landscape with ongoing management, representation was not anticipated to be affected (Service 2018, p. 44). As noted earlier, the degree to which threats to the species have been successfully addressed is incorporated into the evaluation of population resiliency at each site (*i.e.,* site protection and management actions were considered in the scoring of each population's current condition; Service 2018, p. 28). The continuation of these conservation measures was an assumption of our projection.

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

See the SSA report (Service 2018, entire) for a more detailed discussion of our evaluation of the biological status of Bradshaw's lomatium and the influences that may affect its continued existence. Our conclusions are based upon the best available scientific and commercial data and the expert opinions of the species status assessment team members.

Summary of Comments and Recommendations

In the proposed rule published in the **Federal Register** on November 26, 2019 (84 FR 65067), we requested that all interested parties submit written comments on our proposal to delist Bradshaw's lomatium by January 27, 2020. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in The Oregonian. We did not receive any requests for a public hearing. All substantive information provided during the comment period has either been incorporated directly into this final rule or is addressed below.

Public Comments

We received three comments from the public on our November 26, 2019, proposed rule. One of these generally opposed the delisting of Bradshaw's lomatium but did not provide substantive comments to respond to or address. The remaining two provided substantive comments on the proposed rule or the draft post-delisting monitoring plan, and are addressed below.

Comment (1): One commenter expressed concerns that Federal delisting of Bradshaw's lomatium would likely result in a petition for State delisting as well, resulting in a potential threat from the inadequacy of regulatory mechanisms to require habitat maintenance for the species (Factor D). The commenter states that habitat management benefitting this conservation-reliant species may not necessarily continue after delisting, which would again expose populations of Bradshaw's lomatium to the threat of habitat degradation through encroachment of woody vegetation and nonnative plants. In particular, the commenter argued that if only 58 percent of total sites have a management plan with conservation goals for Bradshaw's lomatium or wet prairie habitat, a ''worst case'' future scenario could leave the remaining 42 percent of sites unmanaged, or under-managed, in terms of habitat maintenance. Overall, the commenter suggested that more measures are needed to formalize the commitment of landowners to continue Bradshaw's lomatium habitat management efforts to ensure habitat for the species remains protected from degradation following delisting, with particular emphasis on non-Federal public sites and the large population in Washington.

Our Response: Our evaluation of the level of protection and active management provided to populations of Bradshaw's lomatium, required to effectively ameliorate the threat of habitat degradation now and into the future, was one of our primary considerations in determining the appropriate status of the species. As described in the November 26, 2019, proposed rule (84 FR 65067) and in Appendix A of the SSA report, our information indicates that in Oregon, where 69 of the 71 sites of Bradshaw's lomatium are found, nearly 99 percent of Bradshaw's lomatium individuals now receive protection from further habitat loss and fragmentation due to land ownership by Federal, State, or other public entities, or by NGOs, or due to protections through management agreements or conservation easements on private lands. Nearly all of these management commitments are long-term or perpetual (61), and the short-term management agreements (8) are renewable. Of the 71 total known sites, 51 are in public ownership and 9 have either a conservation easement or Partners for Fish and Wildlife agreement in place. There are only 11 sites on privately owned lands without a formal agreement in place, but even without formal protections, several of these are managed such that they provide habitat for Bradshaw's lomatium, and they support relatively few plants overall. The 58 percent of sites with a management plan mentioned by the commenter refers only to those sites that have a plan specific to Bradshaw's lomatium or the maintenance of wet prairie habitat; even without such a plan, many of these sites do have management plans, and the majority of sites experience some degree of habitat

protection and management that benefits the species, even if that benefit is incidental to, and not focused specifically on, Bradshaw's lomatium. Based on all of these considerations, we do not foresee a future in which it is likely that up to 42 percent of sites would be unmanaged or under-managed, as the commenter suggests.

The largest single population of Bradshaw's lomatium plants, located in southwestern Washington, is privately owned, and WDNR continues to actively pursue avenues for the perpetual conservation and management of this site. However, as noted above and as described earlier in this document, even without formal protections, the regular mowing that occurs at this site on a consistent basis year after year has provided for the most vast and robust population of the species known, the owners have voluntarily placed signs to alert the public to the presence of the plant, and the site faces no known threats.

The fact that the majority of Bradshaw's lomatium sites are in some form of public or NGO ownership, or under conservation easement or other agreement, gives us confidence that appropriate habitat management is likely to continue into the foreseeable future. The MOU committing to long-term conservation of Bradshaw's lomatium on Federal lands regardless of its listing status, recently developed by the U.S. Army Corps of Engineers, Bureau of Land Management, Natural Resources Conservation Service, and the Service, which collectively own or manage at least 35 of the 71 known Bradshaw's lomatium sites, further adds to this confidence (Service *et al.* 2020, entire). As noted above, this MOU did not enter into our consideration of the potential delisting of Bradshaw's lomatium. However, it offers further support for our confidence in the strength of the established conservation alliances for the preservation of prairie species and ecosystems in the Willamette Valley, and the likelihood that these efforts are likely to continue. Monitoring under the post-delisting monitoring plan (see our response to *Comment (2),* below) is designed to confirm that appropriate management continues and that degradation of habitat for the species does not follow delisting.

Details about the State of Oregon's criteria for delisting plants from the State Endangered Species List can be found in Oregon Administrative Rule (OAR) 603–073–0030. Under this OAR, when a plant is removed from the Federal list, it is not automatically removed from the State list, but must undergo review if delisting is initiated. This review process can take years. Removal from the State list is, therefore, not necessarily imminent. In addition, the habitat protections afforded listed plants by both Federal and State laws are limited. Under the provisions of both the Act and Oregon State law (see OAR 603–073–0090 and Oregon Revised Statute (ORS) 564.120), listed plants are protected by prohibitions from certain activities (for example, cutting, digging, damaging, destroying; transport and sale) but nothing in either law requires the maintenance of habitat for listed plants. We, therefore, would not expect State delisting of Bradshaw's lomatium to have much practical effect on the maintenance of habitat for the species or protection from habitat degradation.

After the protections of the Act no longer apply, we are planning for a 6-year post-delisting monitoring period to ensure Bradshaw's lomatium's status does not deteriorate. If a substantial decline in the species (numbers of individuals or populations) or an increase in threats is detected during that period, we will implement measures to halt the species' decline so that re-proposing it as an endangered or threatened species is not needed. The objective of the post-delisting monitoring plan is to verify that Bradshaw's lomatium remains secure from the risk of extinction after the protections of the Act have been removed. The plan is specifically designed to detect any significant declines in Bradshaw's lomatium populations, should any occur, with reasonable certainty and precision (see also our response to *Comment (2),* below).

Comment (2): One commenter expressed concerns that the draft post-delisting monitoring plan prioritizes monitoring of only 18 sites, or about 25 percent of all known sites, which could leave the status of most sites unknown and possibly allow a serious decline in critical populations to be missed. The commenter recommended including more sites, and choosing those sites based on their recovery value; including smaller, more vulnerable populations that play an important role in terms of species viability (redundancy or representation) as a priority for monitoring; and prioritizing sites for monitoring that lack management plans or are otherwise at high risk of being threatened following delisting. With regard to some of the smaller populations that are contributing to recovery, the commenter suggested that population trend information be presented in addition to measures of plant abundance.

In addition, this commenter suggested expedited site visits to additional lower priority sites after delisting. These visits could include collection of data that is informative but less time-consuming to collect, such as identifying whether management is continuing, identifying whether flowering plants are present, photo monitoring, and estimating population size-class.

Our Response: Monitoring a representative subsample of sites as outlined in the draft post-delisting monitoring plan will give us an early indication if declines are occurring or if threats such as habitat degradation are resurgent. Limited resources preclude our ability to completely survey all of the known Bradshaw's lomatium sites each year; thus, we endeavored to craft a post-delisting monitoring plan that would effectively capture trends in population size, habitat quality, and management direction across a representative sample of sites.

The 18 priority sites for post-delisting monitoring have been selected to represent the full geographic range of the species, a variety of ownerships (informative regarding habitat management; see below), and a range of population sizes. We specifically designed post-delisting monitoring to address whether, and what type of, management has occurred on the site in the previous year, as well as the ownership status of the site, precisely because Bradshaw's lomatium is a conservation-reliant species and is so dependent on appropriate habitat management. Conservation programs offered through the Service's Partners for Fish and Wildlife Program and various Farm Bill programs administered through the Natural Resources Conservation Service will continue to be available to private landowners for the long-term maintenance and protection of important Bradshaw's lomatium populations on private lands after the species is delisted. As described in the post-delisting monitoring plan, a 6-year post-delisting monitoring period will provide time for sites to undergo two to three management cycles, allowing monitoring efforts to identify potential deficiencies in management outcomes.

The sites chosen for monitoring include representation from all of the recovery zones across the range of the species, different land ownerships, and different population sizes (ranging from as few as 83 individuals to nearly 75,000). The monitoring history of sites was an important consideration in their selection for post-delisting monitoring; to the extent possible we chose sites that have already been monitored for long

periods of time and have established population trends, which allows us to build on this existing data set and provides a more robust analysis of trend information post-delisting. The plan calls for post-delisting monitoring to follow methods previously used at each site so that reliable long-term trends can be determined based on standardized data collection.

Of the 18 sites, 4 are privately owned, and only 2 of those are without conservation and management agreements. Fourteen of the 18 sites are on Federal, State, municipal, or other conservation ownership with active management plans. The 18 priority sites are just that: The priority sites for monitoring. Additional sites may be monitored as resources allow, and the post-delisting monitoring plan specifically allows for future modification as needed or appropriate. We have incorporated the commenter's recommendation to add expedited site visits and abbreviated data collection at additional sites as time and opportunity allows, which would provide for an occasional check on the status of other Bradshaw's lomatium populations, into our final post-delisting monitoring plan.

Through the implementation of the post-delisting monitoring plan, the implementation of the aforementioned MOU, and the continued work of the various native plant work groups and conservation partnerships focused on the recovery of native plants, we conclude that sufficient monitoring is in place to detect any significant changes in the populations of Bradshaw's lomatium. If data show that the species is declining, or if one or more factors that have the potential to cause a decline are identified, we may continue monitoring beyond the 6-year period and modify the post-delisting monitoring plan based on an evaluation of the results, or reinitiate listing if necessary.

Section 4(g)(2) of the Act directs the Service to make prompt use of its emergency listing authorities under section 4(b)(7) of the Act to prevent a significant risk to the well-being of any recovered species. While not specifically mentioned in section 4(g) of the Act, authorities to list species in accordance with the process prescribed in sections 4(b)(5) and 4(b)(6) of the Act may also be used to reinstate species on the List, if warranted.

Determination of Bradshaw's Lomatium's Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of ''endangered species'' or ''threatened species.'' The Act defines an ''endangered species'' as a species that is in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. For a more detailed discussion on the factors considered when determining whether a species meets the definition of an endangered species or a threatened species and our analysis on how we determine the foreseeable future in making these decisions, please see Regulatory and Analytical Framework, above.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we found that the known range of Bradshaw's lomatium was considered dramatically reduced when we listed it as an endangered species in 1988; at that time, we estimated that there were 11 small populations that included a total of roughly 25,000 to 30,000 individuals. In addition, the species faced threats from habitat loss due to land conversion for agriculture and urbanization, as well as natural succession to woody species dominance due to loss of historical disturbance regimes. As such, the species was perceived to be upon the brink of extinction. Bradshaw's lomatium has been the subject of intensive recovery efforts since it was listed under the Act 30 years ago, and the discovery of new, previously unknown populations; success in augmentation and habitat restoration and management efforts; and the protection of Bradshaw's lomatium populations and habitats on public lands and on private lands through conservation easements and management agreements with NGOs and other parties have led to a significant reduction in threats and improvement in the status of the species since listing.

Recovery goals for delisting Bradshaw's lomatium were set at a minimum of 20 populations with a total of 100,000 individual plants distributed across the species' historical range. Under current conditions, 24 populations of Bradshaw's lomatium are distributed throughout the species' historical range; if we consider only those populations in high or moderate condition and containing at least 200 individuals as contributing to recovery, 17 such populations occur throughout the range of the species (see table, above). Considering only those 17 populations in high or moderate condition and with greater than 200 plants, the most recent counts demonstrate an estimated 485,595 known individuals are distributed throughout the historical range of the species (this count does not include the southwestern Washington population to ensure our evaluation was not unduly influenced by this single extremely large population).

Our analysis of current population condition on the basis of plant abundance, habitat quality, management, and protection from development resulted in rankings of 10 populations in high condition overall, 9 populations in moderate condition, and 4 populations in low condition. Therefore, we are significantly less concerned about small population sizes or limited distribution of the species than we were at the time of listing. The increase in known populations is due in large part to increased survey efforts and incidental discovery of more occupied habitat, leaving open the potential of finding even more populations of Bradshaw's lomatium in the future.

Acquisition by conservation NGOs, or enrollment into conservation easement programs, of sites containing Bradshaw's lomatium populations has substantially reduced the risk of habitat and population losses due to land use conversion (Factor A). In addition, population augmentation or introduction, combined with ongoing active management of woody encroachment and of nonnative, invasive plant infestations, has ameliorated the threat posed by these processes (Factor A) and increased the resilience of many Bradshaw's lomatium populations on protected sites. Other potential threats identified at the time of listing have either never materialized (parasitism by other organisms (Factor C), negative effects of inbreeding depression (Factor E)) or have been addressed through other means (*i.e.,* habitat protections and management, addressing Factor D).

Since listing, we have become aware of the potential for the effects of climate change (Factor E) to affect organisms and ecosystems, including potentially Bradshaw's lomatium. We considered the potential consequences of climate change and evaluated a range of future scenarios, including one with up to a 50 percent reduction in the size of all known populations across the range of the species. Even in the face of such a severe population reduction, the species retained appreciable levels of resiliency, redundancy, and representation such that we do not consider the effects of climate change to pose a threat such that

it would place the species at risk of extinction in the future (Service 2018, pp. 42–46). To be conservative, our analysis of future conditions did not consider that ongoing efforts to improve population sizes and habitat quality have the potential to further increase the number of resilient populations of Bradshaw's lomatium. Many stressors to the species are being addressed through habitat management and population augmentation, but ongoing management is necessary to maintain resilient populations throughout the species' range.

In sum, significant impacts at the time of listing such as habitat loss due to land use conversion and woody encroachment that could have resulted in the extirpation of all or parts of populations have been either eliminated or reduced since listing. An assessment of likely future conditions, including the status of known stressors, management trends, and possible impacts of climate change, finds that although populations may decline in abundance, at least 14 to 16 populations across the range of the species are expected to maintain high or moderate resiliency over a timeframe of 25 to 50 years into the future (Service 2018, pp. 42–46). We, therefore, conclude that the previously recognized impacts to Bradshaw's lomatium from present or threatened destruction, modification, or curtailment of its habitat or range (specifically, habitat development for agriculture or urbanization and invasion of prairie vegetation by various woody plant species) (Factor A); disease or predation (specifically, parasitism by insects and predation by voles) (Factor C); the inadequacy of existing regulatory mechanisms (Factor D); and other natural or manmade factors affecting its continued existence (specifically, genetic isolation, inbreeding depression, and the effects of climate change) (Factor E) do not rise to a level of significance, either individually or in combination, such that the species is in danger of extinction now or likely to become so within the foreseeable future. Overutilization for commercial, recreational, scientific, or educational purposes (Factor B) was not a factor in listing and based on the best available information, we conclude that it does not constitute a threat to Bradshaw's lomatium now or in the foreseeable future. The Service recognizes that woody encroachment and nonnative, invasive plant species are stressors with ongoing impacts to Bradshaw's lomatium, but finds that current and expected trends in site protection and habitat management are sufficient to prevent these stressors from constituting a threat to the species such that it would meet the definition of an endangered species or a threatened species. Thus, after assessing the best available information, we determine that Bradshaw's lomatium is not in danger of extinction now or likely to become so in the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Having determined that Bradshaw's lomatium is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we now consider whether it may be in danger of extinction or likely to become so in the foreseeable future in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant, and (2) the species is in danger of extinction now or likely to become so in the foreseeable future in that portion. Depending on the case, it might be more efficient for us to address the ''significance'' question or the ''status'' question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range. In undertaking this analysis for Bradshaw's lomatium, we choose to address the status question first—we consider information pertaining to the geographic distribution of both the species and the threats that the species faces to identify any portions of the range where the species is endangered or threatened. We considered whether the threats to Bradshaw's lomatium are geographically concentrated in any portion of the species' range at a biologically meaningful scale. We examined the following threats: Habitat loss from land conversion or invasion of prairies by nonnative, invasive, and woody species; parasitic organisms; predation by voles; inadequate State or Federal protections; inbreeding depression; climate change; and the cumulative effects of these threats.

The threat of habitat loss from land conversion and invasion of prairies by nonnative, invasive, and woody species has decreased in all portions of the range since the time of listing, due to land protection efforts and active habitat management. Of the two sites that comprise the sole population of Bradshaw's lomatium in southwestern Washington, one is located on a privately owned golf course and contained approximately 10.8 million Bradshaw's lomatium plants at the most recent survey. This site currently has high-quality habitat. Current management at the site, as in past years, supports open, wet prairie conditions (Service 2018, pp. 29, 57), primarily through mowing. Although no formal protections are in place that would prevent future development, we have no information to indicate that it is likely the site would be developed or that habitat management will change in any way that would substantially impact Bradshaw's lomatium. In addition, the areas occupied by Bradshaw's lomatium are within wetlands, which may have protections from development under State or Federal law. Based on the current protections of the other Washington site, a preserve owned and managed by the WDNR, the lack of any present threat of destruction or degradation at the privately owned golf course site, and ongoing appropriate management at both sites, we have confidence that habitat at these sites will continue to support Bradshaw's lomatium for the foreseeable future. In Oregon, greater than 99 percent of known Bradshaw's lomatium plants occur on sites protected through public or NGO ownership, through designation as a right-of-way, or by conservation easements on private lands. Rangewide, 75 percent of the known sites receive active management that benefits the species. Thus, we have found no evidence that the present or threatened destruction, modification, or curtailment of habitat (Factor A) is concentrated within any portion of Bradshaw's lomatium's range, or will be within the foreseeable future.

We found no evidence that negative impacts due to parasitic organisms constitute a threat to the viability of Bradshaw's lomatium in any part of its range, now or in the foreseeable future.

Predation by voles appears to vary year to year and can substantially reduce aboveground biomass and reproduction of Bradshaw's lomatium in years when vole abundance is high. However, the effect on populations is found to be minimal over time, as long as there is sufficient time for Bradshaw's lomatium to regenerate taproot reserves between vole outbreaks (Drew 2000, pp. 54–55), and no consistent long-term declines attributable to vole predation have been reported (Service 2018, p. 20). The best available information does not indicate that predation is

concentrated with any portion of the range of Bradshaw's lomatium, or will be within the foreseeable future (Factor C).

Current State and Federal protections appear adequate to address the loss of Bradshaw's lomatium habitat throughout its range, and we do not foresee changes to these protections in the foreseeable future (Factor D). As described above, we do not consider habitat loss to be concentrated within any portion of its range. Of the two known sites containing Bradshaw's lomatium in southwestern Washington, one is protected through ownership by the WDNR. Although the second, larger site lacks formal protection, it faces no currently known threat of habitat loss or degradation, either now or within the foreseeable future. Additionally, the WDNR continues to make efforts to provide additional conservation at the site. Bradshaw's lomatium remains listed as endangered by the State of Washington.

Concerns over the possibility of inbreeding depression expressed at the time of listing are now reduced due to a subsequent study indicating that overall genetic diversity in Bradshaw's lomatium is relatively high for a rare species (Gitzendanner and Soltis 2001, pp. 352–353), and is greater than that found in other rare *Lomatium* species (Gitzendanner and Soltis 2000, p. 787). Although the most disjunct population in southwestern Washington showed relatively lower genetic diversity than less geographically isolated populations (Gitzendanner and Soltis 2001, p. 353), the threat of inbreeding depression is considered reduced, as we now understand Bradshaw's lomatium to be primarily an outcrossing species (which promotes increased genetic diversity), rather than an obligate self-pollinating species as was believed at the time of listing (Service 2018, pp. 7, 20). We have no information indicating that inbreeding depression constitutes a threat to the viability of Bradshaw's lomatium in any part of its range, now or in the foreseeable future.

In our SSA report, we assessed the potential impacts of climate change on Bradshaw's lomatium projected up to 50 years in the future, and conservatively evaluated a future scenario in which the potential negative effects of climate change were such that all populations were reduced in size by up to 50 percent. Under such a scenario, we estimated that populations currently in low condition or with very low abundance may be extirpated due to the combined effects of climate change impacts and stochastic events; this translated to an estimated loss of up to five small populations, with other populations reduced in size. However, even with a presumed 50 percent reduction in abundance, at least 14 to 16 populations of Bradshaw's lomatium in moderate or high condition are expected to remain throughout the range with ongoing management. We, therefore, have no information to indicate that other natural or manmade factors pose a threat to the continued existence of Bradshaw's lomatium (Factor E), now or within the foreseeable future, in any portion of the range.

Although the types, magnitude, or extent of potential cumulative impacts are difficult to predict, we are not aware of any combination of factors that are likely to co-occur with significant negative consequences for the species within any portion of its range. We anticipate that any negative consequence of co-occurring threats will be successfully addressed through the same active management actions that have contributed to the ongoing recovery of Bradshaw's lomatium and that are expected to continue into the future.

We found no concentration of threats in any portion of Bradshaw's lomatium's range at a biologically meaningful scale. Therefore, no portion of the species' range can provide a basis for determining that the species is in danger of extinction now or likely to become so in the foreseeable future in a significant portion of its range, and we find the species is not in danger of extinction now or likely to become so in the foreseeable future in any significant portion of its range. This is consistent with the courts' holdings in *Desert Survivors* v. *Department of the Interior,* No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity* v. *Jewell,* 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial information indicates that Bradshaw's lomatium does not meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we are removing Bradshaw's lomatium from the List of Endangered and Threatened Plants.

Effects of This Rule

This rule revises 50 CFR 17.12(h) to remove Bradshaw's lomatium from the Federal List of Endangered and Threatened Plants. On the effective date of this rule (see **DATES**, above), the prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, no longer apply to this species, and Federal agencies are no longer required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect Bradshaw's lomatium. There is no critical habitat designated for this species, so there will be no change to 50 CFR 17.96.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires the Secretary of the Interior, through the Service and in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that no longer meet the definition of endangered or threatened and, therefore, have been delisted. The purpose of this post-delisting monitoring is to verify that a species remains secure from risk of extinction after the protections of the Act have been removed. The monitoring is designed to detect the failure of any delisted species to sustain itself without the protective measures provided by the Act. If, at any time during the monitoring period, data indicate that the protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing under section 4(b)(7) of the Act. Section 4(g) of the Act explicitly requires us to cooperate with the States in post-delisting monitoring programs, but we remain responsible for compliance with section 4(g) of the Act and, therefore, must remain actively engaged in all phases of post-delisting monitoring. We also seek active participation of other entities that are expected to assume responsibilities for the species' conservation post-delisting.

We prepared a post-delisting monitoring plan for Bradshaw's lomatium. The plan discusses the current status of the species and describes the methods for monitoring the species subsequent to its removal from the Federal List of Endangered and Threatened Plants. The final post-delisting monitoring plan is available at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2019–0013. We will work closely with our partners to maintain the recovered status of Bradshaw's lomatium and ensure post-delisting monitoring is conducted and future management strategies are implemented (as necessary) to benefit Bradshaw's lomatium.

Required Determinations

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

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribes will be affected by this rule because no Tribal lands, sacred sites, or resources will be affected by the removal of Bradshaw's lomatium from the List of Endangered and Threatened Plants.

References Cited

A complete list of all references cited in this rule is available on the internet at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2019–0013 or upon request from the State Supervisor, Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are the staff of the Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

§ 17.12 [Amended]

■ 2. Amend § 17.12(h) by removing the entry for ''*Lomatium bradshawii*'' under FLOWERING PLANTS from the List of Endangered and Threatened Plants.

Martha Williams,

Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–04693 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210–0018; RTID 0648–XA787]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2021 total allowable catch (TAC) of Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 3, 2021, through 1200 hrs, A.l.t., June 10, 2021.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2021 Pacific cod TAC apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA is 588 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2021 Pacific cod TAC apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 588 mt and is setting aside the remaining 0 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 2, 2021.

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

Dated: March 3, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–04770 Filed 3–3–21; 4:15 pm]

BILLING CODE P

Proposed Rules

Federal Register
Vol. 86, No. 43
Monday, March 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 849

RIN 3206–AO08

Representative Payees Under the Civil Service Retirement System and Federal Employees' Retirement System

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to promulgate regulations which administer the representative payee program authorized by statute. This proposed rule is necessary to ensure proper procedures for annuity payments due minors or individuals who are mentally incompetent or under other legal disability and are unable to manage their respective payments.

DATES: Send comments on or before May 7, 2021.

ADDRESSES: You may submit comments identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

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

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Michael Shipley, (202) 606–0299.

SUPPLEMENTARY INFORMATION: Under the Civil Service Retirement System (CSRS), the provisions of Public Law 89–554, Sept. 6, 1966, 80 Stat. 582 authorized the United States Civil Service Commission, precursor to the United States Office of Personnel Management (OPM), to make payments due a minor or an individual mentally incompetent, or under other legal disability, to a person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or any person, who in the judgment of the Commission, is responsible for the care of the claimant. Similarly, the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, Title I, section 101(a), June 6, 1986, 100 Stat. 575, authorized OPM to make the same payments under FERS. According to these statutes, OPM has historically authorized these payments to individuals, and in some instances, organizations on behalf of the annuitant as representative payees.

On March 18, 2020, Congress enacted Public Law 116–126, 134 Stat. 174–177 (2020), the Representative Payee Fraud Prevention Act of 2019 (the Act), which made numerous changes to existing statutes regarding representative payees. First the Act officially defined the term representative payee under both CSRS and FERS as the ''person (including an organization) designated . . . to receive payment on behalf of a minor or an individual mentally incompetent or under other legal disability'' at 5 U.S.C. 8331(33) and 5 U.S.C. 8401(39), respectively. Ensuring that organization was added to the definition recognizes that other entities, such as agencies, institutions, nursing homes, et al., may serve as representative payees.

Congress also enacted 5 U.S.C. 8345a and 8466a to address the embezzlement or conversion of payments. Congress made it unlawful for a representative payee to use the funds received as a representative payee for any use other than the use and benefit of the individual on whose behalf the payments were received. OPM was given the authority to revoke certification as a representative payee, if we determine that a representative payee has embezzled or converted the annuity payments, and to certify payments to another representative payee or directly to the annuitant. Congress set forth the penalty for misuse of benefits by a representative payee, under title 18 U.S.C., as a fine, imprisonment for not more than 5 years, or both.

Furthermore, in selecting a representative payee, OPM was granted authority to defer or suspend the annuity payment until a representative payee is located, if we determine that paying the annuitant directly would cause substantial harm to the annuitant. Substantial harm exists if both of the following conditions exist:

(1) Direct payment of benefits can be expected to cause serious physical or mental injury to the individual; and

(2) The potential effect of the injury outweighs the effect of having no income to meet the basic needs of the individual.

We have included this language concerning substantial harm to the proposed regulations.

Finally, the Act created limitations on who can be appointed as a representative payee. Individuals that have been convicted of a violation of: (1) 5 U.S.C. 8345a or 8466a; (2) section 208 or 1632 of the Social Security Act (42 U.S.C. 408, 1383a); or (3) section 6101 of title 38, are barred from serving as a representative payee.

OPM is promulgating the proposed regulations to fully implement and administer the representative payee program for CSRS and FERS. The regulations are required to prevent misuse and fraud by representative payees.

Regulatory Impact Analysis

OPM has examined the impact of this proposed rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule was not designated as a ''significant regulatory action,'' under Executive Order 12866.

Regulatory Flexibility Act

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

Federalism

We have examined this rule in accordance with Executive Order 13132,

Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

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

Unfunded Mandates Reform Act of 1995

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

Congressional Review Act

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

Paperwork Reduction Act

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

OPM believes the changes proposed in this document do not impose additional information collection requirements to the paperwork burden previously approved for the following Office of Management and Budget Control numbers:

- 3206–0140—Representative Payee Application/Information Necessary for a Competency Determination which is comprised of 2 forms—an application form with a burden of 30 minutes and a separate form for a competency determination with a burden of 60 minutes.
- 3206–0208—Representative Payee Survey with a burden of 20 minutes.

These burden numbers include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The systems of record notice for this collection is: *https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-central-1-civil-service-retirement-and-insurance-records.pdf.* (OPM SORN CENTRAL–1–Civil Service Retirement and Insurance Records.)

List of Subjects in 5 CFR Part 849

Claims, Disability benefits, Fraud, Pensions, Retirement.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

For the reasons stated in the preamble, the Office of Personnel Management proposes to add 5 CFR part 849 to read as follows:

PART 849—REPRESENTATIVE PAYEES

Subpart A—General Provisions

Sec.
849.101 Applicability and purpose.
849.102 Definitions.
849.103 Implementing directives.

Subpart B—Determining Whether or Not Representative Payment Is Appropriate

849.201 When to make payment to a representative payee.
849.202 Payment of annuity while finding a suitable representative payee.
849.203 Information considered in determining whether to appoint a representative payee.

Subpart C—Selection of a Representative Payee

849.301 Information considered in selecting a representative payee.
849.302 Order of preference in selecting a representative payee.
849.303 Individuals who may not serve as a representative payee.
849.304 Selecting a representative payee.
849.305 Notice of determination to select a representative payee.

Subpart D—Responsibility and Accountability of a Representative Payee

849.401 Responsibilities of a representative payee.
849.402 Use of payments.
849.403 Accountability of a representative payee.

Subpart E—Misuse of Annuity by a Representative Payee

849.501 Misuse of benefits by a representative payee.
849.502 Liability for misused funds.

Subpart F—Changes to the Representative Payee

849.601 When new a representative payee will be selected.
849.602 When representative payments will be stopped.
849.603 Transfer of conserved or accumulated funds.

Authority: 5 U.S.C. 8331; 5 U.S.C. 8345(e)–(f); 5 U.S.C. 8345a; 5 U.S.C. 8401; 5 U.S.C. 8461; 5 U.S.C. 8466(c)–(d); 5 U.S.C. 8466a.

Subpart A—General Provisions

§ 849.101 Applicability and purpose.

This part contains regulations of the Office of Personnel Management (OPM) to implement the provisions 5 U.S.C. 8345(e)–(f), 8345a, 8466(c)–(d), and 8466a regarding payment of an annuity to a representative payee. This part establishes the criteria OPM uses to determine if representative payments are appropriate, the information OPM uses to select a representative payee, the responsibilities of a representative payee, the accountability of a representative payee, the limitations on the appointment of a representative payee, and the definition of and penalty for misuse of benefits by the representative payee.

§ 849.102 Definitions.

As used in this part:

Agency means the Office of Personnel Management (OPM).

CSRS means the Civil Service Retirement System as described in subchapter III of chapter 83 of title 5, United States Code.

FERS means the Federal Employees' Retirement System as described in chapter 84 of title 5, United States Code.

Misuse of benefits means the embezzlement or conversion of all or any part of the amount received by the representative payee for a use other than for the use and benefit of the minor or individual on whose behalf such payments were received.

Representative payee means a person, who is at least 18 years of age, or an organization designated to receive annuity payments on behalf of a minor or an individual mentally incompetent or under other legal disability.

§ 849.103 Implementing directives.

The Director may prescribe, in the form he or she deems appropriate, such detailed procedures as are necessary to carry out the purpose of this part.

Subpart B—Determining Whether or Not Representative Payment is Appropriate

§ 849.201 When to make payment to a representative payee.

The agency will make payment to a representative payee—

(a) If payments are due to a minor under the age of 18; or

(b) If payments are due to an annuitant or survivor who is mentally

incompetent or under other legal disability; or

(c) If payments are due to an annuitant when the annuitant is physically or mentally incapable of managing or directing the management of his or her benefit.

§ 849.202 Payment of annuity while finding a suitable representative payee.

(a) Annuity payments will be made directly to the annuitant or survivor annuitant while a suitable representative payee is located, unless the agency determines that direct payment would cause substantial harm to the individual.

(b) Substantial harm exists if both of the following conditions exist:

(1) Direct payment of benefits can be expected to cause serious physical or mental injury to the individual; and

(2) The potential effect of the injury outweighs the effect of having no income to meet the basic needs of the individual.

(c) If the agency determines that direct payment of benefits would cause substantial harm to the annuitant, annuity payments may be deferred (in the case of initial entitlement to benefits) or suspended (in the case of existing entitlement to benefits) until such time as a representative payee is appointed.

(d) Annuity payments will commence or resume as soon as practicable and will include all retroactive payments due to be paid.

§ 849.203 Information considered in determining whether to appoint a representative payee.

In determining whether to appoint a representative payee, the agency will consider the following information:

(a) *Evidence of legal guardianship or other court determinations.* Evidence of the appointment of a legal guardian or other person legally vested with the care of the individual or estate of an incompetent or a minor shall be a certified copy of the court's determination.

(b) *Medical evidence.* The agency will use medical evidence to help determine whether an annuitant is capable of managing or directing the management of benefit payments. For example, a statement by a physician or other medical professional, based upon his or her recent examination of the annuitant and his or her knowledge of the annuitant's present condition, will be used in the agency's determination, if it includes information concerning the nature of the annuitant's illness or disability, the annuitant's chances for recovery and the opinion of the physician or other medical professional as to whether the annuitant is able to manage or direct the management of benefit payments.

(c) *Other evidence.* The agency may also require statements of relatives, friends, or other people in a position to know and observe the annuitant, which contain information helpful to the agency in deciding whether the annuitant is able to manage or direct the management of benefit payments.

Subpart C—Selection of a Representative Payee

§ 849.301 Information considered in selecting a representative payee.

The goal in selecting a payee is to select the person, organization, or institution that will best serve the interest of the annuitant. In making the selection, the agency considers—

(a) The age of the representative payee applicant. An individual must be over the age of 18 to serve as a representative payee, except as listed in § 849.303(a);

(b) The relationship of the person, organization, or institution to the annuitant;

(c) Legal authority, in the form of conservatorship or guardianship, that the person, organization or institution has to act on behalf of the annuitant;

(d) The amount of concern that the person or organization shows in the annuitant;

(e) Whether the potential payee has custody of the annuitant;

(f) Whether the potential payee is in a position to know of and look after the needs of the annuitant;

(g) Whether the representative payee applicant is currently serving, or has previously served, as a representative payee for other annuitants; and

(h) The potential representative payee's criminal history.

§ 849.302 Order of preference in selecting a representative payee.

As a guide in selecting a representative payee, categories of preferred payees are set out in paragraphs (a) through (e) of this section. The primary concern of the agency is to select the payee who will best serve the annuitant's interest. The preferences, in descending order of importance, are:

(a) A legal conservator, guardian, spouse, or other relative who has custody or guardianship of the annuitant or who demonstrates strong concern for the personal welfare of the annuitant;

(b) A friend or neighbor who has custody or guardianship of the annuitant or demonstrates strong concern for the personal welfare of the annuitant;

(c) A public or nonprofit agency or institution having custody or guardianship of the annuitant;

(d) A private institution operated for profit and licensed under State law, which has custody or guardianship of the annuitant; and

(e) Persons other than those listed above who are qualified to carry out the responsibilities of a representative payee and who are able and willing to serve as a payee for an annuitant; *e.g.,* members of community groups or organizations who volunteer to serve as representative payee for an annuitant.

§ 849.303 Individuals who may not serve as a representative payee.

A representative payee applicant may not serve as a representative payee if he or she:

(a) Is under the age of 18, unless he or she is the custodial parent of the minor child applying for or receiving the annuity;

(b) Is found by a court to be incompetent or receives benefits under title II or title XVI of the Social Security Act through a representative payee or receives a retirement annuity pursuant to CSRS or FERS through a representative payee;

(c) Has previously served as a representative payee and has been found by a court of competent jurisdiction to have misused benefits;

(d) Has been convicted of a violation of:

(1) 5 U.S.C. 8345a or 8466a;

(2) Section 208 or 1632 of the Social Security Act (42 U.S.C. 408, 1383a); or

(3) 38 U.S.C 6101; or

(e) Has been convicted of an offense resulting in imprisonment for more than one year. The agency may make exception to the prohibition in this paragraph (e) if the nature of the conviction is such that selection of the applicant poses no risk to the annuitant and the exception is in the best interest of the annuitant.

§ 849.304 Selecting a representative payee.

Before selecting an individual or organization to serve as a representative payee, the agency will conduct an investigation. The investigation will:

(a) Require the applicant to submit documented proof of identity.

(b) Verify the applicant's social security number.

(c) Conduct a background check on the applicant to determine if the applicant has been convicted of any crimes as defined in § 849.303(d) or (e).

(d) Determine if the applicant has previously served as a representative

payee and if any previous appointments as representative payee were revoked or terminated due to misuse.

§ 849.305 Notice of the determination to select a representative payee.

(a) If the agency determines that the annuitant requires a representative payee due to mental incompetence or other legal disability or is physically or mentally unable to manage or direct the management of his or her annuity payments, the agency will issue a written decision to the annuitant. The decision will include a statement of the findings and determinations; specifically, the individual or organization named as the representative payee, and an explanation of the right to appeal the decision under §§ 831.110 and 841.307 of this chapter. If the annuitant appeals the decision, the agency will continue to make direct payments to the annuitant until the due process rights have been exhausted.

(b) A decision by the agency to *not* select an individual or organization as a representative payee is not subject to the due process procedures described in 5 U.S.C. 8347(d) and 8461(e).

Subpart D—Responsibility and Accountability of a Representative Payee

§ 849.401 Responsibilities of a representative payee.

(a) A representative payee shall, subject to review by the agency and subject to such requirements as it may periodically prescribe, apply the payments made on behalf of the annuitant only for the use and benefit of such annuitant, and in a manner or purpose that is in the best interest of the annuitant.

(b) A representative payee shall notify the agency of any event that will affect the amount of benefits the annuitant receives or the right of the annuitant to receive benefits.

(c) A representative payee shall notify the agency of any change in circumstances that would affect performance of the payee's responsibilities.

(d) A representative payee shall keep the annuity paid to him or her on behalf of the annuitant separate from his or her own money in an account that shows that the annuitant is still the owner of the funds. The applicant must show proof of this account when applying to be the representative payee and use this account for direct deposit. Exceptions to this paragraph (d) are joint accounts for spouses, when one spouse applies to be representative payee for the other spouse and they already have an existing joint account.

(e) Any interest earned on the annuity will be the annuitant's property.

(f) A representative payee shall respond to requests, regarding the use of annuity payments, from OPM within a specified period of time.

§ 849.402 Use of payments.

(a) *Current maintenance.* Payments certified to a representative payee on behalf of an annuitant shall be considered as having been applied for the use and benefit of the annuitant when they are used for the annuitant's current maintenance. Current maintenance includes costs incurred in obtaining food, shelter, clothing, medical care, and personal comfort items.

(b) *Institutional care.* If an annuitant is receiving care in a Federal, state, or private institution because of mental or physical incapacity, current maintenance includes the customary charges made by the institution in providing care and maintenance, as well as expenditures for those items which will aid in the annuitant's recovery or release from the institution or expenses for personal needs which will improve the annuitant's conditions while in the institution.

(c) *Support of legal dependents.* If the current maintenance needs of the annuitant are met, the representative payee may use part of the payments for the support of the annuitant's legally dependent spouse, child, and/or parent.

(d) *Claims of creditors.* A representative payee may satisfy debts to creditors out of present benefit payments only if the current and reasonably foreseeable needs of the annuitant are met.

(e) *Conservation and investment.* After the representative payee has used the annuity payments consistent with the rules in paragraphs (a) through (d) of this section, any remaining annuity shall be conserved or invested on behalf of the annuitant. Any investment must show clearly that the representative payee holds the property in trust for the annuitant.

§ 849.403 Accountability of a representative payee.

(a) An individual, or institution, to whom payments are made as representative payee on behalf of an annuitant is accountable for the use of the payments and shall submit a written report in such form and at such times as the agency may require, accounting for the payments certified to him or her on behalf of the annuitant.

(b) If, however, such payee is a court-appointed fiduciary and, as such, is required to make an annual accounting to the court, a true copy of each such account filed with the court may be submitted in lieu of the accounting form prescribed by the agency.

(c) If any representative payee fails to submit the required accounting within the specified period of time after it is requested, no further payments shall be made to the representative payee on behalf of the annuitant unless for good cause shown, the default of the representative payee is excused by the agency and the required accounting is thereafter submitted.

(d) At any time after the agency has selected a representative payee, the agency may ask such payee to submit information showing a continuing relationship to the annuitant and a continuing responsibility for the care of the annuitant. If the representative payee does not give the agency the requested information within the specified period of time, the agency may stop paying such payee unless the agency determines that the payee had a good reason for not complying with the request, and the agency receives the information requested.

Subpart E—Misuse of Annuity by a Representative Payee

§ 849.501 Misuse of benefits by a representative payee.

(a) It is unlawful for a representative payee to misuse the payments received on behalf of an annuitant. For purposes of this subpart, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment on behalf of an annuitant and embezzles or converts such payment, or any part thereof, to a use other than for the use and benefit of the annuitant.

(b) The penalty for a representative payee found to be in violation of paragraph (a) of this section is a fine, imprisonment for not more than 5 years, or both.

(c) If the agency determines that a representative payee has misused any payments as described in paragraph (a) of this section, the agency will promptly revoke the certification for payment of benefits to the representative payee, and will make payment to an alternative representative payee or, if the interest of the annuitant would be served thereby, to the annuitant.

(d) The agency will make the annuitant whole by repaying any annuity that was misused by the representative payee once the misused benefits have been repaid to the agency by the representative payee.

§ 849.502 Liability for misused funds.

(a) A representative payee who misuses benefits, as determined in § 849.501(a), is responsible for repayment of the misused benefits.

(b) OPM will seek restitution from the former representative payee.

Subpart F—Changes of the Representative Payee

§ 849.601 When a new representative payee will be selected.

(a) When the agency learns that the interests of the annuitant are not served by continuing payment to the present representative payee or that the present representative payee is no longer able or willing to carry out the payee responsibilities, the agency will undertake to find a new representative payee.

(b) The agency will select a new representative payee if the agency finds a preferred payee or if the present payee:

(1) Has been found by the agency or a court of competent jurisdiction to have misused the benefits;

(2) Has not used the benefit payments on the annuitant's behalf in accordance with the rules in this part;

(3) Has not carried out the other responsibilities described in this subpart;

(4) Dies;

(5) No longer wishes to be the representative payee;

(6) Is unable to manage the benefit payments; or

(7) Fails to cooperate, within a reasonable time, in providing evidence, accounting, or other information requested by the agency.

(c) The agency may suspend payment as explained in § 849.202(c) if we determine that making direct payment to the annuitant would cause substantial harm. Payments, including all retroactive amounts due, will resume once a representative payee is located.

§ 849.602 When representative payments will be stopped.

If an annuitant demonstrates that he or she is mentally and physically able to manage or direct the management of benefit payments, the agency will make direct payment to the annuitant. Information which the annuitant may give to the agency to support his or her request for direct payment includes, but is not limited to, the following:

(a) A physician's statement regarding the annuitant's condition, or a statement by a medical officer of the institution where the annuitant is or was confined, showing that the annuitant is able to manage or direct the management of his or her funds;

(b) A certified copy of a court order restoring the annuitant's rights in a case where an annuitant was adjudged legally incompetent; or

(c) Other evidence which establishes the annuitant's ability to manage or direct the management of benefits.

§ 849.603 Transfer of conserved or accumulated funds.

A representative payee who has conserved or invested annuity payments shall transfer these funds and any interest earned from the invested funds to either a successor payee, to the annuitant, or to the agency as we will specify. If the funds and the earned interest are returned to the agency, we will recertify them to the successor representative payee or to the annuitant.

[FR Doc. 2021–04628 Filed 3–5–21; 8:45 am]

BILLING CODE 6325–38–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Chapter I

Food Safety and Inspection Service

9 CFR Chapter III

[Docket No. APHIS–2020–0079]

RIN 0579–AE60

Regulation of the Movement of Animals Modified or Developed by Genetic Engineering

AGENCY: Animal and Plant Health Inspection Service, Department of Agriculture (USDA); Food Safety and Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking; reopening of comment period.

SUMMARY: We are reopening the comment period for our advance notice of proposed rulemaking on establishing regulations for the movement of certain animals modified or developed by genetic engineering. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the advance notice of proposed rulemaking published on December 28, 2020 (85 FR 84269) is reopened. We will consider all comments that we receive on or before May 7, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0079 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0079, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Alan Pearson, Assistant Deputy Administrator, Biotechnology Regulatory Services; APHIS, 4700 River Road, Unit 98, Riverdale, MD 20737–1238; (301) 851–3944; *Alan.Pearson@usda.gov.* Dr. Kis Robertson Hale, Deputy Assistant Administrator, Office of Public Health Science, USDA Food Safety and Inspection Service, 1400 Independence Avenue SW, Room 341–E. Whitten Building; (202) 720–4819; *Kis.Robertson1@usda.gov.*

SUPPLEMENTARY INFORMATION: On December 28, 2020, we published in the **Federal Register** (85 FR 84269–84275, Docket No. APHIS–2020–0079) an advance notice of proposed rulemaking (ANPR) on establishing regulations for the movement of certain animals modified or developed by genetic engineering. As outlined in the ANPR, the United States Department of Agriculture would promulgate regulations using the authorities granted to the Department through the Animal Health Protection Act, the Federal Meat Inspection Act (FMIA), and the Poultry Products Inspection Act (PPIA). Pursuant to these authorities, the Animal and Plant Health Inspection Service would conduct a safety assessment of animals subject to the FMIA or PPIA that have been modified or developed using genetic engineering that may increase the animal's susceptibility to pests or diseases of livestock, including zoonotic diseases, or ability to transmit the same. The Food Safety and Inspection Service would conduct a pre-slaughter food safety assessment to ensure that the slaughter and processing of certain animals modified or developed using genetic engineering would not result in a product that is adulterated or misbranded.

Comments on the ANPR were required to be received on or before February 26, 2021. We are reopening the comment period on Docket No. APHIS–2020–0079 for an additional 60 days. The comment period will now close on May 7, 2021. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 2nd day of March 2021 .

Heather Pichelman,

Acting Deputy Under Secretary for Marketing and Regulatory Programs.

Paul Kiecker,

Acting Deputy Under Secretary, Office for Food Safety.

[FR Doc. 2021–04716 Filed 3–5–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0857; Project Identifier MCAI–2020–00707–A]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) to supersede Airworthiness Directive (AD) 2014–25–04, which applies to all Pilatus Aircraft Ltd. (Pilatus) Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes. This action revises the NPRM by adding an eddy current inspection of each fuselage wing fitting if an earlier version of the service information was accomplished. The FAA is proposing this AD to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; phone: +41 848 24 7 365; email: *Techsupport@pilatus-aircraft.com;* website: *https://www.pilatus-aircraft.com/en.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–0857; Project Identifier MCAI–2020–00707–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM to amend 14 CFR part 39 to supersede AD 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014) (AD 2014–25–04). AD 2014–25–04 applies to all Pilatus Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes and resulted from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. AD 2014–25–04 requires incorporating revised airworthiness limitations into the aircraft maintenance manual (AMM) for your FAA-approved maintenance program.

The NPRM published in the **Federal Register** on October 2, 2020 (85 FR 62266). The NPRM was prompted by

MCAI issued by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA superseded its previous MCAIs on this unsafe condition with EASA AD No. 2020–0120, dated May 27, 2020 (EASA AD 2020–0120). EASA AD 2020–0120 states that revised airworthiness limitations for the subject airplanes introduce new data modules that require non-destructive visual and eddy current inspections instead of a previous requirement for the fluorescent dye-penetrant method. In the NPRM, the FAA proposed to require incorporating the new airworthiness limitations (revision 29) and performing an eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, EASA superseded EASA AD 2020–0120 and issued EASA AD No. 2020–0278, dated December 14, 2020 (EASA AD 2020–0278) (also referred to after this as ''the MCAI''). According to EASA AD 2020–0278, an installation procedure specified in the service information identified in the NPRM contained an error and, therefore, did not adequately address the identified unsafe condition. Pilatus has revised the airworthiness limitations (revision 30) and issued corrected service information, which includes installing certain bushes using grease instead of a bonding agent and an additional one-time eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings if the last inspection was performed using an earlier version of the service information. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857.

This SNPRM was prompted by the FAA's determination that the revised airworthiness limitations and new inspection procedures are necessary, in addition to the new life limits proposed in the NPRM. The FAA is proposing this AD to address reduced airplane controllability due to possible loss of structural integrity of certain parts.

Comments

The FAA received a comment from Pilatus. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request to Reference Latest Service Information

Pilatus requested that FAA revise the NPRM to require using Pilatus PC–6 Aircraft Maintenance Manual Document Number 01975, Revision 30, dated October 30, 2020; and Pilatus PC–6 Airworthiness Limitations Document Number 02334, Revision 10, dated October 30, 2020. In support of its request, Pilatus stated the installation procedure in the service information specified in the NPRM is incorrect. Pilatus also stated that it has added a note to the airworthiness limitations section indicating the data module procedure has been corrected and specifying a repeat of the action if it was last done in accordance with the prior service information.

The FAA agrees. After Pilatus submitted its comment, EASA issued the MCAI to require the revised service information, as described previously. In this SNPRM, the FAA proposes to require the latest service information.

Related Service Information Under 1 CFR Part 51

Pilatus issued PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020; and Section 04–00–00, Airworthiness Limitations of Chapter 04, Airworthiness Limitations, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020. This service information contains airworthiness limitations for the stabilizer trim actuator, fuselage wing fittings, and wing-to-fuselage fittings. These documents are distinct since they apply to different airplane models.

Pilatus also issued Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020; Section 57–00–03, Wing to Fuselage Fittings—Inspection/Check, of the PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020; Appendix K, Fuselage Wing Fittings—Inspection/Check, of the PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020; and Appendix L, Wing to Fuselage Fittings—Inspection/Check, of the PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020. This service information specifies procedures for repetitive eddy current inspections of the fuselage wing fittings and wing-to-fuselage fittings and, if necessary, installing the bush on the fuselage wing fittings using grease.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This proposed AD would retain none of the requirements of AD 2014–25–04. This proposed AD would require revising the airworthiness limitation section of the existing AMM or instructions for continued airworthiness to incorporate new airworthiness limitations. The revised limitations include an eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings. This proposed AD would also require, within 50 hours time-in-service (TIS) for certain bushes, performing an eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings and replacing the bush on the fuselage wing fittings using grease. Lastly, this proposed AD would require performing the eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings first within 1,100 hours TIS or 12 months (whichever occurs first), and thereafter at the intervals specified in the revised limitations.

This proposed AD would require revisions to the airworthiness limitations section (ALS) of an operator's maintenance documents to include new inspections. Compliance with the airworthiness limitations section is required by 14 CFR 91.403(c).

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
ALS revision	1 work-hour × $85 per hour = $85.	$0	$85	$2,550.
Eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings.	7 work-hours × $85 per hour = $595.	$1,860	$2,455 per inspection cycle.	$73,650 per inspection cycle.

The FAA estimates the following costs to do the inspections and installation that would be required if an earlier version of the service information has been accomplished. The agency has no way of determining the number of aircraft that might need these inspections and installation:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Visual and eddy current inspection and installation for certain bushes.	7 work-hours × $85 per hour = $595	$1,860	$2,455

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014); and

■ b. Adding the following new AD:

Pilatus Aircraft Limited: Docket No. FAA–2020–0857; Project Identifier MCAI–2020–00707–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 22, 2021.

(b) Affected Airworthiness Directives (ADs)

This AD replaces AD 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014) (AD 2014–25–04).

(c) Applicability

This AD applies to Pilatus Aircraft Limited Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes, all serial numbers, certificated in any category.

Note 1 to paragraph (c): These airplanes may also be identified as Fairchild Republic Company airplanes, Fairchild Industries airplanes, Fairchild Heli Porter airplanes, or Fairchild-Hiller Corporation airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new and more restrictive airworthiness limitations, new life limits, and new inspection procedures are necessary. The FAA is issuing this AD to address reduced airplane controllability due to possible loss of structural integrity of certain parts.

(f) Airworthiness Limitations Revision

Unless already done, before further flight, comply with the actions specified in paragraphs (f)(1) through (3) of this AD.

(1) For Models PC–6/B2–H2 and PC–6/B2–H4 airplanes, revise the airworthiness limitations section (ALS) of the existing maintenance manual or instructions for continued airworthiness (ICA) for your airplane as follows:

(i) Replace Section 04–00–00 with Section 04–00–00, Airworthiness Limitations, of Chapter 04, Airworthiness Limitations, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020.

(ii) Add (or replace, if applicable) Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020.

(iii) Add Section 57–00–03, Wing to Fuselage Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020.

(2) For all airplanes specified in paragraph (c) of this AD except Models PC–6/B2–H2 and PC–6/B2–H4 airplanes, revise the ALS of

the existing maintenance manual or ICA for your airplane as follows:

(i) Replace the ALS with the Airworthiness Limitations Section of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020.

(ii) Add (or replace, if applicable) Appendix K, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC 6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020.

(iii) Add Appendix L, Wing to Fuselage Fittings—Inspection/Check, of Pilatus PC 6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020.

(3) For all airplanes specified in paragraph (c) of this AD, after revising the ALS as required by paragraphs (f)(1) and (2) of this AD, remove from service each part that has reached or exceeded its new life limit.

(g) Inspections and Replacement

(1) For airplanes with a bush part number (P/N) 6100.0020.01 that has been bonded as specified in Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020; or Appendix K, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020: Within 50 hours time-in-service (TIS) after the effective date of this AD, perform a visual and eddy current inspection of each fuselage wing fitting on fuselage Frame 3, remove bush P/N 6100.0020.01 from service, and install a new (zero hours TIS) bush P/N 6100.0020.01 into Frame 3 with grease by using the procedures specified in paragraph (f)(1)(ii) or (f)(2)(ii) of this AD, as applicable to your airplane.

(2) Unless already done, within 1,100 hours TIS after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, perform an eddy current inspection of each fuselage wing fitting and each wing-to-fuselage fitting using the procedures specified in paragraphs (f)(1)(ii) and (iii) of this AD, or paragraphs (f)(2)(ii) and (iii) of this AD, as applicable to your airplane. Thereafter, repeat the eddy current inspection of each fuselage wing fitting and each wing-to-fuselage fitting at the intervals specified in the ALS identified in paragraph (f)(1)(i) or (f)(2)(i), as applicable to your airplane.

(h) No Alternative Actions or Intervals

After the ALS has been revised as required by paragraph (f) of this AD, no alternative inspection intervals or procedures may be approved, except as provided in paragraph (i) of this AD.

(i) Other FAA AD Provisions

Alternative Methods of Compliance (AMOCs): The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send your request to the person identified in Related Information. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspection, the manager of the local Flight Standards District Office.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Union Aviation Safety Agency (EASA) AD No. 2020–0120, dated May 27, 2020, and EASA AD No. 2020–0278, dated December 14, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857.

(2) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

(3) For service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; telephone: +41 848 24 7 365; email: *Techsupport@pilatusaircraft.com;* internet: *https://www.pilatusaircraft.com/en.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on February 25, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04395 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0129; Project Identifier AD–2020–01597–E]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 model turbofan engines. This proposed AD was prompted by an analysis performed by the manufacturer after an event involving an uncontained failure of a high-pressure turbine (HPT) 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. This proposed AD would require the performance of an ultrasonic inspection (USI) of the HPT 1st-stage disk and HPT 2nd-stage disk and, depending on the results of the inspections, replacement of the HPT 1st-stage disk or HPT 2nd-stage disk. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 7, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@pw.utc.com;* website: *http://fleetcare.pw.utc.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0129; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *nicholas.j.paine@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0129; Project Identifier AD–2020–01597–E'' at the beginning of your comments. The most helpful comments

reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

The FAA has been informed that IAE has done some outreach with affected operators regarding the proposed corrective actions for this unsafe condition. As a result, affected operators are already aware of the proposed corrective actions and, in some cases, have already begun planning for implementation. Therefore, the FAA has determined that a 30-day comment period is appropriate given the particular circumstances related to the proposed correction of this unsafe condition.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

On March 18, 2020, an Airbus Model A321–231 airplane, powered by IAE V2533–A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. The uncontained failure of the HPT 1st-stage disk resulted in high-energy debris penetrating the engine cowling. The FAA published Emergency AD 2020–07–51 on March 21, 2020 (followed by publication in the **Federal Register** on April 13, 2020, as a Final Rule, Request for Comments (85 FR 20402)) and AD 2021–01–03 on January 6, 2021 (86 FR 458), to remove from service HPT 1st-stage and HPT 2nd-stage disks identified as having the highest risk of failure. Based on the root cause analysis performed since that event, the manufacturer identified a population of HPT 1st-stage disks and HPT 2nd-stage disks that require inspection and possible removal from service. This condition, if not addressed, could result in uncontained HPT disk failure, damage to the engine, damage to the airplane, and loss of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed IAE Non-Modification Service Bulletin (NMSB) No. V2500–ENG–72–0713, Revision 1, dated January 26, 2021. The NMSB identifies the affected HPT 1st-stage disks and HPT 2nd-stage disks on IAE V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines and specifies procedures for a USI of the HPT 1st-stage disk and HPT 2nd-stage disk.

The FAA also reviewed IAE NMSB No. V2500–E5–72–0015, dated December 15, 2020. The NMSB identifies the affected HPT 1st-stage disks and HPT 2nd-stage disks on IAE V2531–E5 model turbofan engines and specifies procedures for a USI of the HPT 1st-stage disk and HPT 2nd-stage disk.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would require the performance of a USI of the HPT 1st-stage disk and HPT 2nd-stage disk and, depending on the results of the inspections, replacement of the HPT 1st-stage disk or HPT 2nd-stage disk with a part eligible for installation.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,100 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
USI the HPT 1st-stage disk and HPT 2nd-stage disk.	20 work-hours × $85 per hour = $1,700	$0	$1,700	$1,870,000

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the proposed inspections. The agency has no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the HPT 1st-stage disk or HPT 2nd-stage disk.	0 work-hours × $85 per hour = $0	$300,000	$300,000

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

International Aero Engines AG: Docket No. FAA–2021–0129; Project Identifier AD–2020–01597–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 7, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 model turbofan engines with an installed:

(1) High-pressure turbine (HPT) 1st-stage disk, part number (P/N) 2A5001, with a serial number (S/N) listed in Appendix A, Table 1, of IAE Non-Modification Service Bulletin (NMSB) No. V2500–ENG–72–0713, Revision 1, dated January 26, 2021 (IAE NMSB V2500–ENG–72–0713, Revision 1) or IAE NMSB No. V2500–E5–72–0015, dated December 15, 2020 (IAE NMSB V2500–E5–72–0015); and/or

(2) HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Appendix A, Table 2, of IAE NMSB V2500–ENG–72–0713, Revision 1, or IAE NMSB V2500–E5–72–0015.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by an analysis performed by the manufacturer after an event involving an uncontained failure of a HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. The FAA is issuing this AD to prevent failure of the HPT 1st-stage disk and HPT 2nd-stage disk. The unsafe condition, if not addressed, could result in uncontained HPT disk failure, damage to the engine, damage to the airplane, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For IAE V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines with an HPT 1st-stage disk, P/N 2A5001, with an S/N listed in Appendix A, Table 1, of IAE NMSB V2500–ENG–72–0713, Revision 1, at the next engine shop visit after the effective date of this AD or before the HPT 1st-stage disk has accumulated 3,200 flight cycles (FCs) since the effective date of this AD, whichever occurs first, perform an ultrasonic inspection (USI) of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE NMSB V2500–ENG–72–0713, Revision 1.

(2) For IAE V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines with an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Appendix A, Table 2, of IAE NMSB V2500–ENG–72–0713, Revision 1, at the next engine shop visit after the effective date of this AD or before the HPT 2nd-stage disk has accumulated 3,200 FCs since the effective date of this AD, whichever occurs first, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–ENG–72–0713, Revision 1.

(3) For IAE V2522–A5, V2524–A5, V2525–D5, and V2527–A5 model turbofan engines with an HPT 1st-stage disk, P/N 2A5001, with an S/N listed in Appendix A, Table 1, of IAE NMSB V2500–ENG–72–0713, Revision 1, at the next HPT rotor and stator assembly (HPT module) removal or before the HPT 1st-stage disk has accumulated 6,700 FCs since the effective date of this AD, whichever occurs first, perform a USI of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE NMSB V2500–ENG–72–0713, Revision 1.

(4) For IAE V2522–A5, V2524–A5, V2525–D5, and V2527–A5 model turbofan engines with an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Appendix A, Table 2, of IAE NMSB V2500–ENG–72–0713, Revision 1, at the next HPT module removal or before the HPT 2nd-stage disk has accumulated 6,700 FCs since the effective date of this AD, whichever occurs first, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–ENG–72–0713, Revision 1.

(5) For IAE V2531–E5 model turbofan engines with an HPT 1st-stage disk, P/N

2A5001, with an S/N listed in Appendix A, Table 1, of IAE NMSB V2500–E5–72–0015, at the next engine shop visit or before the HPT 1st-stage disk has accumulated 3,200 FCs since the effective date of this AD, whichever occurs first, perform a USI of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE NMSB V2500–E5–72–0015.

(6) For IAE V2531–E5 model turbofan engines with an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Appendix A, Table 2, of IAE NMSB V2500–E5–72–0015, at the next engine shop visit or before the HPT 2nd-stage disk has accumulated 3,200 FCs since the effective date of this AD, whichever occurs first, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–E5–72–0015.

(7) If, during the USI required by paragraphs (g)(1) through (6) of this AD, a HPT 1st-stage disk or HPT 2nd-stage disk does not pass the inspection as specified in the Accomplishment Instructions, paragraph 8., of IAE NMSB V2500–ENG–72–0713, Revision 1, or IAE NMSB V2500–E5–72–0015, as applicable, before further flight, remove the HPT 1st-stage disk or 2nd-stage disk, as applicable, from service and replace with a part eligible for installation.

(h) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, H–P, except for the following situations, which do not constitute an engine shop visit.

(1) Separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance.

(2) Engine removal for the purpose of performing field maintenance activities at a maintenance facility in lieu of performing them on-wing.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For more information about this AD, contact Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *nicholas.j.paine@faa.gov.*

(2) For service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@pw.utc.com;* website: *http://fleetcare.pw.utc.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on February 24, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04236 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27495; Project Identifier 2005–SW–14–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to certain Eurocopter France (now Airbus Helicopters) Model AS350B, BA, B1, B2, B3, C, D, and D1; EC–130B4; and AS355E, F, F1, F2, and N helicopters. The NPRM would have required modifying the collective hold-down strap (strap) and thereafter inspecting it at specified intervals to ensure the rubber grommet is resting against the console or replacing the strap with a strap that has a torsional spring at the lower end of the strap. Since issuance of the NPRM, the FAA issued AD 2014–02–05, which addresses the unsafe condition identified in the NPRM. Accordingly, the NPRM is withdrawn.

DATES: As of March 8, 2021, the proposed rule, which was published in the **Federal Register** on March 13, 2007 (72 FR 11297), is withdrawn.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2007–27495; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vince Massey, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3545; email: *vince.massey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would have applied to the specified products. The NPRM was published in the **Federal Register** on March 13, 2007 (72 FR 11297). The NPRM was prompted by reports of two accidents occurring while the pilots were performing an autorotation. The pilots were unable to arrest the descent of the helicopter using collective blade pitch due to the collective stick locking in the down position when the collective was lowered during the maneuver. The NPRM proposed to require modifying the strap and thereafter inspecting it at specified intervals to ensure the rubber grommet is resting against the console or replacing the strap with a strap that has a torsional spring at the lower end of the strap.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has published AD 2014–02–05, Amendment 39–17733 (79 FR 5251, January 31, 2014) (AD 2014–02–05), which addresses the unsafe condition for Model AS350B, BA, B1, B2, B3, C, D, and D1 helicopters identified in the NPRM. The FAA also determined that the Model EC–130B4 helicopters and Model AS355E, F, F1, F2, and N helicopters identified in the NPRM are not affected by the unsafe condition because the root cause of the unsafe condition is certain collective straps that are only installed on the Model AS350B, BA, B1, B2, B3, C, D, and D1 helicopters. Therefore, the FAA has determined that this AD action is not appropriate.

AD 2014–02–05 includes certain helicopters that were not included in the NPRM. Although the NPRM applied only to helicopters with a certain part-numbered hold-down strap, AD 2014–02–05 applies to Model AS350B, BA,

B1, B2, B3, C, D, and D1 helicopters that do not have a redesigned hold-down strap. AD 2014–02–05 corresponds with EASA AD 2009–0019, dated February 3, 2009.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Request To Revise the Applicability of the NPRM

The European Aviation Safety Agency (now European Union Aviation Safety Agency (EASA) and American Eurocopter, in consultation with Eurocopter, requested that the applicability of the NPRM be limited to helicopters modified by a Geneva center console supplemental type certificate (STC).

The FAA acknowledges these comments to the NPRM. However, the FAA considers the requested change to the NPRM moot by this withdrawal.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition and is unnecessary due to other rulemaking. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2007–27495, which was published in the **Federal Register** on March 13, 2007 (72 FR 11297), is withdrawn.

Issued on February 24, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04235 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0128; Project Identifier MCAI–2020–01406–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A321–211, –231, and –232 airplanes. This proposed AD was prompted by a report of false drill starts found around the latch hook mounting holes of certain door frames of the fuselage due to erroneous manufacturing processes. This proposed AD would require a one-time inspection of the area around the latch hook mounting holes of the forward and aft door frames to detect damage from false drill starts, and repair if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, For EASA, use: Contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0128.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0128; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0128; Project Identifier MCAI–2020–01406–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated

as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0222, dated October 14, 2020 (EASA AD 2020–0222) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A321–211, –231, and –232 airplanes.

This proposed AD was prompted by a report of false drill starts found around the latch hook mounting holes of certain door frames of the fuselage due to erroneous manufacturing processes. These false drill starts were found around the latch hook mounting holes on frames 16 and 66 of the left- and right-hand sides of forward and aft passenger doors 1 and 4.

The FAA is proposing this AD to address damage from false drill starts, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0222 describes procedures for a one-time detailed inspection of the area around the latch hook mounting holes of the forward and aft door frames to detect damage from false drill starts, and repair of any damage found. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0222 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Clarification of Compliance Times to Certain Proposed AD Requirements

Although EASA AD 2020–0222 does not specifically state compliance times for the corrective actions required by paragraph (2) of EASA AD 2020–0222, paragraph (2) of EASA AD 2020–0222 does specify to accomplish applicable corrective actions within the compliance time as specified in Airbus Service Bulletin A320–53–1473, dated December 20, 2019. Airbus Service Bulletin A320–53–1473, dated December 20, 2019, specifies the compliance times for these actions are before further flight. Therefore, paragraph (g) of this proposed AD would require the corrective actions to be done before further flight.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0222 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0222 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0222 that is required for compliance with EASA AD 2020–0222 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0128 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 21 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
14 work-hours × $85 per hour = $1,190	$0	$1,190	$24,990

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $1,785, or $85 per product.

The FAA estimates the following costs to do any necessary on-condition repairs that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition repairs:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 42 work-hours × $85 per hour = $3,570 (per door)	* $0	Up to $3,570.

* The FAA has received no definitive data on which to base the parts cost estimates for the on-condition repairs specified in this proposed AD.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0128; Project Identifier MCAI–2020–01406–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A321–211, –231, and –232 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0222, dated October 14, 2020 (EASA AD 2020–0222).

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of false drill starts found around the latch hook mounting holes of certain door frames of the fuselage due to erroneous manufacturing processes. The FAA is issuing this AD to address damage from false drill starts, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0222.

(h) Exceptions to EASA AD 2020–0222

(1) Paragraph (3) of EASA AD 2020–0222 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(1)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 90 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0222 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal

inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

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

(j) Related Information

(1) For information about EASA AD 2020–0222, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0128.

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

Issued on February 26, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04441 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0127; Project Identifier MCAI–2020–00829–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. (Type Certificate Previously Held by Agusta S.p.A.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2015–25–04 for Agusta S.p.A (now Leonardo S.p.a.) Model A109A and A109A II helicopters. AD 2015–25–04 requires inspecting the slider assembly pitch control (slider) for play and replacing the slider if the play exceeds certain limits. Since the FAA issued AD 2015–25–04, further investigation determined the play was caused by a manufacturing issue. This proposed AD would retain certain requirements of AD 2015–25–04, require replacing certain part-numbered sliders as a terminating action for the inspections, and prohibit installing the affected part on any helicopter. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 22, 2021.

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

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0127; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Matthew Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0127; Project Identifier MCAI–2020–00829–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important

that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Matthew Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, telephone 817–222–5110; email *matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2015–25–04, Amendment 39–18342 (80 FR 76381, December 9, 2015) (AD 2015–25–04) for Agusta S.p.A (now Leonardo S.p.a.) Model A109A and A109A II helicopters. AD 2015–25–04 requires repetitively inspecting the slider for play and replacing the slider if the play exceeds certain limits.

AD 2015–25–04 was prompted by EASA AD No. 2015–0097, dated June 1, 2015 (EASA AD 2015–0097), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises that during a scheduled 100-flight-hour inspection on a Model A109A II helicopter, unusual play was detected on a certain part-numbered slider. EASA advises further investigation revealed excessive wear of the slider broaching at the point of contact with the tail rotor shaft. EASA stated the cause of the excessive play has not been determined.

Actions Since AD 2015–25–04 Was Issued

Since the FAA issued AD 2015–25–04, EASA issued EASA AD No. 2020–0142 (EASA AD 2020–0142), dated June 25, 2020, to correct an unsafe condition for Leonardo S.p.a. Model A109A and A109A II helicopters with a certain part-numbered slider. EASA advises that further investigation results identified the reason for the excessive play was a manufacturing issue. Accordingly, EASA AD 2020–0142 retains the repetitive inspections for a certain part-numbered slider, requires replacing a certain part-numbered slider with a modified slider, and provides a terminating action for the repetitive inspections.

FAA's Determination

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

Related Service Information

The FAA reviewed Leonardo Helicopters Alert Service Bulletin No. 109–149, Revision A, dated May 18, 2020, which describes procedures for repetitively inspecting the slider for play. This service information also references procedures for replacing the affected slider with a modified slider.

Proposed AD Requirements

This proposed AD would retain the initial and repetitive 25 hours time-in-service (TIS) inspections required by AD 2015–25–04 and depending on the inspection results, would continue to require replacing the slider with an airworthy slider. Additionally, this NPRM would require, within 800 hours TIS, removing slider part number (P/N) 109–0130–11–7 from service and replacing it with a modified slider P/N 109–0130–11–7 marked with an ''R'' after the serial number, which would provide a terminating action for the repetitive inspections. Finally, this NPRM would prohibit installing certain sliders on any helicopter.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires replacing the affected part-numbered slider within 60 months, while this proposed AD would require replacing the affected slider within 800 hours TIS.

Costs of Compliance

The FAA estimates that this proposed AD would affect 147 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour. Inspecting the slider for play would take about 1 work-hour for an estimated cost of $85 per helicopter and $12,495 for the U.S. fleet per inspection cycle.

Replacing a slider would take about 10 work-hours and parts would cost about $4,068 for an estimated cost of $4,918 per helicopter and $722,946 for the U.S. fleet.

According to Leonardo Helicopters service information some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected persons. The FAA does not control warranty coverage by Leonardo. Accordingly, the FAA has included all costs in this cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2015–25–04, Amendment 39–18342 (80 FR 76381, December 9, 2015); and

■ b. Adding the following new AD:

Leonardo S.p.a (Type Certificate Previously Held by Agusta S.p.A.): Docket No. FAA–2021–0127; Project Identifier MCAI–2020–00829–R.

(a) Applicability

This airworthiness directive (AD) applies to Leonardo S.p.a. (Type Certificate previously held by Agusta S.p.A.) Model A109A and A109A II helicopters, certificated in any category, with a slider assembly pitch control (slider) part number (P/N) 109–0130–11–7 installed, except those sliders marked with an ''R'' after the serial number.

(b) Unsafe Condition

This AD defines the unsafe condition as play on a slider. This condition could result in loss of tail rotor pitch control and consequently loss of helicopter control.

(c) Affected ADs

This AD replaces AD 2015–25–04, Amendment 39–18342 (80 FR 76381, December 9, 2015).

(d) Comments Due Date

The FAA must receive comments by April 22, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Within 25 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 25 hours TIS, inspect the slider for play. If there is play greater than 2.3 millimeters (0.09 inch), before further flight, replace the slider with a slider P/N 109–0130–11–7 with suffix ''R'' marked after the serial number.

(2) Within 800 hours TIS after the effective date of this AD, if not previously required per paragraph (f)(1) of this AD, replace slider P/N 109–0130–11–7 with slider P/N 109–0130–11–7 with suffix ''R'' marked after the serial number.

(3) Installing slider P/N 109–0130–11–7 with suffix ''R'' marked after the serial number is a terminating action for the repetitive inspections required by paragraph (f)(1) of this AD.

(4) As of the effective date of this AD, do not install slider P/N 109–0130–11–7 on any helicopter unless the slider is marked with suffix ''R'' after the serial number.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, may approve AMOCs for this AD. Send your proposal to: Matthew Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Leonardo Helicopters Alert Service Bulletin No. 109–149, Revision A, dated May 18, 2020 which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD No. 2020–0142, dated June 25, 2020. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

Issued on February 24, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04232 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0104; Project Identifier MCAI–2020–00477–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH Model MBB–BK117 D–2 helicopters. This proposed AD was prompted by reports that collective lever switch units having certain part numbers did not have retaining rings installed in the cable cut switch guard. This proposed AD would require inspecting certain collective lever switch units for discrepancies (missing retaining rings, incorrectly installed retaining rings, and a missing axis in the cable cut switch guard), doing all applicable corrective actions, and marking affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this material on the EASA website at *https://ad.easa.europa.eu*. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0104.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0104; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington, DC 20024; telephone

202–267–9167; email *hal.jensen@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0104; Project Identifier MCAI–2020–00477–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington, DC 20024; telephone 202–267–9167; email *hal.jensen@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0084, dated April 3, 2020 (EASA AD 2020–0084) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Deutschland GmbH Model MBB–BK117 D–2 helicopters. Although EASA AD 2020–0084 applies to all Model MBB–BK117 D–2 helicopters, this proposed AD would apply to helicopters with an affected part installed instead.

This proposed AD was prompted by reports that collective lever switch units having certain part numbers did not have retaining rings installed in the cable cut switch guard. The cable cut switch guard has an axis that holds, and allows the guard to turn over, the cable cut switch. This axis is secured with two retaining rings and if both retaining rings are missing, the axis can move out. The FAA is proposing this AD to address this condition, which could cause inadvertent activation of the rescue hoist cable cut function, resulting in personal injury. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0084 describes procedures for inspecting collective lever switch units having certain part numbers for discrepancies, applicable corrective actions, and marking affected parts. Discrepancies include missing retaining rings, incorrectly installed retaining rings, and a missing axis in the cable cut switch guard. Corrective actions include installing missing retaining rings, adjusting retaining rings that are installed incorrectly, and installing an axis in the cable cut switch guard. EASA AD 2020–0084 also specifies that an affected part can be installed on any helicopter, provided it has been marked. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD after evaluating all the relevant information and determining the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0084, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0084 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0084 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0084 that is required for compliance with EASA AD 2020–0084 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0104 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 30 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
0.50 work-hour × $85 per hour = $42.50	$0	$42.50	$1,275

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of helicopters that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$56	$226

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2021–0104; Project Identifier MCAI–2020–00477–R.

(a) Comments Due Date

The FAA must receive comments by April 22, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK117 D–2 helicopters, certificated in any category, all serial numbers, having an affected part defined in European Union Aviation Safety Agency (EASA) AD 2020–0084, dated April 3, 2020 (EASA AD 2020–0084).

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Reason

This AD was prompted by reports that collective lever switch units having certain part numbers did not have retaining rings installed in the cable cut switch guard. The cable cut switch guard has an axis that holds, and allows the guard to turn over, the cable cut switch. This axis is secured with two retaining rings and if both retaining rings are missing, the axis can move out. The FAA is issuing this AD to address this condition, which could cause inadvertent activation of the rescue hoist cable cut function, resulting in personal injury.

(f) Compliance

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

(g) Requirements

Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0084.

(h) Exceptions to EASA AD 2020–0084

(1) Where EASA AD 2020–0084 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0084 does not apply to this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is not used for hoist operations.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Strategic Policy

Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(k) Related Information

(1) For EASA AD 2020–0084, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0104.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington, DC 20024; telephone 202–267–9167; email *hal.jensen@faa.gov*.

Issued on February 19, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04185 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0113; Product Identifier 2017–SW–140–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2016–11–21 for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, and EC135T2+ helicopters. AD 2016–11–21 requires revising the life limit of certain parts and removing each part that has reached its life limit. Since the FAA issued AD 2016–11–21, new models were certified. This proposed AD would expand the applicability to include Model EC135P3 and EC135T3 helicopters. This proposed AD would also revise the life limits for certain parts and propose to remove each part that has reached or exceeded its life limit. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 22, 2021.

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

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0113; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any comments received and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2019–0113; Product Identifier 2017–SW–140–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regualtions.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.Fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2016–11–21, Amendment 39–18548 (81 FR 36137, June 6, 2016) (AD 2016–11–21) for Airbus Helicopters Model EC135P1, EC135P2, EC135P2+, EC135T1,

EC135T2, and EC135T2+ helicopters. AD 2016–11–21 requires reducing the life limit of certain parts and removing each part that has reached its life limit. AD 2016–11–21 was prompted by Airbus Helicopters revising the airworthiness limitations for the Model EC135 and EC635 helicopters' type design as published in the Master Servicing Manual (MSM) EC135 Chapter 04—ALS documents. Revision 14 of the MSM contains these new airworthiness limitations.

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2013–0178, dated August 7, 2013 (EASA AD 2013–0178), to correct an unsafe condition for Eurocopter Deutschland GmbH (ECD) (now Airbus Helicopters) Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, EC135T2+, EC635T1, EC635P2+, and EC635T2+ helicopters. EASA advises that ECD has revised the airworthiness limitations for the EC135 and EC635 type design as published in the MSM. Revision 14 of the MSM contains these new airworthiness limitations. EASA states that failure to comply with these limitations could result in failure of a critical part, which could result in loss of control of the helicopter. Accordingly, EASA AD 2013–0178 requires revising the airworthiness limitations section (ALS) to include the new life limits and replacing each part that has reached its life limit.

Actions Since AD 2016–11–21 Was Issued

Since the FAA issued AD 2016–11–21, EASA issued EASA AD No. 2017–0243, dated December 6, 2017 (EASA AD 2017–0243), which supersedes EASA AD No. 2013–0178 and expands the applicability to include Models EC135P3, EC135T3, EC635P3, and EC635T3 helicopters. New life limits also were added for some parts. Model EC635P3 and EC635T3 helicopters are not included in the applicability of this proposed AD as these model helicopters are not FAA type-certificated.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) EC135–04A–012, Revision 0, dated September 11, 2017, which specifies incorporating life limits for the tail rotor hub body into the tail rotor hub log card and into the list of life-limited parts. Airbus Helicopters reports the addition of the tail rotor hub body into the tail rotor hub log card was prompted by a new, recently manufactured, serial-numbered hub.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements

This proposed AD would require, before further flight, establishing a life limit for the tail rotor hub body of 27,400 hours time-in-service (TIS) or using the service information if the history of the tail rotor hub body is not known or cannot be identified. This proposed AD would also require establishing life limits for certain swashplate and mixing lever gear unit parts in the ALS, and recording the revised life limit on the component history card or equivalent record. Additionally, this proposed AD would require continuing to record the life limit of certain parts that have not reached their life limit. This proposed AD would require removing from service any part that reached or exceeded its life limit.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Model EC635P2+, EC635P3, EC635T2+, and EC635T3 helicopters, whereas this proposed AD would not because these model helicopters are not FAA type-certificated. The EASA AD would require revising the Aircraft Maintenance Program with new or revised life limitations within 12 months after the EASA AD's effective date. This proposed AD would require revising the life limit for certain parts in the ALS of the existing maintenance manual for your helicopter before further flight.

Costs of Compliance

The FAA estimates that this proposed AD would affect 272 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Revising the component history card or equivalent record would take about 2 work-hours, for an estimated cost of $170 per helicopter and $46,240 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2016–11–21, Amendment 39–18548 (81 FR 36137); and

■ b. Adding the following new AD:

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2019–0113; Product Identifier 2017–SW–140–AD.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters, certificated in any category.

(b) Unsafe Condition

The FAA is issuing this AD to prevent certain parts from remaining in service beyond their fatigue life, resulting in failure of the part and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2016–11–21, Amendment 39–18548 (81 FR 36137, June 6, 2016).

(d) Comments Due Date

The FAA must receive comments by April 22, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before further flight, establish a life limit for the tail rotor hub body (hub body), part number (P/N) L642A2003102, of 27,400 hours time-in-service (TIS). If you cannot determine the hub body's TIS, follow the instructions in Table 1, Examples and Calculations, Effectivity: The history of the hub body is not known or can't be identified, in Airbus Helicopters Alert Service Bulletin (ASB) EC135–04A–012, Revision 0, dated September 11, 2017, except where the service information specifies that you contact the manufacturer, you are required to remove the part from service instead.

(2) Before further flight, revise the life limit for each part listed in paragraphs (f)(2)(i) and (ii) of this AD in the Airworthiness Limitations Section (ALS) of the existing maintenance manual for your helicopter and record the revised life limit on the component history card or equivalent record as follows:

(i) For swashplate parts:

(A) The life limit for the ring (control ring), P/N L623M2001213, is 10,700 hours TIS.

(B) The life limit for the cardan ring (two-part), P/N L623M2005205, is 14,300 hours TIS.

(C) The life limit for the bolt (control ring), P/N L671M7001215, is 14,300 hours TIS.

(D) The life limit for the bolt (sliding sleeve), P/N L623M2006206 and P/N L623M2006213, is 14,300 hours TIS.

(ii) For mixing lever gear unit parts:

(A) The life limit for the forked lever assembly, P/N L671M3012102, is 10,400 hours TIS.

(B) The life limit for the hinged support, P/N L671M7003210, is 8,400 hours TIS.

(C) The life limit for the bolt, P/N L671M7001220, is 8,400 hours TIS.

(3) Before further flight, remove from service any part listed in paragraphs (f)(1) and (2) of this AD that has reached or exceeded its revised life limit.

(4) Thereafter, for any part listed in paragraphs (f)(1) and (2) of this AD that has not reached or exceeded its life limit, continue to record the life limit of the part on its component history card or equivalent record and remove any part listed in paragraph (f)(1) and (2) of this AD from service before the part has reached or exceeded its revised life limit.

(g) Special Flight Permits

Special flight permits are limited to a onetime flight to a maintenance facility to replace a part that has reached its life limit.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. If sending information directly to the manager of the Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2017–0243, dated December 6, 2017. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6400, Tail Rotor System.

Issued on February 17, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03991 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0131; Project Identifier MCAI–2020–01628–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–200, –300, –800, and –900 series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. This proposed AD was prompted by reports that certain oxygen supply solenoid valves are a potential source of increased flow resistance within the flightcrew oxygen system. This proposed AD would require a special detailed inspection (flow test) of certain solenoid valves, and replacement if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 22, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For

information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0131.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0131; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0131; Project Identifier MCAI–2020–01628–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0273, dated December 9, 2020 (EASA AD 2020–0273) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A330–201, A330–202, A330–203, A330–223, A330–243, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, A330–343, A330–743L, A330–841, A330–941, A340–211, A340–212, A340–213, A340–311, A340–312, A340–313, A340–541, A340–542, A340–642, and A340–643 airplanes. Model A330–743L, A340–542, and A340–643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

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

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0273 describes procedures for doing a special detailed inspection (flow test) of certain solenoid valves by using the flightcrew oxygen masks and replacing any solenoid valve that fails the flow test with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0273 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0273 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0273 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service

information specified in EASA AD 2020–0273 that is required for compliance with EASA AD 2020–0273 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0131 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 112 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$0	$255	$28,560

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of any proposed actions. The FAA has no way of determining the number of aircraft that might need replacement:

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	Up to $5,496	Up to $5,581.

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0131; Project Identifier MCAI–2020–01628–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1) through (8) of this AD.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(3) Model A330–841 airplanes.

(4) Model A330–941 airplanes.

(5) Model A340–211, –212, and –213 airplanes.

(6) Model A340–311, –312, and –313 airplanes.

(7) Model A340–541 airplanes.

(8) Model A340–642 airplanes.

(d) Subject

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

(e) Reason

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

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0273, dated December 9, 2020 (EASA AD 2020–0273).

(h) Exceptions to EASA AD 2020–0273

(1) Where EASA AD 2020–0273 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0273 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0273 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0273 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) For information about EASA AD 2020–0273, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0131.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@faa.gov.*

Issued on February 26, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–04442 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0044; Airspace Docket No. 19–AWP–25]

RIN 2120–AA66

Proposed Amendment of Class D and Class E Airspace; Bakersfield, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D airspace, at Meadows Field Airport. This action also proposes to modify the Class E airspace designated as a surface area and the Class E airspace extending upward from 700 feet above the surface. Additionally, this action proposes several administrative corrections to the Class D, Class E2, and Class E5 text headers. Lastly, this action proposes to update the term ''Airport/Facility Directory'' in the last sentence of the Class D's airspace description to ''Chart Supplement.'' This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0044; Airspace Docket No. 19–AWP–25, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend the Class D and Class E airspace at Meadows Field Airport, Bakersfield, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both

docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0044; Airspace Docket No. 19–AWP–25''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class D airspace at Meadows Field Airport, Bakersfield, CA. The Class D is not sized properly to contain IFR arrivals descending below 1,000 feet above the surface, or IFR departures to 700 feet above the surface. To properly contain IFR arrivals, the circular radius should be reduced from 5 miles to 4.5 miles. To properly contain IFR departures flying toward or over rising terrain, three areas should be added to the circular radius, one to the southeast of the airport and two to the northwest of the airport.

Additionally, this action proposes to modify the lateral boundaries of the Class E airspace designated as a surface area, to be coincident with the Class D airspace area.

The action also proposes to modify the Class E airspace extending upward from 700 feet above the surface. The airspace is not sized properly to contain IFR arrivals descending below 1,500 feet above the surface, or IFR departures to 1,200 feet above the surface. This airspace area should be reduced southeast of the airport and increased northwest of the airport.

Further, this action proposes to remove the Class E airspace extending upward from 1,200 feet above the surface. This airspace area is wholly contained within the Los Angeles en route airspace area, and duplication is not necessary.

This action also proposes to update the last sentence in the Class D and Class E2 airspace descriptions by replacing the term ''Airport/Facility Directory'' with ''Chart Supplement.''

Lastly, the action proposes several administrative updates. The second line of the Class D, Class E2, and Class E5 text headers includes the city name ''Bakersfield''. The city name should be removed from this line of text. The airport's geographic coordinates listed in the third line of the text header for the Class D, Class E2, and Class E5 do not match the FAA's database. The coordinates should be updated to lat. 35°26′02″ N, long. 119°03′28″ W.

Class D, E2, and E5 airspace designations are published in paragraphs 5000, 6002, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02″ N, long. 119°03′28″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.5-mile radius of the airport, and within 1.8 miles each side of the 134° bearing from the airport, extending from the 4.5-mile

radius to 5.5 miles southeast of the airport, and within 1.8 miles each side of the 316° bearing from the airport, extending from the 4.5-mile radius to 5.3 miles northwest of the airport, and within 1.9 miles each side of the 331° bearing from the airport, extending from the 4.5-mile radius to 6.8 miles northwest of Meadows Field Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as a Surface Area.

* * * * *

AWP CA E2 Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02″ N, long. 119°03′28″ W)

That airspace extending upward from the surface within a 4.5-mile radius of the airport, and within 1.8 miles each side of the 134° bearing from the airport, extending from the 4.5-mile radius to 5.5 miles southeast of the airport, and within 1.8 miles each side of the 316° bearing from the airport, extending from the 4.5-mile radius to 5.3 miles northwest of the airport, and within 1.9 miles each side of the 331° bearing from the airport, extending from the 4.5-mile radius to 6.8 miles northwest of Meadows Field Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AWP CA E5 Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02″ N, long. 119°03′28″ W)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the airport, and within 3.8 miles east and 8.8 miles west of the 337° bearing from the airport, beginning 3.5 miles northwest of the airport and extending to 19.6 miles northwest of Meadows Field Airport.

Issued in Seattle, Washington, on February 22, 2021.

B.G. Chew,

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

[FR Doc. 2021–04016 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0041; Airspace Docket No. 20–ANM–60]

RIN 2120–AA66

Proposed Amendment and Establishment of Class E Airspace; Baker City, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace, designated as a surface area for Baker City Municipal Airport. This action also proposes to establish Class E airspace, designated as an extension to a Class D or Class E surface area. Additionally, this action proposes to modify the Class E airspace extending upward from 700 feet above the surface. This action also proposes to remove the Baker City VORTAC from the Class E2 and the VOR/DME from the Class E5 text headers and airspace descriptions. Lastly, this action also proposes several administrative corrections to the airspaces' legal descriptions. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0041; Airspace Docket No. 20–ANM–60, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: Elizabeth Healy, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2227.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace at Baker City Municipal Airport, Baker City, OR, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0041; Airspace Docket No. 20–ANM–60''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel

concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class E airspace designated as surface area, at Baker City Municipal Airport. This area is designed to contain arriving IFR aircraft descending below 1,000 feet above the surface, and IFR departures until reaching 700 feet above the surface. This area would be described as follows: That airspace extending upward from the surface within a 4.2-mile radius of the airport, and within 1.8 miles north and 3.1 miles south of the 097° bearing from the airport, extending from the 4.2-mile radius to 5.3 miles east of the airport, and within 1.8 miles southwest and 1.9 miles northeast of the 142° bearing from the airport, extending from the 4.2-mile radius to 9.4 miles southeast of the airport.

This action also proposes to modify the Class E airspace by establishing an area that is designated as an extension to a Class D or Class E surface area. This area is designed to properly contain IFR aircraft descending below 1,000 feet above the surface. This area would be described as follows: That airspace extending upward from the surface within 3.2 miles each side of the 332° bearing from the airport, extending from the 4.2-mile radius to 7.3 miles northwest of the airport.

This action also proposes to modify the Class E airspace extending upward from 700 feet above the surface. This area is designed to properly contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. This area would be described as follows: That airspace extending upward from 700 feet above the surface within a 4.2-mile radius of the airport, and within 1.8 miles north and 4.5 miles south of the 097° bearing from the airport, extending from the 4.2-mile radius to 7.1 miles east of the airport, and within 1.8 miles southwest and 1.9 miles northeast of the 142° bearing from the airport, extending from the 4.2-mile radius to 11.7 miles east of the airport, and within 1.1 miles either side of the 283° bearing from the airport, extending from the 4.2 mile radius to 5.3 miles west of the airport, and within 1.8 miles northeast and 1.9 miles southwest of the 315° bearing from the airport, extending from the 4.2 mile radius to 6.9 miles northwest of the airport, and within 1.8 miles southwest and 3.3 miles northeast of the 322° bearing from the airport, extending from the 4.2 mile radius to 7.2 miles northwest of the airport, and within 1.8 miles east and 1.9 miles west of the 360° bearing from the airport, extending from the 4.2 mile radius to 8.8 miles north of the airport.

This action also proposes to remove the Baker VORTAC from the Class E2 text header and airspace description, and the Baker City VOR/DME from the Class E5 text header and airspace descriptions. The Navigational Aids (NAVAID) are not needed to describe the airspace areas. Removal of the NAVAIDs allows the airspace to be described from a single point, which simplifies the airspaces' descriptions.

This action also proposes to remove the Class E airspace extending upward from 1,200 feet above the surface. This area is wholly contained within the Rome en route airspace area and duplication is not necessary.

Lastly, this action proposes several administrative amendments to the airspaces' legal descriptions. The first line of the Class E2 header is not correct. The first line should include the full name of the city, ''Baker'' should be updated to ''Baker City''. The airport's geographic coordinates in the Class E2, and Class E5 text header are incorrect. To match the FAA database, the geographic coordinates should be updated to lat. 44°50′14″ N, long. 117°48′33″ W.

Class E2, E4, and E5 airspace designations are published in paragraphs 6002, 6004, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ANM OR E2 Baker City, OR [Amended]

Baker City Municipal Airport, OR
(Lat. 44°50′14″ N, long. 117°48′33″)

That airspace extending upward from the surface within a 4.2-mile radius of the airport, and within 1.8 miles north and 3.1 miles south of the 097° bearing from the airport, extending from the 4.2-mile radius to 5.3 miles east of the airport, and within 1.8 miles southwest and 1.9 miles northeast of the 142° bearing from the airport, extending from the 4.2-mile radius to 9.4 miles southeast of the airport.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM OR E4 Baker City, OR [New]

Baker City Municipal Airport, OR
(Lat. 44°50′14″ N, long. 117°48′33″)

That airspace extending upward from the surface within 3.2 miles each side of the 332° bearing from the airport, extending from the 4.2-mile radius to 7.3 miles northwest of the airport.

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

* * * * *

ANM OR E5 Baker City, OR [Amended]

Baker City Municipal Airport, OR
(Lat. 44°50′14″ N, long. 117°48′33″)

That airspace extending upward from 700 feet above the surface within a 4.2-mile radius of the airport, and within 1.8 miles north and 4.5 miles south of the 097° bearing from the airport, extending from the 4.2-mile radius to 7.1 miles east of the airport, and within 1.8 miles southwest and 1.9 miles northeast of the 142° bearing from the airport, extending from the 4.2-mile radius to 11.7 miles east of the airport, and within 1.1 miles either side of the 283° bearing from the airport, extending from the 4.2 mile radius to 5.3 miles west of the airport, and within 1.8 miles northeast and 1.9 miles southwest of the 315° bearing from the airport, extending from the 4.2 mile radius to 6.9 miles northwest of the airport, and within 1.8 miles southwest and 3.3 miles northeast of the 322° bearing from the airport, extending from the 4.2 mile radius to 7.2 miles northwest of the airport, and within 1.8 miles east and 1.9 miles west of the 360° bearing from the airport, extending from the 4.2 mile radius to 8.8 miles north of the airport.

Issued in Des Moines, Washington, on February 22, 2021.

B.G. Chew,

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

[FR Doc. 2021–04035 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0045; Airspace Docket No. 20–AWP–30]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Bakersfield, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Bakersfield Municipal Airport, Bakersfield, CA. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0045; Airspace Docket No. 20–AWP–30, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace at Bakersfield Municipal Airport, Bakersfield, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0045; Airspace Docket No. 20–AWP–30''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal

contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace, extending upward from 700 feet above the surface, at Bakersfield Municipal Airport, Bakersfield, CA. This airspace is designed to contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Bakersfield, CA [New]

Bakersfield Municipal Airport, CA
(Lat. 35°19′30″ N, long. 118°59′46″ W)

That airspace extending upward from 700 feet above the surface within a 3.9-mile radius of the airport beginning at the 007° bearing from the airport, clockwise to the 122° bearing from the airport, and within a 6.3-mile radius of the airport beginning at the 122° bearing from the airport, clockwise to the 007° bearing from the airport.

Issued in Seattle, Washington, on February 22, 2021.

B.G. Chew,

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

[FR Doc. 2021–04015 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0047; Airspace Docket No. 20–AWP–31]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Shafter, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Shafter-Minter Field Airport, Shafter, CA. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0047; Airspace Docket No. 20–AWP–31, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591;

telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace at Shafter-Minter Field Airport, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0047; Airspace Docket No. 20–AWP–31''. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace, extending upward from 700 feet above the surface, at Shafter-Minter Field Airport, Shafter, CA. This airspace is designed to contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Shafter, CA [New]

Shafter-Minter Field Airport, CA
(Lat. 35°30′27″ N, long. 119°11′32″ W)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the airport, and within 3.4 miles each side of the 091° bearing from the airport, extending from the 4-mile radius to 14.2 miles east of the airport, and within 2.9 miles each side of the 290° bearing from the airport, extending from the 4-mile radius to 6.5 miles west of the airport.

Issued in Seattle, Washington, on February 22, 2021.

B.G. Chew,

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

[FR Doc. 2021–04010 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0046; Airspace Docket No. 20–AWP–29]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Delano, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace extending upward from 700 feet above the surface at Delano Municipal Airport, Delano, CA. The airspace modification is necessary to properly contain instrument flight rules (IFR) aircraft operating to/from the airport. This action also proposes to update the airport's geographical coordinates to match the FAA database. This action would ensure the safety and management of IFR operations at the airport.

DATES: Comments must be received on or before April 22, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0046; Airspace Docket No. 20–AWP–29, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend the Class E airspace at Delano Municipal Airport, Delano, CA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0046; Airspace Docket No. 20–AWP–29''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class E airspace, extending upward from 700 feet above the surface, at Delano Municipal Airport, Delano, CA. The airspace should be modified to properly contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface. To ensure proper containment of IFR aircraft, this action proposes to reduce the circular radius of

the airport from six and a half miles to four miles. The 6.5-mile radius is no longer needed to contain IFR aircraft performing a circling maneuver near the airport. It also proposes to add an airspace area southeast of the airport to contain IFR aircraft performing a procedure turn maneuver for the VOR RWY 32 approach. Additionally, an airspace area north of the airport should be added to properly contain IFR departures to 1,200 feet above the surface.

This action also proposes to update the airport's geographical coordinates to match the FAA database. The coordinates should read lat. 35°44′44″ N, long. 119°14′11″ W.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Delano, CA [Amended]

Delano Municipal Airport, CA
(Lat. 35°44′44″ N, long. 119°14′11″ W)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the airport, and within 4 miles east and 8 miles west of the 157° bearing from the airport, beginning 4 miles southeast of the airport and extending to 22 miles southeast of the airport, and within 1.8 miles each side of the 342° bearing from the airport, extending from the 4-mile radius to 6.5 miles north of the airport.

Issued in Seattle, Washington, on February 22, 2021.

B.G. Chew,

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

[FR Doc. 2021–04013 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–101657–20]

RIN 1545–BP70

Guidance Related to the Foreign Tax Credit; Clarification of Foreign-Derived Intangible Income; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Proposed rule; notice of hearing.

SUMMARY: This document provides a notice of public hearing on proposed regulations relating to the foreign tax credit and relating to foreign-derived intangible income, including guidance on the disallowance of a credit or deduction for foreign income taxes with respect to dividends eligible for a dividends-received deduction; the allocation and apportionment of interest expense, foreign income tax expense, and certain deductions of life insurance companies; the definition of a foreign income tax and a tax in lieu of an income tax; transition rules relating to the impact on loss accounts of net operating loss carrybacks allowed by reason of the Coronavirus Aid, Relief, and Economic Security Act; the definition of foreign branch category and financial services income; the time at which foreign taxes accrue and can be claimed as a credit; and clarification on the rules relating to foreign-derived intangible income.

DATES: The public hearing is being held on Wednesday, April 7, 2021, at 10:00 a.m. The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by Thursday, March 18, 2021. If no outlines are received by March 18, 2021, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held by teleconference. Individuals who want to testify (by telephone) at the public hearing must send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number (REG–101657–20) and the word TESTIFY. For example, the subject line may say: Request to TESTIFY at Hearing for REG–101657–20. The email must include the name(s) of the speaker(s) and title(s). Send outline submissions electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–101657–20). The outlines must be received by March 18, 2021 at *www.regulations.gov,* no outlines are being accepted by email.

FOR FURTHER INFORMATION CONTACT: Concerning these proposed regulations, Tianlin (Laura) Shi at (202) 317–6987; concerning the hearing, and the access code to attend the hearing by teleconferencing, Regina Johnson at (202) 317–5177 (not toll-free numbers) or *publichearings@irs.gov.* If emailing please put Attend, Testify, or Agenda Request and (REG–101657–20) in the email subject line.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking REG–101657–20 that was published in the **Federal Register** on Thursday, November 12, 2020, 85 FR 72078.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments telephonically at the hearing that previously submitted written comments by February 10, 2021, must submit an outline on the topics to be addressed and the amount of time to be devoted to each topic by March 18, 2021.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available (two days before the hearing) by emailing your request to *publichearings@irs.gov.* Please put ''REG–101657–20 Agenda Request'' in the subject line of the email.

Individuals who want to attend (by telephone) the public hearing must also send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number (REG–101657–20) and the word ''ATTEND''. For example, the subject line may say: Request to ATTEND Hearing for REG–101657–20. The email requesting to attend the public hearing must be received by 5:00 p.m. two (2) business days before the date that the hearing is scheduled.

The telephonic hearing will be made accessible to people with disabilities. To request special assistance during the telephonic hearing please contact the Publications and Regulations Branch of the Office of Associate Chief Counsel (Procedure and Administration) by sending an email to *publichearings@irs.gov* (preferred) or by telephone at (202) 317–5177 (not a toll-free number) at least three (3) days prior to the date that the telephonic hearing is scheduled.

Any questions regarding speaking at or attending a public hearing may also be emailed to *publichearings@irs.gov.*

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2021–04291 Filed 3–5–21; 8:45 am]

BILLING CODE 4830–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2204

Rules Implementing the Equal Access to Justice Act

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Commission's procedural rules implementing the Equal Access to Justice Act to closely conform with new model rules from the Administrative Conference of the United States.

DATES: Comments must be received by April 7, 2021.

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

- *Email: ctellinghuisen@oshrc.gov.* Include ''Notice of proposed rulemaking, 29 CFR part 2204'' in the subject line of the message.
- *Fax:* 202–606–5417.
- *Mail or Hand Delivery/Courier:* One Lafayette Centre, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.

All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as ''Notice of proposed rulemaking, 29 CFR part 2204.''

FOR FURTHER INFORMATION CONTACT: Carter Tellinghuisen, Attorney-Advisor, Office of the General Counsel, by telephone at (202) 606–5410 ext. 211, by email at *ctellinghuisen@oshrc.gov,* or by mail at 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.

SUPPLEMENTARY INFORMATION:

I. Revisions to Part 2204

The Occupational Safety and Health Review Commission (''Commission'') has established rules of procedure implementing the Equal Access to Justice Act (''EAJA''), 5 U.S.C. 504. EAJA directs Federal agencies to consult with the Administrative Conference of the United States (''ACUS'') to develop procedural rules to implement the provisions of the statute. The Commission's existing rules for EAJA proceedings are based on model rules ACUS published in 1986. On August 8, 2019, ACUS published Revised Model Rules for Implementation of the Equal Access to Justice Act to reflect subsequent amendments to the law and practice, and to promote greater accuracy and clarity. 84 FR 38934 (August 8, 2019). The Commission has reviewed the Revised Model Rules and now proposes amendments to its procedural rules consistent with the amendments made by ACUS to the model rules.

ACUS summarized and explained its amendments in the preamble to the amended model rules and in Administrative Conference Recommendation 2019–4. 84 FR 38934, 38934 (August 8, 2019); 84 FR 38927, 38933 (August 8, 2019). To the extent applicable, the Commission relies upon the rationale ACUS provided in those documents as the basis for the proposed amendments to the Commission's rules.

In addition, the Commission has determined that an adjustment for increases in the cost of living is appropriate in considering an applicant's request for attorney or agent fees. Accordingly, pursuant to 5 U.S.C. 504(b)(1)(A), the Commission proposes revising §§ 2204.303 and 2204.406(c)(2) to allow an applicant to request, with supporting documentation, an increase in hourly fees to account for inflation as measured by the consumer price index in the relevant locality.

Generally, amendments to the Commission's rules of procedure are not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment, 5 U.S.C. 553(b)(3)(A). Because the Commission values the views of those who appear before it, however, public comment is invited on these proposed amendments.

II. Statutory and Executive Order Reviews

Executive Orders 12866 and 13132, and the Unfunded Mandates Reform Act of 1995: The Review Commission is an independent regulatory agency and, as such, is not subject to the requirements of E.O. 12866, E.O. 13132, or the Unfunded Mandates Reform Act, 2 U.S.C. 1501 *et seq.*

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(a), a regulatory flexibility analysis is not required because these proposed rules concern ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' under 5 U.S.C. 553(b).

Paperwork Reduction Act of 1995: The Review Commission has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because these proposed rules do not contain any information collection requirements that require the approval of the Office of Management and Budget (OMB).

Congressional Review Act: These proposed revisions do not constitute a ''rule,'' as defined by the Congressional Review Act, 5 U.S.C. 804(3)(C), because they involve changes to agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 29 CFR Part 2204

Administrative practice and procedure, Equal access to justice.

For the reasons set forth in the preamble, the Review Commission

proposes revising 29 CFR part 2204 to read as follows:

PART 2204—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN PROCEEDINGS BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Subpart A—General Provisions

Sec.
2204.101 Scope of this part.

Subpart B—Definitions

2204.201 Definitions.

Subpart C—EAJA Application

2204.301 Application requirements.
2204.302 Net worth exhibit.
2204.303 Documentation of fees and expenses.

Subpart D—Procedures for Considering Applications

2204.401 Filing and service of documents.
2204.402 Answer to application.
2204.403 Reply.
2204.404 Settlement.
2204.405 Further proceedings.
2204.406 Decision.
2204.407 Commission review.
2204.408 Judicial review.
2204.409 Stay of decision concerning award.
2204.410 Waiver.
2204.411 Payment of award.

Authority: 5 U.S.C. 504.

Subpart A—General Provisions

§ 2204.101 Scope of this part.

The Equal Access to Justice Act, 5 U.S.C. 504 (called ''EAJA'' in this part), provides for the award of attorney or agent fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called ''adversary adjudications'') before the Occupational Safety and Health Review Commission. An eligible party may receive an award when it prevails over the Secretary of Labor, unless the Secretary's position in the proceeding was substantially justified or special circumstances make an award unjust. Alternatively, an eligible party, even if not a prevailing party, may receive an award under 5 U.S.C. 504(a)(4) when it successfully defends against an excessive demand made by the Secretary.

Subpart B—Definitions

§ 2204.201 Definitions.

For the purposes of this part:

Adversary adjudication means an adjudication under 5 U.S.C. 554 and 29 U.S.C. 659(c) in which the position of the Secretary is represented by counsel or otherwise, subject to certain exclusions set forth in 5 U.S.C. 504(b)(1)(C).

Agent means any person other than an attorney who represents a party in a proceeding before the Commission pursuant to § 2200.22 of this chapter.

Commission means the Occupational Safety and Health Review Commission.

Demand means the express demand of the Secretary which led to the adversary adjudication, but does not include a recitation by the Secretary of the maximum statutory penalty:

(1) In the administrative complaint; or

(2) Elsewhere when accompanied by an express demand for a lesser amount.

Excessive demand means a demand by the Secretary, in an adversary adjudication arising from the Secretary's action to enforce a party's compliance with a statutory requirement that is substantially in excess of the decision of the judge or Commission and is unreasonable when compared with such decision, under the facts and circumstances of the case.

Final disposition means the date on which a decision or order disposing of the merits of the adversary adjudication or any other complete resolution of the adversary adjudication, such as a settlement or voluntary dismissal, become final and unappealable, both within the agency and to the courts.

Judge means the Administrative Law Judge appointed under 29 U.S.C. 661(j) who presided over the adversary adjudication or presides over an EAJA proceeding.

Party means a party, as defined in 5 U.S.C. 551(3), who is:

(1) An individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated; or

(2) Any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, may be a party regardless of the net worth of such organization or cooperative association. For purposes of 5 U.S.C. 504(a)(4), ''party'' also includes a small entity as defined in 5 U.S.C. 601.

Position of the Secretary means, in addition to the position taken by the Secretary in the adversary adjudication, the action or failure to act by the Secretary upon which the adversary adjudication is based, except that fees and other expenses may not be awarded to a party for any portion of the adversary adjudication in which the party has unreasonably protracted the proceedings.

Secretary means the Secretary of Labor.

Subpart C—EAJA Application

§ 2204.301 Application requirements.

(a) A party seeking an award under EAJA shall file an application with the judge that conducted the adversarial adjudication within 30 days after the final disposition of the adversary adjudication.

(b) The application shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Secretary that the applicant alleges was not substantially justified; or, if the applicant has not prevailed, shall show that the Secretary's demand was substantially in excess of the decision of the judge or Commission and was unreasonable when compared with that decision under the facts and circumstances of that case. The application shall also identify the Secretary's position(s) in the proceeding that the applicant alleges was (were) not substantially justified or the Secretary's demand that is alleged to be excessive and unreasonable. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and briefly describe the type and purpose of its organization or business.

(c) The application shall also show that the applicant meets the definition of ''party'' in § 2204.201(h), including adequate documentation of its net worth, as set forth in § 2204.302.

(d) The application shall state the amount of fees and expenses for which an award is sought, subject to the requirements and limitations as set forth in 5 U.S.C. 504(b)(1)(A), with adequate documentation as set forth in § 2204.303.

(e) The application shall be signed by the applicant or an authorized officer, attorney, or agent of the applicant. It shall also contain or be accompanied by a written verification under penalty of perjury that the information provided in the application is true and correct.

§ 2204.302 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization, cooperative association, or, in the case of an application for an award related to an allegedly excessive demand by the

Secretary, a small entity as that term is defined by 5 U.S.C. 601(6), shall provide with its application a detailed exhibit showing the net worth of the applicant as required by § 2204.301(c) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's assets and liabilities and is sufficient to determine whether the applicant qualifies under excessive demand as defined in § 2204.201. The judge or Commission may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may request that the documents be filed under seal or otherwise be treated as confidential, pursuant to §§ 2200.8 and 2200.52 of this chapter.

§ 2204.303 Documentation of fees and expenses.

The application shall be accompanied by adequate documentation of the fees and other expenses incurred after the initiation of the adversary adjudication, including, but not limited to, the reasonable cost of any study, analysis, engineering report, test, or project. An application seeking an increase in fees to account for inflation pursuant to § 2200.406 of this chapter shall also include adequate documentation of the change in the consumer price index for the attorney or agent's locality. With respect to a claim for fees and expenses involving an excessive demand by the Secretary, the application shall be accompanied by adequate documentation of such fees and expenses incurred after initiation of the adversary adjudication for which an award is sought attributable to the portion of the demand alleged to be excessive and unreasonable. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The judge or Commission may require the applicant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

Subpart D—Procedures for Considering Applications

§ 2204.401 Filing and service of documents.

Any application for an award, or any accompanying documentation related to an application shall be filed and served on all parties to the proceeding in accordance with §§ 2200.7 and 2200.8 of this chapter, except as provided in § 2204.302(b) for confidential financial information.

§ 2204.402 Answer to application.

(a) Within 30 days after service of an application, the Secretary shall file an answer to the application. Unless the Secretary requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If the Secretary and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the judge upon request.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Secretary's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Secretary shall include with the answer either supporting affidavits or a request for further proceedings under § 2204.405.

§ 2204.403 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 2204.405.

§ 2204.404 Settlement.

The applicant and the Secretary may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying adversary adjudication, or after the adversary adjudication has been concluded, in accordance with the Commission's standard settlement procedures as set forth in § 2200.120 of this chapter. If a prevailing party and the Secretary agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If a proposed settlement of an underlying proceeding provides that each side shall bear its own expenses and the settlement is accepted, no application may be filed.

§ 2204.405 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or the Secretary, or on his or her own initiative, the judge presiding over an EAJA proceeding may, if necessary for a full and fair decision on the application, order the filing of additional written submissions; hold oral argument; or allow for discovery or hold an evidentiary hearing, but only as to issues other than whether the agency's position was substantially justified (such as those involving the applicant's eligibility or substantiation of fees and expenses). Any written submissions shall be made, oral argument held, discovery conducted, and evidentiary hearing held as promptly as possible so as not to delay a decision on the application for fees. Whether or not the position of the Secretary was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

(b) A request for further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 2204.406 Decision.

The preparation and issuance of decision on the fee application shall be in accordance with § 2200.90 of this chapter.

(a) *For an application involving a prevailing party.* The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if applicable, findings on whether the Secretary's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

(b) *For an application involving an allegedly excessive agency demand.* The decision shall include written findings and conclusions on the applicant's eligibility and an explanation of the reasons why the agency's demand was or was not determined to be

substantially in excess of the underlying decision in the matter and whether the Secretary's demand was or was not unreasonable. That determination shall be based upon all the facts and circumstances of the case.

(c) *Awards.* The judge presiding over an EAJA proceeding or the Commission on review may reduce the amount to be awarded, or deny any award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

(1) Awards shall be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(2) An award for the fee of an attorney or agent under this part shall not exceed the hourly rate specified in 5 U.S.C. 504(b)(1)(A), except to account for inflation since the last update of the statute's maximum award upon the request of the applicant as documented in the application pursuant to § 2204.303. An award to compensate an expert witness shall not exceed the highest rate at which the Secretary pays expert witnesses. However, an award may include the reasonable expenses of the attorney, agent or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(3) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the following shall be considered:

(i) If the attorney, agent, or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(ii) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily perform services;

(iii) The time actually spent in the representation of the applicant;

(iv) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(v) Such other factors as may bear on the value of the services provided.

(4) The reasonable cost of any study, analysis, engineering report, test, project, or similar matter prepared on behalf of the party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 2204.407 Commission review.

Either the applicant or the Secretary may seek review of the judge's decision on the fee application, and the Commission may grant such a petition for review or direct review of the decision on the Commission's own initiative. Review by the Commission shall be in accordance with §§ 2200.91 and 2200.92 of this chapter.

§ 2204.408 Judicial review.

Judicial review of final decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 2204.409 Stay of decision concerning award.

Any proceedings on an application for fees under this part shall be automatically stayed until the adversary adjudication has become a final disposition.

§ 2204.410 Waiver.

After reasonable notice to the parties, the judge or the Commission may waive, for good cause shown, any provision contained in this part as long as the waiver is consistent with the terms and purpose of the EAJA.

§ 2204.411 Payment of award.

An applicant seeking payment of an award shall submit to the officer designated by the Secretary a copy of the Commission's final decision granting the award, accompanied by a certification that the applicant will not seek review of the decision in the United States courts.

Cynthia L. Attwood,

Chair.

[FR Doc. 2021–04140 Filed 3–5–21; 8:45 am]

BILLING CODE 7600–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0596; FRL10019–52–Region 3]

Air Plan Approval; Virginia; Revised RACT Permit for Roanoke Electric Steel/Steel Dynamics, Inc.

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 Virginia. The revision consists of amendments to a federally enforceable state operating permit (FESOP) which was previously incorporated into the Virginia SIP in order to implement reasonably available control technology (RACT) for nitrogen oxide (NO_X) emissions from Steel Dynamics, Inc. (hereafter ''SDI,'' formerly Roanoke Electric Steel). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0596 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://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David Talley, 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) 814–2117. Mr. Talley can also be reached via electronic mail at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION: On April 14, 2020, the Virginia Department of Environmental Quality (VADEQ), on behalf of the Commonwealth of Virginia, formally submitted the amended permit as a revision to the Virginia SIP.

I. Background

Prior to the establishment of nonattainment areas for the 1997 8-hour ozone national ambient air quality standards (NAAQS), EPA developed a

program to allow these potential nonattainment areas to voluntarily adopt local emission control programs to avoid air quality violations and mandated nonattainment area controls. Areas with air quality meeting the 1979 1-hour ozone NAAQS were eligible to participate. In order to participate, state and local governments and EPA developed and signed a memorandum of agreement that describes the local control measures the state or local community intends to adopt and implement to reduce ozone emissions in advance of air quality violations. In this agreement, also known as an Early Action Compact (EAC), the state or local communities agree to prepare emission inventories and conduct air quality modeling and monitoring to support its selection of emission controls. Areas that participated in the EAC program had the flexibility to institute their own approach in maintaining clean air and protecting public health. Several localities in the Winchester and Roanoke areas elected to participate in the EAC program. The areas that signed an EAC were the City of Winchester and Frederick County, which comprised the Northern Shenandoah Valley EAC; and the cities of Roanoke and Salem, and the counties of Roanoke and Botetourt, which comprised the Roanoke EAC. VADEQ's approach to implementing the EAC was that RACT [1] be applied to sources of NO_X and volatile organic compounds (VOCs) within those localities that were otherwise not subject to RACT. The Roanoke Electric Steel Corporation, currently SDI, was one such source.

II. Summary of SIP Revision and EPA Analysis

On April 27, 2005, EPA approved a SIP revision for the Commonwealth of Virginia which incorporated provisions from a federally enforceable state operating permit into the Virginia SIP in order to apply RACT to several units at SDI (Virginia permit registration No. 20131, issued December 22, 2004; hereafter, ''2004 Permit''). See 70 FR 21621. Virginia's April 14, 2020 submittal includes a revised operating permit for SDI which amends the 2004 permit to account for changes in operation at the facility, including the shut-down of a number of units. The 2004 permit included operational requirements and NO_X emissions limits for the equipment listed in Table 1:

TABLE 1—EQUIPMENT LIST AND NO_X LIMITS FROM 2004 PERMIT

Unit	NO_X emission limit
Tundish Preheaters (2) ...	0.25 pounds (lb) NO_X/million British thermal unit (BTU).
Ladle Preheaters (2)	0.25 lb NO_X/million BTU.
Electric Arc Furnace #4 ..	Operational Limits Only.
Electric Arc Furnace #5 ..	37.8 lb NO_X/hour.
Ladle Metallurgical Station #5.	6.0 lb NO_X/hour.
Billet Reheat Furnace #1	53.1 lb NO_X/hour.
Billet Reheat Furnace #2	39.9 lb NO_X/hour.

Since the issuance of the 2004 permit (and EPA's subsequent SIP approval), operations at the facility have changed, requiring a revision of both the operating permit and the operating permit provisions incorporated into the SIP. At the time the 2004 permit was issued, SDI had received a preconstruction permit for the construction of billet reheat furnace (BRF) #2 to replace BRF #1. The conditions of that preconstruction permit were incorporated into the 2004 permit, and ultimately into the Virginia SIP. However, BRF #2 was never constructed, so the associated NO_X limits have been removed from the operating permit. Electric arc furnace (EAF) #4 was removed, as was BRF #1. The only remaining units at the facility that are subject to the source specific NO_X RACT limits of the 2004 permit are EAF #5 and the Ladle Metallurgical Station (LMS) #5. The other units have been removed, replaced with equipment that was not subject to RACT, or as was the case with BRF #2, never constructed. EAF #5 and LMS #5 remain subject to the same limits as were in the original permit. The RACT limits for those remaining units have not changed, and there are no emissions increases associated with either the revised permit, or Virginia's proposed SIP revision. The permit, and ultimately the SIP, are simply being revised to account for the removal of provisions related to emissions units that no longer exist.

III. Proposed Action

EPA's review of this material indicates that it is consistent with all CAA requirements. Additionally, because the SIP revision does not allow for any increase in emissions, it will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable CAA requirement, in accordance with CAA section 110(l). EPA is proposing to approve Virginia's April 14, 2020 submittal as a revision to the Virginia SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the

[1] EPA defines RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the unredacted portions of Virginia stationary source permit to operate, registration number 20132, issued to Roanoke Electric Steel (D/B/A Steel Dynamics, Inc.) on December 22, 2004, and revised on March 25, 2020. 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).

VI. 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).

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule pertaining to source specific NO_X limits at SDI 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, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 18, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–04705 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2020–0732, FRL–10020–07–Region 10]

Air Plan Approval; WA; Regional Haze Best Available Retrofit Technology Revision for TransAlta Centralia Generation Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a source-specific State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on December 18, 2020. The SIP revision makes changes to nitrogen oxide control requirements for the TransAlta Centralia Generation Plant (TransAlta). These requirements were established in an order issued to TransAlta by the state to satisfy the Clean Air Act Best Available Retrofit Technology Requirements (BART) put in place by Congress to reduce regional haze and restore visibility in national parks and wilderness areas. The changes submitted by the state are intended to improve the operation of pollution control equipment at TransAlta while continuing to meet BART requirements.

DATES: Comments must be received on or before April 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2020–0732 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is

restricted by statute. Multimedia submissions (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.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

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

I. Background

Visibility and Regional Haze

Regional haze is air pollution that impairs visibility, including visual range and/or colorization, across a broad geographic area. The air pollution sources that contribute to regional haze include but are not limited to: Industrial sources; cars, trucks and other mobile sources; and area sources. These source categories emit fine particulate matter ($PM_{2.5}$), in addition to precursor gases such as sulfur dioxide (SO_2), nitrogen oxides (NO_X) that form secondary aerosols in the atmosphere. Atmospheric sulfate, nitrate, organic carbon compounds, elemental carbon, soil dust, and other compounds impair visibility by scattering and absorbing light, and reduces clarity, color, and visual range of visual scenes.

Clean Air Act Requirements

In 1977, Congress added section 169A to the Clean Air Act (CAA or Act) creating a program to protect visibility in the nation's national parks and wilderness areas (Class I areas). This section of the CAA establishes national visibility goals in Class I areas as those goals relate to manmade air pollution. See CAA section 169A(a)(1). On December 2, 1980, the EPA promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* ''reasonably attributable visibility impairment'' (RAVI) (45 FR 80084). These RAVI regulations represented the first phase in addressing visibility impairment.

In 1990, Congress added section 169B to the CAA to address regional haze issues. The EPA promulgated a rule to implement this statutory requirement on July 1, 1999 (64 FR 35713) (the Regional Haze Rule or RHR). The RHR revised the existing visibility regulations to integrate regional haze provisions and to establish a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in the EPA's visibility protection regulations at 40 CFR part 51, subpart P, which were most recently updated on January 10, 2017 (82 FR 3078).

Pollution Controls

With respect to this proposed action, section 169A of the CAA directs states to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate the ''Best Available Retrofit Technology'' as determined by the state. States are directed to conduct BART determinations for such sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area.

To assist states in determining which sources are subject to BART requirements and what emission limits are appropriate for each subject source, the EPA published the *Guidelines for BART Determinations Under the Regional Haze Rule* at Appendix Y to 40 CFR part 51 (hereinafter referred to as ''BART Guidelines'') (70 FR 39104, July 6, 2005). In making a BART applicability determination for existing sources (such as TransAlta) that fall into certain categories, *e.g.,* fossil fuel-fired electric generating plants with total generating capacity in excess of 750 megawatts, a state must use the specified approach set forth in the BART Guidelines. A state is encouraged, but not required, to follow the BART Guidelines in making BART determinations for other types of sources. Regardless of source size or type however, a state must meet the CAA and regulatory requirements for selection of BART, and the state's BART analysis and determination must be reasonable in light of the overarching purpose of the regional haze program. States must address all visibility impairing pollutants emitted by a source in the BART determination process. The most significant visibility-impairing pollutants are NO_X, SO_2, and particulate matter. The regional haze SIP must include source-specific BART emission limits and compliance schedules for each source subject to BART.

TransAlta Centralia Generation Plant

TransAlta is a coal-fired electric generation plant located in Centralia, Washington. The plant, which operates two identical coal-fired utility steam generating units (BW21 and BW22), has a total generating capacity in excess of 750 megawatts and is subject to CAA BART requirements to control emissions of visibility-impairing pollutants. On June 11, 2003, the EPA approved a revision to the Washington SIP for visibility which included controls for NO_X, SO_2, and particulate matter for TransAlta (68 FR 34821). In the action, the EPA determined that the prescribed controls satisfied BART requirements for both SO_2 and particulate matter. We note that the 2003 BART determinations for SO_2 and particulate matter are not at issue in this proposed action, which focuses only on BART for NO_X.

In our 2003 action, the EPA determined that the NO_X controls established for TransAlta, while better than prior controls, did not represent BART. Subsequently, Ecology issued an administrative order to TransAlta that, among other things, established a NOx emission limit of 0.24 pounds per million British thermal units (lb/MMBtu) on the coal-fired units and coal quality requirements (June 18, 2010, BART Order 6426). Ecology revised the June 18, 2010 BART Order 6426 on December 13, 2011 (First Revised BART Order 6426), to incorporate provisions of a 2011 Memorandum of Agreement (2011 MOA) between TransAlta and the Governor of the State of Washington. The First Revised BART Order 6426 and the 2011 MOA are included in the docket for this action.

The 2011 MOA was negotiated under the statutory provisions of Revised Code of Washington (RCW) 80.80.100 and focused on greenhouse gas emission performance standards.

While the greenhouse gas performance standards are outside the scope of the SIP (which is primarily focused on the control of criteria pollutants such as particulate matter, NO_X, and SO_2), several of the provisions negotiated the 2011 MOA were incorporated into the First Revised BART Order 6426 because they provide significant regional haze benefit.

Specifically, the First Revised BART Order 6426 required selective noncatalytic reduction (SNCR) to be installed by January 1, 2013. The First Revised BART Order 6426 also provided that one coal unit must cease burning coal by December 31, 2020, and the other coal unit cease burning coal by December 31, 2025, unless Ecology determines that state or federal law requires selective catalytic reduction (SCR) to be installed on either unit.[1] Due to the installation of SNCR, among other controls, Ecology's First Revised BART Order 6426 established a more stringent NO_X emission limit of 0.21 lb/MMBtu. Ecology submitted the First Revised BART Order 6426 as a revision to the regional haze SIP on December 29, 2011. On December 6, 2012, the EPA approved Ecology's First Revised BART Order 6426 as meeting CAA BART requirements for NO_X control at TransAlta and approved this order in the Washington SIP (77 FR 72742).

II. Electrostatic Precipitator Fouling and Installation of Combustion Optimization System With Neural Network

In January 2020, TransAlta requested a change to the First Revised BART Order 6426 to mitigate fouling of the electrostatic precipitators at the plant that are used to control particulate matter emissions. TransAlta stated that the fouling was being caused by ammonia slip from the SNCR used to control NO_X emissions. In the submission Ecology explained, ''In the summer of 2019, TransAlta experienced emission opacity readings that would have exceeded the opacity limits if TransAlta had not reduced plant capacity to compensate. During a maintenance shut-down of the facility, the electrostatic precipitators (ESPs) were examined. The ESPs had a visual fouling of all interior components, which dramatically reduced their efficiency. Samples of the material in the ESPs were analyzed and identified as ammonia sulfate. The source of ammonia in the system was from the reactions of urea in the SNCR system.''

In coordination with Southwest Clean Air Agency (the local clean air authority) and Ecology, TransAlta installed a computerized emission control system called a Combustion Optimization System with Neural Network program (Neural Net) to decrease the ammonia slip in the SNCR. At the end of calendar year 2019, TransAlta had enough data to demonstrate that use of the Neural Net system would enable TransAlta to meet a more stringent 0.18 lb/MMBtu emission standard than the 0.21 lb/MMBtu required under the First Revised BART Order 6426 for the unit that remains operational after 2020 (BW21 ceased burning coal on December 31, 2020 and is now retired from service. Therefore, this requirement applies to the only remaining unit, BW22).

III. Summary of Revisions to the First Revised BART Order 6426

In response to TransAlta's request, Ecology amended the First Revised BART Order 6426 on July 29, 2020 in three primary ways: (1) Reducing the NO_X emission limit for the unit equipped with the Neural Network (2) eliminating unnecessary requirements to prevent further ESP fouling, and (3) revising the language to align with a 2017 amendment to the 2011 MOA signed between the Governor of Washington and TransAlta. Because the Neural Net enables TransAlta to maintain a more stringent NO_X emission standard, Ecology eliminated several requirements from the First Revised BART Order 6426 that were either no longer necessary or were causing problems with the ESP control device. Specifically, Ecology: (1) Removed the requirement of a specific urea injection rate to allow TransAlta to inject urea as needed to meet the new emission standard; (2) removed the requirement to analyze and report nitrogen and sulfur coal content, or mandate a specific source of coal, because the facility would have to meet NO_X, SO_2, and particulate matter emission standards regardless of the coal used, and (3) changed the requirement for ammonia emission monitoring to require monitoring only when using a urea injection rate of greater than 1.5 gallons per minute. Ecology retained the requirement for TransAlta to determine compliance with the NO_X emission limitation by use of a continuous emission monitoring system meeting the requirements of 40 CFR part 75. As discussed further in this document, the EPA has reviewed these changes and we have determined they are reasonable and consistent with BART and other CAA requirements.

Ecology also updated the First Revised BART Order 6426 to reflect a July 13, 2017 amendment to the 2011 MOA signed between TransAlta and the Governor, included in the docket for this action (2017 MOA). The 2017 amendment states that TransAlta shall, ''permanently cease coal-fired power generation operations of one Boiler in 2020 and the other Boiler in 2025, which dates are prior to the 2035 end of their expected useful lives, in each case pursuant to the terms and subject to the conditions of this MOA.'' This text is now mirrored in the Schedule for Compliance section of the second revised BART Order 6426 (2020 BART Order 6426). The 2017 MOA makes clear that TransAlta is not precluded from the possibility of retrofitting the facility to natural gas, or other non-coal energy source, as long as it meets the statutory requirements of Chapter 80.80 RCW.

IV. Evaluation of the Washington SIP Submission

EPA proposes to approve the 2020 BART Order 6426 as meeting BART for NO_X for TransAlta. The 2020 BART Order 6426 is consistent with the requirements of 40 CFR 51.308(e) and 40 CFR part 51, subpart Y. Specifically, Ecology either retained or strengthened the NO_X emissions limits. Ecology also justified the removal of certain parametric monitoring and demonstrated that the 2020 BART Order 6426 remains enforceable as a practical matter. Finally, the revision to the Schedule for Compliance section does not substantively change TransAlta's compliance obligations as compared to the First Revised BART Order 6426. As with the First Revised BART Order 6426, the 2020 BART Order 6426 will have the practical effect of prohibiting coal burning beyond the specified schedule.

Regarding future repowering of TransAlta with fuels other than coal, in the submission, Ecology stated with respect to regional haze that, ''If TransAlta decides to switch to non-coal power generation, a Notice of Construction application would need to be submitted to Southwest Clean Air Agency by the company. Ecology would require the company to do, at a minimum, emissions modeling that would be required under the BART process to quantify the visibility impacts resulting from the operation as a natural gas boiler plant (EGU). This is similar to what we would require of a new power plant to determine if it meets the requirements of WAC 173–400–117, special protection requirements for federal Class I areas.'' Ecology further explained, ''Since TransAlta has not requested repowering at this time, this issue will not be addressed in this BART order revision.''

The EPA agrees that any non-coal repowering, should TransAlta submit a Notice of Construction application in the future, is outside the scope of this current action focused on the improved

[1] On December 31, 2020, as scheduled, TransAlta shut down and ceased combustion of coal at BW21 (a.k.a. Unit #1). As noted by TransAlta, BW21 is retired from service. See December 31, 2020 email in the docket.

NO_X controls. Any future ''new source'' as defined in the SIP-approved provisions of Southwest Clean Air Agency (SWCAA) 400–030(77), would need to meet all CAA requirements for protection of the National Ambient Air Quality Standards (NAAQS) and regional haze. Specifically, SWCAA 400–030(77) states:

''New source'' means one or more of the following:

(a) The construction or modification of a ''stationary source'' that increases the amount of any air contaminant emitted by such ''stationary source'' or that results in the emission of any air contaminant not previously emitted;

(b) Any other project that constitutes a ''new source'' under the Federal Clean Air Act;

(c) Restart of a ''stationary source'' after permanent shutdown;

(d) The installation or construction of a new ''emission unit'';

(e) Relocation of a ''stationary source'' to a new location, except in the case of portable sources operating under a valid permit as provided in SWCAA 400–110(6);

(f) Replacement or modification of the burner(s) in a combustion source; or

(g) Modification of a combustion source to fire a fuel that the source was not previously capable of firing.

Any ''new source'' as described by the requirements above would require a separate action, subject to public participation requirements, under the SIP-approved new source review permitting provisions of SWCAA 400 or Chapter 173–400 Washington Administrative Code (WAC) for Prevention of Significant Deterioration (PSD) provisions implemented directly by Ecology.

V. Proposed Action

The EPA proposes to approve and incorporate by reference into the Washington SIP the 2020 BART Order 6426 for the TransAlta Centralia Generation Plant, state effective July 29, 2020.[2] The EPA is also proposing to remove from incorporation by reference the First Revised BART Order 6426 for the TransAlta Centralia Generation Plant, state effective December 13, 2011.[3] The EPA proposes to find that the changes are designed to improve the operation of pollution controls at the plant and are consistent with regional haze and other CAA requirements.

VI. Incorporation by Reference

In this document, the EPA is proposing to include in a final 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 2020 BART Order 6246 to TransAlta Centralia Generation Plant, state effective July 29, 2020, as described in Section III of this preamble. Also, in this document, the EPA is proposing to remove, 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 remove the incorporation by reference of the first revised BART Order 6246 to TransAlta Centralia Generation Plant, state-effective December 13, 2011, as described in Section V 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 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. 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, the 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);
- 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 the requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe, and other tribes located in Washington, in a letter dated September 4, 2020.

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.

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

[2] In the Matter of an Administrative Order Against, TransAlta Centralia Generation LLC, Second Revision: Order No. 6426, except the undesignated introductory text, the section titled ''Findings,'' and the undesignated text following condition 9, state effective July 29, 2020.

[3] In the Matter of an Administrative Order Against, TransAlta Centralia Generation LLC, First Revision: Order No. 6426, except the undesignated introductory text, the section titled ''Findings,'' and the undesignated text following condition 13, state effective December 13, 2011.

Dated: February 19, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–03988 Filed 3–5–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0115; FRL–10020–88–Region 5]

Air Plan Approval; Illinois; Multi-Pollutant Standards Rule, Control of Emissions From Large Combustion Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Illinois State Implementation Plan (SIP) to amend requirements applicable to certain coal-fired electric generating units (EGUs) in the Illinois Administrative Code (IAC), also known as the Multi-Pollutant Standards Rule. On January 23, 2020, the Illinois Environmental Protection Agency (IEPA) submitted a request to amend the provisions of the Multi-Pollutant Standards Rule in the Illinois regional haze SIP. EPA is proposing to approve the revision because it will result in a significant decrease in emissions of NO_X and SO_2, meets the applicable requirements of the Clean Air Act (CAA), and does not interfere with any applicable requirement concerning attainment and reasonable further progress.

DATES: Comments must be received on or before April 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2020–0115 at *http://www.regulations.gov* or via email to *blakley.pamela@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

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

I. What is the background for this action?

On June 24, 2011, IEPA submitted to EPA rules to address the visibility protection requirements of section 169A of the CAA and regional haze, as codified in 40 CFR 51.308. The submission included the provisions contained in 35 IAC Part 225 (Part 225): Section 225.233 Multi-Pollutant Standards (MPS) (hereafter the ''MPS Rule''). On July 6, 2012, EPA approved subsections (a), (b), (e), and (g) of Section 225.233 into the Illinois SIP. See 77 FR 39943.

The MPS Rule establishes control requirements and emission standards for oxides of nitrogen (NO_X), sulfur dioxide (SO_2), and emissions of mercury. The MPS Rule provides the owner of certain EGUs an alternative means to demonstrate compliance with the emission standards in 35 IAC 225.230(a).[1]

The owner of one or more EGUs are identified or referred to as a ''MPS Group'' in the MPS Rule. There are currently two MPS groups in Illinois: The Dynegy MPS Group and the Ameren MPS Group. The Dynegy MPS Group included EGUs at the following facilities: Baldwin Power Station, Havana Power Station, Hennepin Power Station, Vermillion Power Station, and Wood River Power Station. The Ameren MPS Group included EGUs at the following facilities: The Coffeen Power Station, Duck Creek Power Station, E.D. Edwards Power Station, Joppa Power Station, Newton Power Station, Hutsonville Power Station, and the Meredosia Power Station.

MPS Rule NO_X and SO_2 Emission Rates

The Dynegy MPS Group is required to comply with NO_X and SO_2 emission standards for the EGUs in section 225.233(e)(1) and (2). The MPS Rule requires the EGUs in the Dynegy MPS Group to meet a fleet-wide annual and ozone season NO_X emission rate of 0.10 pound/million British thermal units (lb/mmBtu), based on the greater stringency of a limit calculated from those units' base annual and ozone season NO_X rates beginning in 2012 and continuing in each calendar year thereafter. The MPS rule requires the EGUs in the Dynegy MPS Group to meet a fleet-wide annual SO_2 emission rate of 0.25 lb/mmBtu or a rate equivalent to 35 percent of the base rate of SO_2 emissions, whichever was more stringent, beginning in the 2015 calendar year. The Dynegy MPS Group is currently required to meet a fleet-wide annual SO_2 emission rate of 0.19 lb/mmBtu, which was calculated as 35 percent of the units' base rate of SO_2 emissions.

The Ameren MPS Group is required to comply with NO_X and SO_2 emission standards for the EGUs in section 225.233(e)(3). The MPS Rule requires the EGUs in the Ameren MPS Group to meet a fleet-wide annual NO_X emission rate of 0.14 lb/mmBtu and ozone season NO_X emission of 0.11 lb/mmBtu beginning in 2010. These units were then required to meet an annual NO_X emission rate of 0.11 lb/mmBtu beginning in 2012 and continuing in each calendar year thereafter. Beginning in the calendar year 2017, the Ameren MPS Group was required to meet a fleet-wide annual SO_2 emission rate of 0.23 lb/mmBtu.

MPS Group Changes Due to Change of Ownership

In 2013, the operating EGUs in the Ameren MPS Group were purchased by Illinois Power Holdings, LLC (IPH), a wholly owned, indirect subsidiary of Dynegy, Inc. (Dynegy). Dynegy purchased the EGUs at the Coffeen, Duck Creek, E.D. Edwards, Joppa, and Newton facilities. The EGUs at the Meredosia and Hutsonville facilities were transferred to AmerenEnergy Medina Valley Cogen LLC.

The following EGUs were permanently retired with this purchase:

[1] 35 IAC 225.230 contains Illinois' mercury emission standards for EGUs and is not part of the federally approved SIP.

Vermillion Units 1 and 2; Wood River Units 4 and 5; E.D. Edwards Unit 1; Newton Unit 2; Hutsonville Units 5 and 6; and Meredosia Units 1, 2, 3, 4, and 5. Therefore, the remaining permitted and operating EGUs owned by Dynegy include: Baldwin Units 1, 2, and 3; Havana, Unit 9; Hennepin Units 1 and 2; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Units 2 and 3; Joppa Units l, 2, 3, 4, 5, and 6; and Newton Unit l.

On January 23, 2020, IEPA submitted amendments to the MPS Rule as a revision to the Illinois regional haze SIP. These amendments will: (1) Combine the two existing MPS Groups of EGUs into one MPS Group; (2) require all subject EGUs as a group to comply with mass-based emissions limitations for annual NO_X and SO_2 emission limits, and NO_X emission limits for the ozone season; (3) add a requirement for the EGUs at the Joppa facility to comply with a combined annual SO_2 mass-based emissions limit; (4) require certain facilities that operate EGUs equipped with selective catalytic reduction (SCR) control to comply with a specific rate-based seasonal NO_X emissions limit and operational requirements; and (5) add requirements governing the transfer of EGUs from one group to a different owner or operator, shutdown of EGUs, recordkeeping and reporting.

II. What are the elements of the State's submittal?

The amendments to the MPS Rule are as follows:

Subsection 225.233(a): General

Subsection 225.233(a) sets forth the purpose and applicability of the MPS Rule to the owner of coal-fired EGUs. IEPA amended this subsection to establish one MPS Group that includes all of the EGUs owned and in operation by Dynegy. Thus, IEPA added subsection 225.233(a)(4)(A), which provides that, on and after January 1, 2019, the following EGUs shall be merged into a new MPS Group: Baldwin Units 1, 2, and 3; Coffeen Units 1 and 2; Duck Creek Units 1; E.D. Edwards Units 2 and 3; Havana Unit 9; Hennepin Units 1 and 2; Joppa Units 1, 2, 3, 4, 5, and 6; and Newton Unit 1. The MPS Rule further stipulates, ''If one or more of the listed EGUs are transferred to a different owner, such EGU or EGUs will become a separate MPS Group on and after the date of transfer. For purposes of this section, 'transfer' means sale, conveyance, transfer, or other change in ownership of an EGU.'' Also, IEPA added subsection 225.233(a)(4)(B) which states, ''No other EGUs except for those listed in subsection 225.233(a)(4)(A) are subject to the requirements of this Section.''

Subsection 225.233(e): Emission Standards for NO_X and SO_2

Subsection 225.233(e) contains the NO_X and SO_2 emissions standards applicable to the EGUs in each MPS Group. IEPA amended subsection 225.233(e) to include requirements that replace the existing annual emission rate-based NO_X and SO_2 emission limits, and NO_X seasonal emission limits with mass-based emissions limits. Below are the revised NO_X and SO_2 emission limits.

MPS NO_X Standards

In subsection 225.233(e)(1)(C), IEPA amended the MPS Rule by adding the requirement that, ''beginning in the calendar year 2019 and continuing in each calendar year thereafter, the owner and the operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO_X emissions in excess of 19,000 tons from all EGUs''. In subsection 225.233(e)(1)(D), IEPA amended the MPS Rule by adding the requirement that, ''beginning in the calendar year 2019 and continuing in each calendar year thereafter, from May 1 to September 30, the owner and the operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined NO_X emissions in excess of 11,500 tons from all EGUs.''

In subsection 225.233(e)(1)(E), IEPA amended the MPS Rule by adding a specific requirement for all existing EGUs currently equipped with selective catalytic reduction (''SCR'') control system to control NO_X emissions. Specifically, subsection 225.233(e)(1)(E) states that, ''on or after January 1, 2019, the owner and operator of any of Baldwin Units 1 and 2, Coffeen Units 1 and 2, Duck Creek Unit 1, E.D. Edwards Unit 3, and Havana Unit 9 are required to comply with a combined NO_X average emission rate of no more than 0.10 lb/mmBtu from May 1 to September 30.'' Additionally, subsection 225.233(e)(1)(E), requires that the owner and operator of the above-mentioned EGUs must operate each SCR control system in accord with limitations, manufacturers' specifications, and good engineering and maintenance practices.

MPS SO_2 Standards

In subsection 225.233(e)(2)(C), IEPA amended MPS Rule by adding a requirement that, ''beginning in the calendar year 2019 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO_2 emissions in excess of 34,500 tons from all EGUs.''

In subsection 225.233(e)(2)(D), IEPA amended MPS Rule by adding a requirement which applies only to EGUs at the Joppa facility. The rule stipulates that, ''beginning in calendar year 2019, continuing in each year thereafter, the owner or operator of Joppa Units 1, 2, 3, 4, 5, and 6 must not cause or allow to be discharged into the atmosphere combined annual SO_2 emissions in excess of 19,860 tons.''

Finally, IEPA revised MPS Rule by deleting subsection 225.233(e)(3) in its entirety because it contains the provisions relating to the EGUs formerly belonging to the Ameren MPS Group. The provisions for the Ameren Group are being subsumed/incorporated into the applicable requirements for the new MPS Group identified in subsection 225.233(a).

Subsection 225.233(f): Transfer of EGUs in an MPS Group

IEPA amended the MPS Rule by adding subsection 225.233(f) to include requirements governing the transfer of EGUs in an MPS Group. Subsection 225.233(f)(1) adds requirements for transferring of EGUs in an MPS Group to a different owner and from the owner acquiring the EGUs; subsection 225.233(f)(2) adds requirements for allocating the amounts of emissions that would reduce the mass emission limit for annual NO_X and SO_2, ozone season NO_X values corresponding to the EGU or EGUs if they are transferred; and subsection 225.233(f)(3) adds notification of transfer requirements for both the transferring and acquiring owners.

In the case of a transfer, for the MPS Group from which EGUs are transferred, the combined emissions limitations for the MPS Group set forth in subsections 225.233(e)(l) and (e)(2), as applicable, must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in Columns A (Annual NO_X, in tons per year (TPY)), B (Seasonal NO_X, in tons), and C (Annual SO_2, in TPY), in subsection 225.233(f)(2) that are attributable to the transferred EGUs.

For a new MPS Group consisting of the acquired EGUs, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO_X emissions, combined seasonal NO_X emissions, and combined annual SO_2 emissions in

excess of the applicable annual NO_X, seasonal NO_X, and annual SO_2 limitation from all EGUs. The applicable annual NO_X, seasonal NO_X, and annual SO_2 limitations shall be the sum of the allocation amounts attributable to all EGUs in the MPS Group set forth in Columns A (Annual NO_X, in TPY), B (Seasonal NO_X, in tons), and C (Annual SO_2, in TPY), respectively, of subsection 225.233(f)(2).

Subsection 225.233(g): Permanent Shutdown of EGUs in an MPS Group

IEPA amended the MPS Rule to include requirements to address the permanent shutdown of EGUs in an MPS Group in subsection 225.233(g). Subsection 225.233(g) adds requirements for permanent shutdown of one or more EGUs in an MPS Group no longer subject to the MPS Rule. In the case of a permanent shutdown of one or more EGUs, the combined emissions limitations for the MPS Group in subsections 225.233(e)(1) and (e)(2) must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in set forth in Columns A (Annual NO_X, in TPY), B (Seasonal NO_X, in tons), and C (Annual SO_2, in TPY), respectively, of subsection 225.233(g)(2) to the shutdown EGU or EGUs. The owner and operator must comply with the adjusted emission limitations beginning with the compliance period or periods in which the shutdown occurs. The MPS Rule makes clear that it regulates the emissions of a permanently shut down unit during the compliance period or periods in which the permanent shutdown occurs, and the procedures that the owner must comply with to determine compliance with the adjusted emission limitations, and notification requirements.

Subsection 225.233(h): Temporary Shutdown of EGUs in an MPS Group

IEPA amended the MPS Rule to include requirements to address the temporary shutdown of one or more EGUs in an MPS Group in subsection 225.233(h). Subsection 225.233(h) contains the requirements for temporary shutdown of one or more EGUs in an MPS Group that do not produce electricity for sale during an entire compliance period. Similar to the requirements for permanent shutdown, the combined emissions limitations for the MPS Group in subsections 225.233(e)(1) and (e)(2) must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in set forth in Columns A (Annual NO_X, in TPY), B (Seasonal NO_X,, in tons), and C (Annual SO_2, in TPY), respectively, of subsection 225.233(h)(2) to the shutdown EGU or EGUs. The rule describes what a ''temporary shutdown'' means, and the procedures that the owner must follow to determine compliance with the adjusted emission limitations, and notification requirements.

Subsection 225.233(j): Recordkeeping

IEPA amended the MPS Rule to include a requirement to address recordkeeping in subsection 225.233(j). Subsection 225.233(j) adds the requirement that, beginning on January 1, 2019, and continuing each year thereafter, the owner and operator of the EGUs in an MPS Group must keep and maintain all records necessary to demonstrate compliance with Section 225.233. Also, the rule specifies that the records to be maintained shall include, but not be limited to, all emissions monitoring information gathered in accordance with 40 CFR 75, and copies of all reports and compliance certifications required under subsection 225.233(k).

Subsection 225.233(k): Reporting

IEPA amended the MPS Rule to include a requirement to address reporting to demonstrate compliance with the rule in subsection 225.233(k). Subsection 225.233(k), adds a requirement that beginning in year 2020, and continuing each year thereafter, the owner and operator of the EGUs in an MPS Group to submit reports to IEPA demonstrating compliance with MPS NO_X and SO_2 emission standards, transfer of EGUs, and the permanent and temporary shutdown of EGUs.

Subsection 225.233(l): EGU Shutdown

IEPA amended the MPS Rule by adding subsection 225.233(l) to include requirements to address the appropriate steps to permanently shutdown EGUs. Subsection 225.233(l) adds a provision that outlines for the owner or operator of the EGUs specified in subsection 225.233(a)(4)(A) the necessary procedures for documentation and notification to be given to the regional transmission operator, Midcontinent Independent System Operator (MISO), in order to obtain MISO approval to permanently cease operating one or more EGUs from the MPS Group with an aggregate capacity of at least 2,000 megawatts generation.

III. What is EPA's analysis of the State's submittal?

EPA is proposing to approve the revisions discussed above because the revisions meet all applicable requirements of the CAA, consistent with section 110(k)(3) of the CAA and the regional haze rule. Furthermore, the revisions do not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable CAA requirement, consistent with section 110(l) of the CAA.

A. The Revisions Do Not Interfere With the Regional Haze Rules Approved in the Illinois SIP

The proposed SIP revision does not interfere with the regional haze rules approved in the Illinois SIP. Illinois relied on emission reductions of NO_X and SO_2 already achieved through implementation of the MPS Rule in its SIP submittal to EPA for the regional haze SIP rules. Illinois has shown that the proposed SIP revisions will not result in an increase of emissions of NO_X or SO_2.

EPA has analyzed the historical emissions data from the subject facilities and assessed the impacts of the proposed amendments to the MPS Rule. The proposed amendments replace fleet-wide rate-based standards in the current MPS Rule with fleet-wide mass emission limits. This change in the method of measurement of emissions for compliance will result in lower allowable emissions from the operating EGUs that comprise the proposed combined MPS Group. The allowable emissions under the proposed mass-based emissions limits are being reduced to a level within the range of the actual emissions from the affected EGUs in the combined MPS Group during the years that the state implemented the most stringent rate-based emission limits in the current SIP.

Under the current MPS Rule the maximum allowable emissions of NO_X and SO_2 are not specified, but these allowable emissions have been calculated using the rated capacity of each of the units that will operate in the proposed combined MPS Group and the emission rate that applies to each such unit currently under the MPS Rule. The proposed amendments would limit the combined MPS Group to 34,500 tons of SO_2 annually rather than the calculated 66,354 tons of allowable annual emissions under the current MPS Rule. The proposed amendments would also limit the combined MPS Group to 19,000 tons of NO_X annually rather than the calculated 32,841 tons of allowable annual emissions under the current MPS Rule. Finally, the proposed amendments would limit the combined MPS Group to 11,500 tons of NO_X during the ozone season rather than the calculated 13,766 tons of allowable

annual emissions under the current MPS Rule. Note that these comparisons only consider the EGUs that will be in the new proposed MPS Group, rather than including all units that were part of both existing MPS Groups but have subsequently ceased operation.

In addition, EPA finds by comparison that the maximum allowable NO_X and SO_2 emissions from the EGUs for the proposed combined new MPS Group under the proposed mass emission limits will be less than the projected emissions as approved in the Illinois SIP for regional haze. The total of projected emissions set forth in the Illinois SIP for regional haze from all EGUs included in both current MPS Groups is 55,953 tons of SO_2 and 27,951 tons of NO_X annually. These differences reflect a total of 21,453 tons of SO_2 emissions and 8,951 tons of NO_X emissions less than projected in the Illinois SIP for regional haze. As such, the proposed mass-based emission limits for the combined new MPS Group are sufficient to limit total emissions of NO_X and SO_2 pollutants to less than the levels that were determined to be necessary to achieve the visibility improvement goals discussed in the Regional Haze SIP submittals, which satisfies the requirements under section 110(l) of the CAA.

Last, EPA finds that the proposed amendments strengthen the MPS Rule as a result of including additional requirements to ensure that the combined new MPS Group of EGUs do not exceed the annual NO_X and SO_2 emissions limits, and the ozone season NO_X emission limits.

B. The Revisions Do Not Interfere With Any Applicable CAA Requirement Under Section 110(l) of the CAA

Under section 110(l) of the CAA, EPA shall not approve a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 of the CAA) or any other applicable requirement of the CAA. The proposed SIP revisions would not interfere with any applicable CAA requirements based on technical analysis submitted by IEPA.

As discussed above, IEPA has shown that the revision will result in a reduction of NO_X and SO_2 emissions, which are the pollutants of concern. Furthermore, the emission standards under the amended MPS Rule are more stringent, replacing the rate-based annual emission limits for NO_X and SO_2, and NO_X for the ozone season, with mass-based emission limits for determining compliance.

Therefore, the proposed revisions are approvable under section 110(l) because: (1) The proposed changes to the SIP will make the emissions limits for NO_X and SO_2 more stringent; (2) the proposed changes will result in a significant decrease in emissions of NO_X, and SO_2; and (3) the changes are consistent with Illinois' long-term strategy for making reasonable progress toward meeting the visibility goals of section 169A of the CAA contained in the state's regional haze rules.

IV. What action is EPA taking?

EPA is proposing to approve a revision to the Illinois SIP to amend all the provisions of MPS Rule, Section 225.233, except for subsections 225.233(c), (d), and (i). IEPA submitted the proposed revisions to the MPS Rule on January 23, 2020.

V. Incorporation by Reference

In this rule, 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 Title 35 of Illinois Administrative Code Rule Part 225—Control of Emissions from Large Combustion Sources, Multi-Pollutant Standards—Section 225.233, except for subsections 225.233(c), (d), and (i), effective August 23, 2019. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 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 CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, 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, Nitrogen dioxide, Ozone, Particulate matter, Sulfur dioxide.

Dated: March 1, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–04749 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2021–0136; FRL–10020–59–Region 7]

Air Plan Approval; Missouri; Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) received on February 15, 2019. The submission revises Missouri's regulation that restricts the emissions of volatile organic compounds from wood furniture manufacturing operations in St. Louis City and Jefferson, St. Charles, Franklin, and St. Louis Counties. Specifically, the revisions to the proposed rule specify that this proposed rule only applies to sources that were existing at the time of the rule's promulgation, remove the unnecessary use of restrictive words, update references, and make minor clarifications and grammatical changes. These revisions do not have an adverse effect on air quality. The EPA's proposed approval of this proposed rule revision is being done in accordance with the requirements of the Clean Air Act (CAA). Approval of these revisions will ensure consistency between state and federally-approved rules.

DATES: Comments must be received on or before April 7, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2021–0136, to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will 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 ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: *stone.william@epa.gov.*

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

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2021–0136, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (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.*

II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Missouri SIP received on February 15, 2019. The revisions are to Title 10, Division 10 of the Code of State Regulations, 10 CSR 10–5.530 ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations'', which restricts the emissions of volatile organic compounds (VOC) from wood furniture manufacturing operations in St. Louis City and Jefferson, St. Charles, Franklin, and St. Louis Counties (hereinafter referred to in this document as the ''St. Louis Area''). These revisions are described in detail in the technical support document (TSD) included in the docket for this action.

Missouri received six comments from the EPA during the comment period. Missouri responded to all six comments, as noted in the State submission included in the docket for this action.

Missouri also provided supplemental information which is included in the docket that addressed the comments. The EPA is proposing to approve the revisions to this rulemaking because it will not have a negative impact on air quality.

III. Background

The EPA first approved 10 CSR 10–5.530 ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations'', into the Missouri SIP as a reasonably available control technology (RACT) rule on May 18, 2000 (65 FR 31489, May 18, 2000). At the time the rule was approved into the SIP, 10 CSR 10–5.530 applied to all wood furniture manufacturing installations throughout the St. Louis Area that had the potential to emit equal to or greater than twenty-five (25) tons per year of VOC.

By letter dated February 15, 2019, Missouri requested that the EPA approve revisions to 10 CSR 10–5.530 into the SIP. Section 110(l) of the CAA prohibits the EPA from approving a SIP revision that interferes with any applicable requirement concerning attainment and reasonable further progress (RFP), or any other applicable requirement of the CAA. The State supplemented its SIP revision with a August 1, 2019 letter in order to address the requirements of section 110(l) of the CAA.

IV. What is the EPA's analysis of Missouri's SIP revision request?

In its August 1, 2019 letter, Missouri states that it intended its RACT rules, such as 10 CSR 10 5.530, to solely apply to existing sources in accordance with section 172(c)(1) of the CAA.[1] Missouri states that although the applicability section of 10 CSR 10 5.530 specifies that the rule applies to all installations located throughout the St. Louis Area, the only facilities that met the applicability criteria of the rule were (1) K & R Wood Products Inc in St. Charles County, (2) Integram—St. Louis Seating in Franklin County, and (3) Lozier (Formerly Spartan) in Franklin County.

Missouri, in its August 1, 2019 letter, indicated K & R Wood Products Inc in St. Charles County, Integram—St. Louis Seating in Franklin County and Lozier (Formerly Spartan) in Franklin County all went ''out of business'' in 2009, 2010

[1] The EPA agrees with Missouri's interpretation of CAA section 172(c)(1) in regard to whether RACT is required for existing sources, but also notes that the State regulation establishing RACT may apply to new sources as well, dependent upon the State regulation's language.

and 2017, respectively. The EPA confirmed all three facilities are no longer in operation [2] and are therefore no longer subject to 10 CSR 10–5.530.

A fourth business, Artistic Wood of St. Louis Cuunty, was referenced in the St. Louis Ozone Nonattainment Area Rate Of Progress Plan which is included in the docket for this action. Missouri Department of Natural Resources (MoDNR) determined that Artistic Wood was never subject to the rule, because its potential to emit (PTE) was below the applicability threshold of 25 tons per year (tpy). This source went out of business in 2006.

A fifth business, Lami Wood Products of St. Charles County, is still in operation, but is not subject to the rule because the source has taken a federally enforceable voluntary permit limit. The intermediate operating permit, number OP2017–070, including this limit, was issued September 8, 2017 and is included in the docket for this action.

As stated above, Missouri contends that the applicability section of 10 CSR 10–5.530 may be revised to apply only to existing sources because section 172(c)(1) of the CAA requires RACT for existing sources. Because 10 CSR 10–5.530 was applicable only to sources that are out of business or have taken limits and are no longer subject to the rule, the rule no longer reduces VOC emissions. Because these facilities are no longer subject to the rule, the EPA believes the rule no longer provides an emission reduction benefit to the St. Louis Area and therefore approving the revisions to applicability portion of this rule will not have a negative impact on air quality.

Missouri's August 1, 2019 letter states that any new sources or major modifications of existing sources are subject to new source review (NSR) permitting. Under NSR, a new major source or major modification of an existing source with a PTE of 250 tpy [3] or more of any national ambient air quality standards (NAAQS) pollutant is required to obtain a Prevention of Significant Deterioration (PSD) permit when the source is in an area designated as attainment or unclassifiable, which requires an analysis of Best Available Control Technology (BACT) in addition to an air quality analysis and an additional impacts analysis. Sources with a PTE greater than 100 tpy, but less than 250 tpy [4], are required to obtain a minor permit in accordance with Missouri's NSR permitting program, which is approved into the SIP.[5] Further, a new major source or major modification of an existing source with a PTE of 100 tpy or more of any NAAQS pollutant is required to obtain a nonattainment (NA) NSR permit when the area is in nonattainment, which requires an analysis of Lowest Achievable Emission Rate (LAER) in addition to an air quality analysis, an additional impacts analysis and emission offsets. The EPA agrees with this analysis.

V. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The state provided public notice on this SIP revision from June 15, 2018, to September 6, 2018, and held a public hearing on August 30, 2018. The state received and addressed six comments from the EPA. As explained in more detail in the TSD which is included in the docket for this action, the SIP revision submission meets the substantive requirements of the CAA, including section 110 and implementing regulations.

VI. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–5.530 ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations.'' Approval of these revisions will ensure consistency between state and federally-approved rules. Based on analysis in the TSD included in the docket for this action, the EPA has determined that these changes will not adversely impact air quality.

The EPA is processing this as a proposed action because we are soliciting comments on the action. Final rulemaking will occur after consideration of any comments.

VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in a final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulations described in the proposed amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this

[2] The EPA reviewed MoDNR's website that lists active, issued permits to facilities in Missouri and did not observe a permit for these facilties. Further, the EPA reviewed EPA's ICIS-Air database which indicated that two of the facilties are ''permanently closed.'' The website for the third facility, Lozier, indicated no operations in the St. Louis Area.

[3] The PSD major source threshold for certain sources is 100 tpy rather than 250 tpy (see 40 CFR 52.21(b)(1)(i)(*a*) and 10 C.S.R. 10–6.060(8)(A)).

[4] Except for those sources with a PSD major source threshold of 100 tpy.

[5] The EPA's latest approval of Missouri's NSR permitting program rule was published in the **Federal Register** on October 11, 2016 (81 FR 70025).

rulemaking does not involve technical standards; and

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Volatile organic compounds.

Dated: February 22, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.530'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.530	Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations.	2/28/2019	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2021–04031 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 25, 27 and 101

[WT Docket No. 20–443, GN Docket No. 17–183, RM–11768 (Proceeding Terminated); FCC 21–13; FRS 17479]

Expanding Flexible Use of the 12.2–12.7 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on whether it could add a new Mobile allocation or expanded terrestrial service rights in 500 megahertz of mid-band spectrum between 12.2–12.7 GHz (12 GHz band) without causing harmful interference to incumbent licensees. Assuming the Commission could do so, it seeks comment on whether that action would promote or hinder the delivery of next-generation services in the 12 GHz band given the existing and emergent services offered by incumbent licensees. The Commission proceeds mindful of the significant investments made by incumbents and values the public interest benefits that could flow from investments made to provide satellite broadband services, particularly in rural and other underserved communities that might be more expensive to serve through other technologies. The Commission believes that it is appropriate, however, to initiate a rulemaking proceeding to allow interested parties to address whether additional operations can be accommodated in the band while protecting incumbent operations from harmful interference and for the Commission to assess the public interest considerations associated with adding a new allocation.

DATES: Comments due on or before April 7, 2021 and reply comments due on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by WT Docket No. 20–443 and GN Docket No. 17–183, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington DC 20554.

• Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health

and safety of individuals, and to mitigate the transmission of COVID–19.

• During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

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

FOR FURTHER INFORMATION CONTACT: Madelaine Maior of the Wireless Telecommunications Bureau, Broadband Division, at 202–418–1466 or *Madelaine.Maior@fcc.gov;* or Simon Banyai of the Wireless Telecommunications Bureau, Broadband Division, at 202–418–1443 or *Simon.Banyai@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), in WT Docket No. 20–443; FCC 21–13, adopted on January 2, 2021 and released on January 15, 2021. The full text of this document is available electronically via the FCC's website at *https://docs.fcc.gov/public/attachments/FCC-21-13A1.pdf* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://www.fcc.gov/ecfs.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this NPRM. The IRFA is set forth in Appendix A, visit *https://www.fcc.gov/edocs.*

Paperwork Reduction Act

This *NPRM* may contain potential new or revised information collection requirements. Therefore, the Commission seeks comment on potential new or revised information collections subject to the Paperwork Reduction Act of 1995. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the general public and the Office of Management and Budget to comment on the information collection requirements, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Ex Parte Rules

Pursuant to § 1.1200(a) of the Commission's rules, this *NPRM* shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

I. Background

1. In the United States, the 12 GHz band is allocated on a primary basis for non-Federal use for Broadcasting Satellite Service (BSS) (referred to domestically in the band as Direct Broadcast Satellite (DBS), Fixed Satellite Service (space-to-Earth) limited to non-geostationary orbit systems (NGSO FSS), and Fixed Service.[1] While these three services are co-primary, NGSO FSS and Fixed Service are allocated on a non-harmful interference basis with respect to BSS.[2]

[1] *See* 47 CFR 2.106, United States Table of Frequency Allocations, non-Federal Table for the band 12.2–12.7 GHz. NGSO FSS (space-to-Earth) operations are authorized pursuant to international footnote 5.487A, which provides additional allocations including in Region 2 as follows:

[The 12.2–12.7 GHz is] allocated to the fixed-satellite service (space-to-Earth) on a primary basis, limited to non-geostationary systems and subject to application of the provisions of [ITU Radio Regulations] No. 9.12 for coordination with other non-geostationary-satellite systems in the fixed-satellite service. Non-geostationary-satellite systems in the fixed-satellite service shall not claim protection from geostationary-satellite networks in the broadcasting-satellite service operating in accordance with the Radio Regulations, irrespective of the dates of receipt by the [ITU Radiocommunication] Bureau of the complete coordination or notification information, as appropriate, for the non-geostationary-satellite systems in the fixed-satellite service and of the complete coordination or notification information, as appropriate, for the geostationary-satellite networks, and [international footnote] No. 5.43A does not apply. Non-geostationary-satellite systems in the fixed-satellite service in the [12 GHz band] shall be operated in such a way that any unacceptable interference that may occur during their operation shall be rapidly eliminated.

47 CFR 2.106, n.5.487A. When an international footnote is applicable without modification to non-Federal operations, the Commission places the footnote on the non-Federal Table. *See* 47 CFR 2.105(d)(5).

[2] *See* 47 CFR 2.106, n.5.490 (International Footnote). In Region 2, in the 12.2–12.7 GHz band, existing and future terrestrial radiocommunication services shall not cause harmful interference to the space services operating in conformity with the broadcasting satellite Plan for Region 2 contained in Appendix 30. ''Harmful Interference'' is defined under the Commission's rules as ''[i]nterference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with the ITU Radio Regulations.'' 47 CFR 2.1(c).

2. NGSO FSS operators also have a non-federal co-primary downlink allocation and access to the 10.7–12.2 GHz band on a co-primary basis with Fixed Service in 10.7–11.7 GHz and on a primary basis from 11.7–12.2 GHz.[3] Meanwhile, the adjacent frequencies above the band, 12.7–12.75 GHz, are allocated for non-federal Fixed Service, FSS, and Mobile Service.

3. Currently there are three services authorized and operating in the band: DBS providers operating under the primary BSS allocation, Multi-Channel Video and Data Distribution Service (MVDDS) licensees operating on a non-harmful interference basis to DBS under the co-primary Fixed Service allocation, and NGSO licensees operating on a non-harmful interference basis to DBS under the co-primary NGSO FSS allocation. The Commission's rules enable sharing between co-primary NGSO FSS and MVDDS using a combination of technical limitations, information sharing, and first-in-time procedures.[4]

4. The Commission added the DBS allocation in the early 1980s [5] and DBS service began in 1994.[6] In 1996 and 2004, some of these licenses were awarded by competitive bidding.[7] In 2000, the Commission permitted a new terrestrial service, MVDDS, to operate in the 12 GHz band under the existing Fixed Service allocation on a co-primary, non-harmful interference basis to the incumbent DBS providers, and on a co-primary basis to NGSO FSS.[8] The Commission also adopted rules to permit NGSO FSS operations in the 12 GHz band at this same time.[9]

5. The service rules for MVDDS permit one-way digital fixed non-broadcast service, including one-way direct-to-home/office wireless service.[10] To protect DBS, the Commission adopted technical rules to ensure that MVDDS stations would not cause harmful interference to DBS and imposed extensive coordination requirements on MVDDS licensees for each proposed station.[11] These rules include detailed frequency coordination procedures, interference protection criteria, and limitations on signal emissions, transmitter power levels, and transmitter locations.[12] In particular, the rules limit the effective isotropic radiated power (EIRP) for MVDDS stations to 14.0 dBm per 24 megahertz (−16.0 dBW per 24 megahertz).[13]

6. To accommodate co-primary DBS earth stations that must be protected from interference caused by MVDDS, an MVDDS licensee may not begin operation unless it can ensure that the equivalent power flux density (EPFD) [14] from a proposed transmitting antenna does not exceed the applicable EPFD limit at any DBS subscriber location.[15] Specifically, an MVDDS licensee cannot begin operation in the 12 GHz band unless it can ensure that the signal from its proposed transmitting antenna will not exceed certain specified EPFD limits at the receive antennas of any DBS customers of record (*i.e.,* those who have had their antenna installed either before or within 30 days after the MVDDS licensee provides 90-days notice to DBS licensees of its intent to commence operations).[16] Accordingly, when an MVDDS licensee is proposing to deploy a transmitting antenna, it must conduct a survey of the area around its proposed transmitting antenna site to determine the location of all DBS customers of record that may potentially be affected by its service.[17] After coordinating a proposed transmitter with DBS licensees, the MVDDS licensee must remediate all complaints of interference to DBS customers of record for one year after it begins operating the transmitter.[18] Going forward, the burden shifts to DBS licensees for new customers (and after one year for the customers of record) to take into account the presence of the MVDDS operations and ensure that DBS subscribers do not suffer interference from previously coordinated MVDDS stations.[19] The Commission found that these and the other technical requirements would ensure that any interference caused to DBS customers

[3] *See* 47 CFR 2.106. *See also Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters,* Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809 (2017) *(2017 NGSO Order).* FSS is co-primary with Fixed Service for individually licensed earth stations. Individually licensed FSS earth stations require coordination with co-primary Fixed Service. The *2017 NGSO Order* also adopted rules to allow blanket earth station licensing for NGSOs in the 10.7–11.7 GHz band on an unprotected basis relative to terrestrial Fixed Service. As a result, blanket earth station licenses for NGSOs cannot claim interference protection from terrestrial Fixed Service in the band. *Id.* at 7817, paras. 24–25.

[4] *See* 47 CFR 101.113(a) n.11, 101.147(p).

[5] *See Inquiry into the Development of Regulatory Policy in Regard to Direct Broadcast Satellites for the Period Following the 1983 Regional Administrative Radio Conference,* Report and Order, 90 FCC2d 676 (1982), recon. denied, 53 RR2d 1637 (1983).

[6] *See Revision of Rules and Policies for the Direct Broadcast Satellite Service,* Report and Order, 11 FCC 9712 (1995). DBS operations are subject to the International Telecommunication (ITU) Radio Regulations BSS and Feeder Link Plans contained in Appendices 30 and 30A.

[7] In 1996 the Commission held two auctions for DBS orbital slots at 110° and 148° in 1996. *See, e.g., https://www.fcc.gov/auction/8; https://www.fcc.gov/auction/9.* In 2004, the Commission held an auction for three licenses for certain channels at DBS orbital slots at 175,° 166° and 157° but this auction was nullified. *See Direct Broadcast Satellite (DBS) Service Auction Nullified: Commission Sets Forth Refund Procedures for Auction No. 52 Winning Bidders and Adopts a Freeze on All New DBS Service Applications,* Public Notice, 20 FCC Rcd 20618, 20618 & n.3 (2005) (citing *Northpoint Technology, Ltd.* v. *FCC,* 412 F.3d 145 (DC Cir. 2005)). In its decision, the Appellate Court vacated and remanded the section of the DBS Auction Order that concluded that DBS is not subject to the auction prohibition of the Open-Market Reorganization for the Betterment of International Telecommunications Act, Public Law 106–180, 114 Stat. 48 section 647 (enacted Mar. 12, 2000), codified at 47 U.S.C. 765f (ORBIT Act). *Id.* at n.3

[8] *See Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band,* ET Docket No. 98–206, First Report and Order and Further Notice of Proposed Rule Making, 16 FCC Rcd 4096, 4177, para. 213 (2000) (*First R&O and FNPRM*).

[9] *Id.* at 4099–4100, para. 2; *see also Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-band,* IB Docket No. 01–96, Report and Order, 17 FCC Rcd 7841 (2002).

[10] *See* 47 CFR 101.1407 (two-way services can be provided using spectrum in other bands for the return link). *See also Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range,* Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614 (2002) (*MVDDS Second Report and Order*) (*aff'd Northpoint Technology, LTD et al.* v. *FCC,* 414 F.3d 61 (DC Cir. 2005)).

[11] *See* 47 CFR 101.1440.

[12] *See, e.g., MVDDS Second Report & Order,* 17 FCC Rcd at 9634–9664 paras. 53–125; 9690–9695 paras. 196–209; 47 CFR 25.139 (NGSO FSS coordination and information sharing between MVDDS licensees in the 12.2 GHz to 12.7 GHz band); 25.208(k) (Power flux density limits); 101.103 (Frequency coordination procedures); 101.105 (Interference protection criteria); 101.111 (Emission limitations); 101.113 (Transmitter power limitations); 101.129 (Transmitter location); 101.1409 (Treatment of incumbent licensees); 101.1440 (MVDDS protection of DBS).

[13] *See* 47 CFR 101.113(a) n.11; 101.147(p). The EIRP limit for MVDDS is expressed as a power spectral density, *i.e.,* 14 dBm *per 24 megahertz of spectrum.* Herein the Commission occasionally refers to EIRP levels in shorthand, *e.g.,* ''14 dBm.'' The Commission clarifies that these shorthand references are for convenience only.

[14] The EPFD is the power flux density produced at a DBS receive earth station, taking into account shielding effects and the off-axis discrimination of the receiving antenna assumed to be pointing at the appropriate DBS satellite(s) from the transmitting antenna of a MVDDS transmit station. 47 CFR 101.105(a)(4)(ii)(A).

[15] The Commission established different EPFD limits in four regions of the U.S., *see* 47 CFR 101.105(a)(4)(ii)(B), mainly due to differences in rainfall in each region. *See, e.g., MVDDS Second Report & Order,* 17 FCC Rcd at 9691, para. 197.

[16] *See* 47 CFR 101.1440(a).

[17] *See* 47 CFR 101.1440(b).

[18] *See* 47 CFR 101.1440(g).

[19] *See* 47 CFR 101.1440(e) & (g).

will not exceed a level that is considered permissible.[20]

7. The Commission also enabled sharing between co-primary NGSO FSS and MVDDS using a combination of technical limitations, information sharing, and first-in-time procedures.[21] Specifically, these two services gain priority based on a first-in-time, first-in-right approach, under which NGSO FSS receivers and MVDDS transmitting systems are afforded priority in the 12 GHz band portion of spectrum *vis-à-vis* each other based on which deployed earlier.[22]

8. Most recently, in 2016 and 2017, proponents of a new generation of NGSO FSS systems sought Commission authority for planned constellations of hundreds or thousands of small satellites using several frequency bands, including the 12 GHz band, and in 2017, the Commission updated its rules to enable the deployment of these emerging systems.[23]

9. Two U.S.-licensed DBS providers, DISH Network L.L.C. (DISH) and DIRECTV [24] use the band throughout the US to provide DBS directly from geostationary-orbit (GSO) satellites to relatively small dish antennas at tens of millions of individual homes and businesses. DIRECTV and DISH Network had over 22 million combined subscribers as of the third quarter of 2020.[25] Meanwhile, eight companies (10 legal entities) currently hold 191 of 214 MVDDS licenses.[26]

10. In April 2016, the MVDDS 5G Coalition, which included eleven of the twelve MVDDS licensees at that time, filed a Petition for Rulemaking requesting reforms to the rules for the 12 GHz band.[27] The Petition seeks commencement of a rulemaking proceeding to: (i) Add a Mobile allocation at 12.2–12.7 GHz to the Non-Federal Table of Frequency Allocations, (ii) delete or demote to secondary the ''unused'' NGSO FSS allocation in this band from the Non-Federal Table of Frequency Allocations, (iii) allow MVDDS licensees to provide two-way, point-to-point or mobile broadband service, (iv) eliminate the MVDDS effective isotropic radiated power (EIRP) limit, and (v) seek comment on easing the four regional equivalent power flux density (EPFD) limits.

11. The Coalition contended that the (then) 15-year-old MVDDS rules did not account for the ''urgent national priority'' to make additional spectrum available for 5G mobile services or the intervening technological developments that would now make it feasible to provide two-way mobile broadband services in the band while simultaneously protecting DBS from harmful interference.[28] The Coalition stated that ''5G services have unique attributes that facilitate sharing in high frequency bands, such as the MVDDS band, since they can be used in a localized way to provide capacity relief in urban canyons and indoors.'' [29] In conjunction with its Petition, the Coalition provided two Coexistence Studies that it claimed illustrate that the new rules it was proposing would protect DBS operators in the band but that they would be incompatible with NGSO FSS.[30]

12. In the intervening four years, the Commission has taken action to make additional spectrum available for 5G services.[31] In 2020, the Commission initiated a proceeding to consider rule changes to allow the provision of 5G backhaul and broadband to ships and aircraft in motion in the 70/80/90 GHz bands. Additionally in 2020, the Commission took action to make available 280 megahertz of 3.7–4.2 GHz band spectrum while relocating existing satellite operations to the upper part of the band. Also in 2020 the Commission modernized certain rules governing the 800 MHz and took action to expand unlicensed broadband opportunities in the 6 GHz band. In 2019 the Commission completed Auction 101, licensing 850 megahertz of spectrum for flexible use in the 28 GHz band. In

[20] *See, e.g., MVDDS Second Report & Order,* 17 FCC Rcd at 9640–9663 paras. 67–125, 9691–92, 198; *see also* 47 CFR 2.1 (defining harmful interference).

[21] *See* 47 CFR 101.113(a) n.11; 101.147(p).

[22] *See* 47 CFR 101.103(f)(1); *see also* 47 CFR 101.105(a)(4)(i) (limiting the PFD level beyond 3 km from an MVDDS station to -135 dBW/m^2 in any 4 kHz measured and/or calculated at the surface of the earth), 101.129(b) (prohibiting location of MVDDS transmitting antennas within 10 km of any qualifying NGSO FSS receiver absent mutual agreement of the licensees).

[23] *See Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters,* Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809 (2017) (*recon. pending*).

[24] DIRECTV became a subsidiary of AT&T in July 2015. *See, e.g., Applications of AT&T, Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations,* MB Docket No. 14–90, Memorandum Opinion and Order, 30 FCC Rcd 9131 (2015). Herein the Commission refers to AT&T and DIRECTV interchangeably.

[25] *See* S&P Market Intelligence, Multichannel Operators by DMA (Q3 2020).

[26] The remaining 23 licenses automatically terminated for failure to meet the buildout requirement. *See Requests of Three Licensees of 22 Licenses in the Multichannel Video and Data Distribution Service for Extension of Time to Meet the Final Buildout Requirement for Providing Substantial Service under § 101.1413 of the Commission's Rules, Applications of Three Licensees for Renewal of 22 Licenses in the Multichannel Video and Data Distribution Service,* Order, 33 FCC Rcd 10757 (WTB BD Oct. 29, 2018). *See also* Blumenthal DTV LLC, Call Sign WQAR709 (Terminated July 26, 2014).

[27] *Petition of MVDDS 5G Coalition Petition for Rulemaking,* RM–11768, filed Apr. 26, 2016 (MVDDS 5G Coalition Petition). *See also Petition for Rulemakings Filed,* Public Notice, Report No. 3042 (May 9, 2016) (Petition Public Notice). In its most recent filing, the Coalition's members were reported to be: Cass Cable TV, Inc. (Cass Cable), DISH Network L.L.C., Go Long Wireless, LTD. (Go Long Wireless), MDS Operations, Inc., MVD Number 53 Partners, Satellite Receivers, Ltd., SOUTH.COM LLC, Story Communications, LLC, and Vision Broadband, LLC (Vision Broadband). *See* Letter from Chad Winters, Cass Cable, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 1 (filed May. 28, 2019) (MVDDS 5G Coalition May 28, 2019 *Ex Parte*). The Commission notes that MDS Operations subsequently assigned its remaining 60 MVDDS licenses to RS Access.

[28] See MVDDS 5G Coalition Petition at 17–18; MVDDS 5G Coalition Reply at 3.

[29] MVDDS 5G Coalition Reply at 3. The Coalition notes that, ''with the emergence of 5G, higher spectrum bands can be used to provide much needed broadband capacity relief using targeted, small cell deployments (such as in buildings and at urban street level locations) that present a lower interference potential than traditional wide-area macrocell deployments in lower frequency bands. Additionally, advanced antenna techniques like ''beamforming'' and ''beamsteering'' allow better control of transmitter energy, enabling transmissions to be more narrowly focused to desired locations (and away from receivers with which they might interfere) dynamically.'' MVDDS 5G Coalition Petition at 18.

[30] MVDDDS 5G Coalition Comments, Attach. 1, MVDDS 12.2–12.7 GHz Co-Primary Service Coexistence (Coexistence 1) and MVDDS 5G Coalition Reply, Appx. A, MVDDS 12.2–12.7 GHZ Co-Primary Service Coexistence II (Coexistence 2) (collectively, Coexistence Studies).

[31] Since the Petition was filed in 2016, the Commission has taken action in several proceedings to make more than six gigahertz of spectrum available for 5G service, including 4,950 megahertz of high-band spectrum, over 500 megahertz of mid-band spectrum, and several swaths of low-band spectrum. *See e.g., Modernizing and Expanding Access to the 70/80/90 GHz Bands, et al,* Notice of Proposed Rulemaking and Order, 35 FCC Rcd 6039 (2020); *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz,* Report and Order, 35 FCC Rcd 3852 (2020); *Review of the Commission's Rules Governing the 896–901/935–940 MHz Band,* Report and Order, 35 FCC Rcd 5183 (2020); *Improving Public Safety Communications in the 800 MHz Band,* Report and Order, 35 FCC Rcd 4935 (2020); *Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services Closes; Winning Bidders Announced for Auction 103,* Public Notice, 35 FCC Rcd 2015 (2020); *Winning Bidders Announced for Auction of 28 GHz Upper Microwave Flexible Use Service Licenses (Auction 101),* Public Notice, 34 FCC Rcd 4279 (2019); *Auction of 24 GHz Upper Microwave Flexible Use Service Licenses Closes; Winning Bidders Announced for Auction 102,* Public Notice, 34 FCC Rcd 4296 (2019); *Transforming the 2.5 GHz Band,* Notice of Proposed Rulemaking, 33 FCC Rcd 4687 (2018); *Promoting Investment in the 3550–3700 MHz Band,* Report and Order, 33 FCC Rcd 10598 (2018); *Expanding Flexible Use of the 3.7 to 4.2 GHz Band,* Order and Notice of Proposed Rulemaking, 33 FCC Rcd 6915 (2018); *Incentive Auction Task Force and Wireless Telecommunications Bureau Grant 600 MHz Licenses,* Public Notice, 33 FCC Rcd 869 (2018). *See also* Federal Communications Commission, *The FCC's 5G FAST Plan, https://www.fcc.gov/5G* (last visited Jan. 7, 2021).

Auction 102, the Commission licensed 700 megahertz of spectrum for flexible use in the 24 GHz band. In Auction 103 the Commission licensed 3,400 megahertz of spectrum for flexible use in the upper 37 GHz band, the 39 GHz band, and the 47 GHz band. Also in 2019, the Commission proposed to reconfigure the 900 MHz band to facilitate the development of broadband technologies and services.[32] The Commission has also taken steps to provide new opportunities for innovators and experimenters between 95 GHz and 3 THz.[33] In 2018, the Commission proposed providing greater flexibility to current EBS licensees and new opportunities to obtain unused spectrum in the 2.5 GHz band [34] and changed the rules governing Priority Access Licenses (PALs) to spur 5G investment and deployment in the 3.5 GHz band. In 2017, the Commission completed Auction 1002, licensing 70 megahertz of spectrum for flexible use in the 600 MHz band.

13. The MVDDS 5G Coalition Petition also preceded a 2016 processing round to accept NGSO FSS applications and petitions for market access in several frequency bands and the Commission's reforms to its NGSO FSS rules.[35] In 2017, the Commission granted the first of the new generation requests—a petition for market access by WorldVu Satellites Limited (OneWeb) for a planned Low Earth Orbit (LEO) NGSO satellite system of 720 satellites authorized by the United Kingdom in the 10.7–12.7 GHz Band (in addition to several other bands).[36] The Commission concluded that ''the pendency of the MVDDS 5G Coalition's Petition for Rulemaking was not a sufficient reason to delay or deny these requests to use the band under the existing NGSO FSS allocation and service rules.'' [37] In granting this request, however, the Commission conditioned access to the 12 GHz band on the outcome of the MVDDS 5G Coalition's Petition and any other rulemaking initiated on the Commission's own motion.[38] The Commission also agreed with comments of the MVDDS 5G Coalition that MVDDS should not have to protect any non-fixed NGSO–FSS operations in the band, if authorized in the future, because such operations had not been contemplated under the longstanding first-in-time MVDDS/NGSO FSS sharing approach.[39]

14. The Commission subsequently granted five additional NGSO FSS requests to use bands that include 12 GHz band (among others).[40] Each grant is subject to modification to bring it into conformance with any rules or policies adopted by the Commission in the future; the market-access grants to Space Norway, Kepler, and Theia also state that this condition includes any earth station licenses granted in the future. In all but the *Space Norway Order,* the Commission expressly stated that the any investments made toward operations in the bands authorized in the United States assume the risk that operations may be subject to additional conditions or requirements as a result of any future Commission actions, and all of the orders directly or indirectly referenced the MVDDS 5G Coalition Petition.[41] Parties disagree about the scope and applicability of these conditions.[42]

15. Since the Commission granted these requests, OneWeb, Kepler Communications (Kepler) and SpaceX have launched the first satellites of their authorized constellations and additional launches are scheduled in 2021. To date, OneWeb has launched 110 satellites and Kepler has launched 2 satellites. SpaceX has deployed more than 900 satellites that use the 12 GHz band among other bands, which now makes it the largest satellite constellation in the world.[43] In addition, through the Commission's Rural Digital Opportunity Fund reverse auction, SpaceX received $88.5 million in annual support for ten years (or $885 million total) to provide broadband service to 642,925 locations.[44] SpaceX claims that its service is capable of providing downlink/uplink speeds of 103/42 megabits-per-second and a consistently observed median latency of 30 milliseconds.

16. In its most recent filing, the MVDDS 5G Coalition continues to ask the Commission to consider modernizing MVDDS rules and to protect MVDDS interests in the band. While the MVDDS 5G Coalition originally contended that 5G terrestrial use and NGSO FSS use are incompatible, other proponents of flexible use (such as two-way mobile)—including some of the members of the MVDDS 5G Coalition—recently have

[32] *Review of the Commission's Rules Governing the 896–901/935–940 MHz Band,* Report and Order, 35 FCC Rcd 5183 (2020).

[33] *FCC Opens Spectrum Horizons for New Services & Technologies,* Report and Order, 34 FCC Rcd 1605 (2019).

[34] *Transforming the 2.5 GHz Band,* Notice of Proposed Rulemaking, 33 FCC Rcd 4687 (2018).

[35] *See Satellite Policy Branch Information; OneWeb Petition Accepted for Filing (IBFS File No. SAT–LOI–20160428–00041), Cut-Off Established for Additional NGSO-Like Satellite Applications or Petitions for Operations in the 10.7–12.7 GHz, 14.0–14.5 GHz, 17.8–18.6 GHz, 18.8–19.3 GHz, 27.5–28.35 GHz, 28.35–29.1 GHz, and 29.5–30.0 GHz Bands,* Public Notice, 31 FCC Rcd 7666 (IB July 15, 2016).

[36] *See WorldVu Satellites Limited, Petition for Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System,* Order and Declaratory Ruling, 32 FCC Rcd 5366 (2017) (*OneWeb Order*).

[37] *Id.* at 5369 para. 6.

[38] *Id.* at 5378, para. 26 (''This grant of U.S. market access and any earth station licenses granted in the future are subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future.''). *See also id.* at 5369, para. 6 (''Accordingly, any investment made toward operations in this band by OneWeb in the United States assume the risk that operations may be subject to additional conditions or requirements as a result of such Commission actions.'').

[39] *Id.* at 5370 para. 8.

[40] *Space Norway AS, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the Arctic Satellite Broadband Mission,* Order and Declaratory Ruling, 32 FCC Rcd 9649 (2018) (*Space Norway Order*); *Karousel Satellite LLC, Application for Authority to Launch and Operate a Non-Geostationary Earth Orbit Satellite System in the Fixed Satellite Service,* Memorandum Opinion, Order and Authorization, 33 FCC Rcd 8485 (2018) (*Karousel Order*), *Space Exploration Holdings, LLC Application For Approval for Orbital Deployment and Operating Authority for the SpaceX NGSO Satellite System,* Memorandum Opinion Order and Authorization, 33 FCC Rcd 3391 (2018) (*SpaceX Order*), *Kepler Communications Inc. Petition for Declaratory Ruling to Grant Access to the U.S. Market for Kepler's NGSO FSS System,* Order, 33 FCC Rcd 11453, (2018) (*Kepler Order*), *Theia Holdings A, Inc. Request for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in the Fixed-Satellite Service, Mobile-Satellite Service, and Earth-Exploration Satellite Service,* Memorandum, Opinion and Authorization, 34 FCC Rcd 3526 (2019) (*Theia Order*).

[41] *See Space Norway Order,* 32 FCC Rcd at 9655, 9611, paras. 13, 27 (2017); *Karousel Order,* 33 FCC Rcd at 8486–87, paras. 3, n.14, 25(v) (2018); *SpaceX Order,* 33 FCC Rcd at 3399, 3401–02, 3407, paras. 19, 26, 40(r) (2018); *Kepler Order,* 33 FCC Rcd at 11455, 11462–63, paras. 4–5, 29 (2018), *Theia Order,* 34 FCC Rcd at 3539–40, 3548, paras. 36, 58 (2019).

[42] Space Exploration Technologies Corp. (SpaceX) argues that its authorizations are not conditional in 12 GHz band. *See, e.g.,* Letter from David Goldman, Director of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 2 (filed Nov. 5, 2020) (SpaceX Nov. 5, 2020 *Ex Parte*). DISH argues that ''every . . . Ku-band authorization is conditioned on the outcome of the 12 GHz petition.'' Letter from Jeffrey H. Blum, Executive Vice President, External and Legislative Affairs, DISH, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 2 (filed Nov. 12, 2020) (DISH Nov. 12, 2020 *Ex Parte*); *see also id.* at 1–2 citing *SpaceX Order,* 33 FCC Rcd 3391, n.88.

[43] In a March 2020 NGSO FSS processing round, these four companies filed additional applications to use the 12 GHz band. *See* SpaceX, SAT–LOA–20200526–00055; OneWeb, SAT–MPL–20200526–00062; New Spectrum Satellite, SAT–LOA–20200526–00060; Kepler, SAT–PDR–20200526–00059. These companies have also filed several applications for earth stations. *See, e.g.,* SpaceX Application File No. SES–LIC–20190211–00151; SpaceX File Nos. SES–LIC–20190402–00425, SES–LIC–20190402–00426, SES–LIC–20190402–00427, SES–LIC–20190402–00450, SES–LIC–20190402–00451, SES–LIC–20190405–00453; OneWeb Application File No. SES–LIC–20190930–01217; OneWeb Application File No. SES–LIC–20190930–01237.

[44] *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes: Winning Bidders Announced,* Public Notice, 35 FCC Rcd 13888, Appx. A. (2020).

suggested the possibility of sharing in the band.[45] Meanwhile, OneWeb, AT&T Services, Inc. (AT&T), SpaceX, Intelsat License LLC (Intelsat), SES S.A. (SES), Kepler, and others contend that sharing remains impossible between NGSO FSS and terrestrial two-way mobile operations.

II. Discussion

17. The Commission has long been committed to ensuring that spectrum is put to its highest and best use. As such, the Commission commence this rulemaking proceeding to consider whether the current rules for the use of 12 GHz best serve the public interest. As a threshold matter, therefore, the Commission seeks comment on how to weigh the spectrum the Commission has already made available for 5G over the past four years and the hundreds of satellites that have been launched by the NGSO FSS operators in considering whether it is technically feasible to add additional or expanded spectrum rights in the 12 GHz band without causing harmful interference to incumbent licensees (and, if so, whether a balancing of public interest benefits would support taking that step). In the sections below, the Commission seeks comment on two potential approaches to future use of the 12 GHz band: Increasing terrestrial use of the shared band or continuing with the current framework. The Commission seeks comment on each approach, including the costs and benefits, in order to pursue the Commission's goals of putting spectrum to its highest-value and most efficient use while protecting incumbent operations in the band from harmful interference.

A. Enhanced Opportunities for Shared Use of the Band

18. First, the Commission seeks comment on whether it can increase opportunities for shared use of the band while protecting incumbents from harmful interference. The MVDDS 5G Coalition argues that technological advances since the creation of MVDDS in 2000 justify revisiting the rules for terrestrial use of the band. Specifically, the MVDDS 5G Coalition asserts that terrestrial flexible use service is compatible with DBS service due to technological advances, such as targeted small-cell deployments and advanced antenna techniques like beamforming and beamsteering, which allow better control of transmitter energy and therefore can protect DBS. Other proponents of terrestrial, flexible use of the band similarly argue that developments since the MVDDS Petition was submitted in 2016 open up the possibility of coexistence between DBS, terrestrial flexible use, and NGSO FSS operations, and they maintain that the complex technical issues this raises warrant a new Commission rulemaking. As such, the Commission seeks comment on adding a mobile service allocation throughout the 12 GHz band, whether coexistence between and among these competing services is technically achievable and, if so, what mechanisms the Commission might consider in facilitating such coexistence.

19. The Commission notes that section 303(y) provides the Commission with authority to provide for flexible use operations only if: ''(1) such use is consistent with international agreements to which the United States is a party; and (2) the Commission finds, after notice and opportunity for public comment, that (A) such an allocation would be in the public interest; (B) such use would not deter investment in communications services and systems, or technology development; and (C) such use would not result in harmful interference among users.''[46] The Commission seeks comment on whether adding a mobile allocation to the 12 GHz band to allow flexible, terrestrial use is consistent with this provision.[47] In particular, the Commission seeks information on the status of technologies that have been developed or are currently in development that would allow for two-way mobile communications in the 12 GHz band, whether standards have been set related to such technologies, whether there are any international agreements on a band plan or air interface for the 12 GHz band, and the impact (if any) on international rights for U.S.-licensed systems that might be affected as a result of its providing for expanded shared use of the band.[48]

1. Protecting Satellite Incumbents From Harmful Interference

20. The Commission seeks comment on the technical parameters that could allow additional terrestrial use of the band without causing harmful interference to incumbent operators. Among other things, the Commission seeks comment on whether it should allow two-way communications and flexible use of the band as well as what technical parameters would be appropriate for such new terrestrial operations. For example, assuming existing MVDDS service rules as the baseline, should the Commission eliminate or modify the EIRP restriction for terrestrial operators of 14.0 dBm per 24 megahertz (−16.0 dBW per 24 megahertz)?

21. *Protecting DBS Operations.* The MVDDS 5G Coalition and others assert that coexistence is feasible between those conducting two-way mobile operations and existing and future DBS receivers. They maintain that terrestrial operators could apply existing technology profiles and newly available ultra-high resolution imagery, neither of which was available in 2002, with modest adjustments to terrestrial site locations and radio frequency design parameters. The Commission seeks comment on whether, and to what extent, the MVDDS 5G Coalition's proposed licensing of two-way, mobile operations in the band, and its proposed elimination of the EIRP limit, would substantially redefine the scope of DBS operators' obligations and potential burdens under the current regime. If flexible use is authorized in the band, should the burden of avoiding or correcting for interference to existing or future DBS subscribers be revised? Or should two-way and/or mobile licensees be subject to the same requirements for protecting DBS subscribers that currently apply to other services in the band? How could other factors—such as geographic separation, transmitter power constraints on terrestrial operations, and other siting parameters

[45] *See e.g.,* Letter from Martha Suarez, President, Dynamic Spectrum Alliance (DSA), to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 2 (filed Aug. 21, 2020) (DSA Aug. 21, 2020 *Ex Parte*); Letter from Trey Hanbury, Counsel, RS Access, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 2–3 (filed Sept. 21, 2020) (RS Access Sept. 21, 2020 *Ex Parte*); DISH Nov. 12, 2020 *Ex Parte* at 4 (stating that ''since the 2016 studies, developments in the satellite industry indicate that NGSO FSS constellations possess geostationary-like functions and properties that could prove more compatible with 5G services in the 12 GHz Band than the last-generation NGSO earth stations.'').

[46] Balanced Budget Act of 1997, Public Law 105–33, 111 Stat 251, 268–69 sec. 3005 Flexible Use of Electromagnetic Spectrum (codified at 47 U.S.C. 303(y)). *See also* 47 CFR 2.106, 27.2, 27.3.

[47] The Commission notes the 12 GHz band has not been proposed at the International Telecommunication Union (ITU) for 5G or International Mobile Telecommunications (IMT) use at this time. Intelsat Opposition at 3; MVDDS 5G Coalition Reply at 6; Letter From Grover G. Norquist, President, Americans for Tax Reform, *et al.,* to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 3 (filed Oct. 16, 2020) (ATR Oct. 16, 2020 *Ex Parte*); Letter from Thomas A. Schatz, President, Citizens Against Government Waste, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, at 3 (filed Oct. 22, 2020) (CAGW Oct. 22, 2020 *Ex Parte*). The Commission seeks comment on the pertinence of this observation.

[48] *See* Letter from David Goldman, Director of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC, Docket No. RM–11768, Attach. A, Questions Necessary to Balance the 12 GHz NPRM, at 3–4 (filed Jan. 6, 2021) (SpaceX Jan. 6, 2021 *Ex Parte*).

for flexible-use base stations—minimize the risk of interference to DBS users?

22. The MVDDS 5G Coalition asserts that sharing between two-way, higher EIRP mobile operations and DBS, is possible through careful selection of areas to deploy mobile broadband, modest adjustments to radiofrequency design parameters, elimination of interference through geographic separation, absorption in the clutter, transmitter power constraints on terrestrial operations, and other mechanisms. The Commission seeks comment on whether such an approach is feasible, both as a technical and a practical manner. The Commission seeks comment on the costs and benefits of such an approach.

23. The MVDDS 5G Coalition also suggests that keeping terrestrial signals below the applicable EPFD limit at all DBS antenna locations generally could avoid harmful interference to existing DBS subscribers regardless of the EIRP or whether the operations are fixed or mobile, or one- or two-way.[49] Do commenters agree? AT&T notes that DBS customers can install dishes anywhere on their premises and sometimes even on moving vehicles, and that DBS operators do not have access to granular location data for their receive terminal installations. Does the Coalition's proposed solution resolve that concern? Can cell-site EIRP or location be engineered to mitigate any potential interference? What are appropriate EIRP considerations for base and mobile stations? Given that all DBS earth stations look toward the southern sky for communication with GSO space stations orbiting at the equatorial plane, and given that high-gain antennas are necessary for base stations, can base station location and/or antenna orientation be situated to provide greater protection to DBS earth stations? What is the impact of base station height with respect to interference? Will lower base station height reduce the potential for interference to both DBS and NGSO? What are the potential costs associated with this solution?

24. AT&T counters that although one-way services currently permitted under MVDDS licenses may coexist with DBS, two-way mobile service would create an untenable interference environment for DBS subscribers. Specifically, AT&T contends that enabling two-way, mobile use—which would include transient signals from unpredictable locations and angles—would make it impossible to model and avoid interference to DBS receivers, and that it would be ''exceptionally difficult for the DBS operator to trace or identify'' the cause of interference as the signal moved. The Commission seeks comment on this view.

25. *Protecting NGSO FSS Operations.* SpaceX asserts the technical studies submitted by the MVDDS 5G Coalition demonstrate that ''while coexistence between DBS and 5G MVDDS would prove feasible within limits, coexistence between NGSO FSS and 5G MVDDS would not prove feasible, without substantial constraints on one or both services,'' and that ''MVDDS licensees cannot deploy two way 5G services in the 12.2–12.7 GHz band without overwhelming NGSO FSS operations, even under the current rules, notwithstanding new 5G deployment architectures and newly available high-resolution ground-obstacle data.'' SpaceX also points out that one such 2016 study assumes ''an overly optimistic 30dB of NGSO user antenna discrimination toward the horizon and still determines that extreme interference (C/I = 0dB) into the NGSO receiver will occur from a single 5G mobile device that is 1,000 meters away operating at EIRP of 23dBm per 24MHz in free space conditions.'' SpaceX argues that ''[e]xtending this analysis to a more relevant threshold of I/N of −6 to −12dB yields the conclusion that a single 5G mobile device could cause interference at a distance of greater than 10km in free space conditions,'' and that ''[m]ore than one 5G mobile device in the vicinity would increase this distance.'' Accordingly, SpaceX asks how DISH would ensure that its 5G mobile users are always tens of kilometers from the nearest NGSO user antenna on the ground, or approximately 10 kilometers away for single 5G mobile devices, with larger separation distances necessary for multiple 5G devices? Furthermore, it asks if such separation distances are really a practical solution as NGSO FSS users become ubiquitously deployed in the near future? Finally, it inquires if under this scheme, 5G operations in an area would cease operations if notified by an NGSO operator of observed interference?

26. DISH asserts that technological developments in the satellite industry may have increased the degree to which NGSO FSS constellations and flexible use, including two-way mobile service, may coexist. Specifically, DISH maintains that current-generation NGSO FSS constellations possess geostationary-like functions and properties that could prove more compatible with flexible use than last-generation NGSO earth stations. DISH asserts that to the extent NGSO FSS satellites maintain a highly elliptical orbit and time their active operations to align with the perigee of their orbit in a manner intended to simulate the operation of a GSO system,[50] such operations presumably would be in a better position to coexist with flexible use operations than a standard NGSO FSS system. DISH further contends that, given the large number of satellites contemplated by these systems, an NGSO FSS antenna should be expected to operate with a much narrower field of view as opposed to one encompassing all realistic azimuths and elevation angles. Thus, DISH asserts that, at some level of concentration, large numbers of NGSO FSS satellites could operate for interference purposes like fixed DBS licensees, because the receiving earth stations would be directed at a limited number of proximate points in low-Earth orbit instead of at a nearly limitless array of different points throughout the sky.

27. The Commission seeks comment on the technical analyses submitted to date, as well as further information and studies related to the feasibility, costs, and benefits of sharing among these services. To what extent does NGSO satellite systems operate in a manner described by DISH? In other words, do all NGSO systems operate in highly elliptical orbits or with earth stations pointed toward fixed locations in the sky? If not, are there plans for NGSO system operators to modify their systems in this manner? What would be the implication on latency for end users if NGSO FSS systems were modified to highly elliptical orbits? What is the practical range of azimuth and elevation angles over which NGSO earth stations are expected to operate? SpaceX notes that existing NGSO FSS systems are authorized to operate down to 10-degree elevation angles in the U.S. and questions whether terrestrial uses could be added to the band while still protecting NGSO licensees that use these elevation angles. What level of

[49] *See* MVDDS 5G Coalition Petition at 19; MVDDS 5G Coalition Comments at 6 & n.21 (citing Coexistence 1 at 4). AT&T had argued that there may be potential statutory issues including whether proposed two-way, mobile use of the band would require an independent technical analysis showing that DBS would be protected. AT&T Opposition at 2 & n.4 (citing section 1012 of the LOCAL TV Act). In December 2018, however, this provision the LOCAL TV Act was stricken. Public Law 106–553, 114 Stat. 2762, 265–66 sec. 1012 Prevention of Interference to Direct Broadcast Satellite Services, *stricken by* Public Law 115–334, 132 Stat. 4490, 4777–78 sec. 6603 Amendments to Local TV Act.

[50] A highly elliptical orbit is a highly eccentrical orbit with a low perigee and a high apogee. Perigee is the point in a satellite's orbit closest to the earth, while apogee is the point in orbit farthest from the earth. The orbital pattern follows the curve on an ellipse.

NGSO FSS satellite concentration would ensure that NGSO receiving earth stations would be directed at a limited number of proximate points in low-Earth orbit? How many earth stations do NGSO operators expect to deploy? What methods can base and mobile stations use to avoid causing harmful interference to NGSO receive stations? Commenters that contend that coexistence is feasible should address whether, given the existing technical rules, sufficient spectrum will be available to support new terrestrial service and describe the potential costs associated with any solution.

28. The Commission notes that NGSO interests and various other parties argue that expanding terrestrial rights to include flexible use, including two-way, mobile service in the 12 GHz band, could create harmful interference that would jeopardize their offerings, and undermine the investments that they have made in the band. The Commission seeks comment on the appropriate technical criteria that would be necessary to protect NGSO FSS from harmful interference from higher-power, two-way mobile operations. Would the existing interference criteria in the MVDDS rules be sufficient? [51] How would an NGSO FSS operator or subscriber identify the source of any interference received in the event that mobile operations are authorized in the band? SpaceX argues that, because the Commission has permitted blanket authorizations for earth stations in the band (enabling millions of consumer earth stations to ubiquitously proliferate), it would be impossible to track these consumer deployments in real-time, much less prevent harmful interference to them by transient and unpredictable mobile operations. SpaceX also points out that the sharing studies submitted by the MVDDS Coalition confirm that 5G use would clearly overwhelm NGSO FSS operations. Given the potential for NGSO FSS operations to provide much needed service in rural and other underserved areas, The Commission seeks comment on the costs and benefits of adding terrestrial two-way mobile services to the band.

29. In response to the assertions from SpaceX and other NGSO operators about the potential for harmful interference, DISH argues that NGSO FSS service is not dependent on the 12 GHz band; it contends that, ''[i]f the FCC were to repurpose the 12 GHz band for terrestrial 5G services, SpaceX would retain nearly 97% of all spectrum and nearly 94% of all space-to-earth spectrum made available for its proposed NGSO FSS system.'' In response, several NGSO operators argue that the entirety of the two gigahertz of spectrum from 10.7 GHz to 12.7 GHz currently licensed to several NGSO FSS operators for downlink operations is necessary for NGSO FSS deployment. SpaceX argues there are additional constraints in the other portions of 10.95–12.2; for example, 10.95–11.7 has further non-harmful interference protections due to terrestrial being primary, which could affect consumer earth stations in this portion of the band. Others argue that harmful interference to NGSO operators in the 500 megahertz of the 12 GHz band would negatively affect NGSO operators' ability to split equally the remaining 1.5 gigahertz of spectrum during in-line interference events. The Commission seeks comment on these views, but reiterate that it is focused on protecting incumbent licensees, including incumbent NGSO operators, from harmful interference in this proceeding.

30. *Other Technical Means of Protecting Satellite Incumbents.* One additional approach to protecting incumbents would be to restrict new terrestrial operations to indoor use. The Commission has adopted this approach to permit unlicensed devices to share spectrum with licensed services in several bands.[52] Such indoor devices could be used for providing internet connectivity as well as connecting internet-of-things devices in both consumer and industrial applications. The Commission's Technological Advisory Council 5G/IoT/O–RAN working group recommended that the Commission consider private spectrum for enterprise internet-of-things devices in locations such as confined geographic areas, buildings, and campuses. Could indoor 12 GHz unlicensed devices meet this need? Would restricting new terrestrial devices to indoor uses enable them to co-exist with satellite services? What power level would the indoor devices need to be limited to avoid causing harmful interference to satellite services (and would it be materially higher than if the Commission assumes outdoor use for the new terrestrial operations)? What would be the costs and benefits of this approach?

2. Assigning New Terrestrial Use Rights

31. The Commission next seeks comment on how it should assign any new terrestrial service rights. Given that MVDDS licensees themselves have terrestrial usage rights in large geographic areas across the United States, the Commission seeks comment on three approaches to authorize any new terrestrial rights in the band: (1) Modifying the licenses of existing licensees under section 316 of the Communications Act, (2) auctioning off overlay licenses in the band, and (3) authorizing underlay use of the band.

32. *First,* should the Commission consider modifying existing incumbent licenses using its section 316 authority to allow increased terrestrial operational flexibility? In this band, because there are several types of existing incumbents—DBS, MVDDS, and NGSO—there are several potential options for expanding terrestrial rights. One option would be to expand the rights of existing terrestrial licensees to allow them to provide 5G terrestrial services. For instance, when the Commission authorized mobile use in the 28 GHz band, it granted mobile rights to existing fixed licensees, after finding that such an approach would expedite service, and that separating ''fixed'' and ''mobile'' rights into different bundles could create unnecessary complexity and potential for interference. Similarly, the Commission has modified other licenses in the past to increase the flexibility afforded to incumbents to put spectrum to its highest and best use.[53] Do similar reasons support modifying the MVDDS licenses to incorporate greater flexibility? Or are there distinctions that suggest the Commission should adopt a different approach here?

33. Another option would be to grant flexible terrestrial use rights to the incumbent satellite operators. As

[51] *See* 47 CFR 101.113(a) n.11, (f)(1); 101.147(p). *See also* 47 CFR 101.105(a)(4)(i) (limiting the PFD level beyond 3 km from an MVDDS station to −135 dBW/m^2 in any 4 kHz measured and/or calculated at the surface of the earth), 101.129(b) (prohibiting location of MVDDS transmitting antennas within 10 km of any qualifying NGSO FSS receiver absent mutual agreement of the licensees).

[52] 47 CFR 15.407(d)(3); *Unlicensed Use of the 6 GHz Band,* Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852, 3888–89, paras. 98–103(2020); *Use of the 5.850–5.925 GHz Band,* First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification, ET Docket No. 19–138, FCC 20–164, para. 61 (adopted Nov. 18, 2020).

[53] *See, e.g., Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands* (2 GHz bands), WT Docket Nos. 12–70 and 04–356, ET Docket No. 10–142, Report and Order and Order of Proposed Modification, 27 FCC Rcd 16102, 16220–22, 16224, paras. 319–21, 331–32, (2012) (modifying incumbent MSS licensees to allow widespread terrestrial authorizations); *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band,* WT Docket No. 07–293, Report and Order and Second Report and Order, 25 FCC Rcd 11710, 11712, 11723, paras. 2, 29 (2010) (modifying rules to enable the deployment of mobile broadband services by incumbent terrestrial licensees).

SpaceX notes, the Commission granted terrestrial rights to the AWS–4 band to existing satellite licensees based on an assumption that closely coordinated satellite and terrestrial operations would be necessary to overcome interference issues. Would affording flexible use rights to incumbent satellite operators best ensure that these services do not experience harmful interference?

34. Under the current regulatory regime in the band, DBS operators have priority over the other services, including both MVDDS and NGSO licensees. Should the Commission grant flexible terrestrial use rights to DBS licensees based on their priority status? One of the potential challenges to such an approach, however, involves the different ways in which DBS rights and terrestrial rights are generally assigned. While the DBS operators have exclusive rights to transmit from each of their orbital slots, they have non-exclusive rights in terms of geographic coverage (*i.e.,* they jointly share the right to transmit across the United States using the 12.2–12.7 GHz band). In contrast, in order to encourage investment and innovation by terrestrial licensees, the Commission generally assigns new terrestrial use licenses on an exclusive geographic basis. Given that each DBS operator in the band uses the full 12 GHz band on a shared basis with the other DBS operator, if the Commission awarded flexible terrestrial use rights to both incumbents, how should the flexible terrestrial use rights be awarded? Could the Commission leave this matter to commercial negotiations between the parties? If so, would such an approach lead to an efficient outcome? If the Commission cannot rely solely on negotiation between the DBS operators, how would it reconcile conflicts between the DBS operators over how to apportion terrestrial rights? The Commission notes that, under section 309(j) of the Communications Act of 1934, as amended, if mutually exclusive applications for initial licenses are received, it must use competitive bidding to resolve the mutual exclusivity. The Commission seeks comment on whether, and how, the process of negotiating and assigning terrestrial rights to DBS operators could occur without triggering this requirement.

35. Alternatively, the Commission could grant flexible terrestrial use rights to NGSO operators in addition to DBS operators. The Commission notes that this option would create at least two complications. First, there would need to be negotiations between a significantly larger number of operators—there are currently only two DBS operators, while there have been six NGSO authorizations granted for use of the 12 GHz band. Second, the apportionment of terrestrial rights would be further complicated by the fact that one set of operators (DBS) currently has superior rights to the other set of operators (NGSO). Could the Commission rely on commercial negotiations to achieve an efficient outcome between these operators, and if not, would it be possible to resolve differences in a manner that both comports with section 309(j) and achieves an efficient and expeditious outcome?

36. *Second,* should the Commission auction overlay licenses for the band? Some commenters argue that this approach would ensure that the new flexible-use licenses are assigned to entities that are capable of rapidly deploying in the band. If the Commission was to adopt this overlay license approach, it expects that new licensees would not be able to deploy operations that would cause harmful interference to incumbent operations absent an agreement to the contrary. What rights, if any, should overlay licensees have to relocate incumbent operations? Specifically, should the Commission authorize only voluntary relocation of incumbent operations, either for a limited period or in perpetuity? [54] Or should the Commission allow mandatory relocation of such operations, either immediately or after some period of time to allow negotiations? If the Commission was to authorize mandatory relocation, should the new licensees be responsible for finding or consolidating incumbent operations (while ensuring such operators can continue with substantially similar operations and are held harmless financially)? Or should the Commission designate some portion of the 12 GHz band or another spectrum band for such relocation? What parameters would the Commission need to put down to ensure efficient use of new overlay licenses while protecting incumbents? Would a transition mechanism like the one used in 3.7–4.2 GHz, including accelerated relocation payments for incumbents to encourage them to voluntarily make the spectrum available for two-way mobile flexible use in an expeditious manner, be appropriate for some or all incumbents in this band? [55]

37. *Third,* should new terrestrial operations come in the form of an underlay? Under this type of approach, any additional terrestrial operations likely would need to be authorized at low power and would need to operate on an opportunistic basis, not causing harmful interference to—nor seeking protection from harmful interference by—the incumbent primary services in the band. For example, if the technical analysis were to show only that low-power, two-way operations were feasible, would a low-power, unlicensed underlay make the most sense, as advocated by Public Knowledge? Specifically, Public Knowledge argues that making 500 megahertz of spectrum available on an unlicensed or licensed-by-rule basis could allow for new Wi-Fi 6 uses which the Commission has previously supported in the 6 GHz proceeding. If the Commission adopts such an approach, could it rely on its traditional part 15 rules for such an underlay? Alternatively, should the Commission consider the auctioning of underlay licenses or licensing underlay use by rule? The Commission notes that any users of such an underlay would be required to fully protect all DBS, NGSO FSS, and MVDDS operations. Given this requirement, the Commission seeks comment on the costs and benefits of an underlay approach.

38. In deciding how to assign new terrestrial rights, the Commission notes that several commenters contend that MVDDS licensees have failed to provide meaningful commercial service in the band. As a construction requirement, MVDDS licensees must make a showing of substantial service at the end of five years into the license period and ten years into the license period.[56] The Commission established a safe harbor for MVDDS of actual delivery of service to customers via four separate transmitting locations per million

[54] In the 900 MHz Report and Order, the Commission realigned the band and established a transition mechanism based primarily on negotiations between prospective broadband licensees and existing narrowband incumbent licensees. *Review of the Commission's Rules Governing the 896–901/935–940 MHz Band,* Report and Order, Order of Proposed Modification, and Orders, WT Docket No. 17–200, FCC 20–67, (May 14, 2020).

[55] *See* 47 CFR 27.1411–27.1424, *Expanding Flexible Use of the 3.7 to 4.2 GHz Band,* GN Docket No. 18–122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020). *See also* AT&T Aug. 6, 2020 Ex Parte at 6.

[56] 47 CFR 101.1413(b) (''The substantial service requirement is defined as a service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal.''). At the end of each period, ''the Commission will consider factors such as: (1) whether the licensee's operations service niche markets or focus on serving populations outside of areas serviced by other MVDDS licensees; (2) whether the licensee's operations serve populations with limited access to telecommunications services; and (3) a demonstration of service to a significant portion of the population or land area of the licensed area.'' *Id.*

population in their license area.[57] The Commission is aware of only one current wide-area commercial MVDDS deployment, in Albuquerque, New Mexico.[58] Apart from the showing for the Albuquerque license, other licensees report meeting the Commission's substantial service construction requirement for each license based on the safe harbor for MVDDS. Although MVDDS licensees point out that they met the required construction benchmarks and claim that they have plans for future service, these licensees also contend that the current technical rules for MVDDS are prohibitively restrictive. Should the Commission delay expanding flexible-use rights in the 12 GHz band until such time as the Bureau resolves any issues associated with MVDDS licensee's substantial showing filings, as suggested by SpaceX? While the Commission expects that the Bureau will carefully examine the licensees' filings for compliance with the applicable rules, it also seeks comment on the current status of MVDDS network construction. In what areas are MVDDS licensees currently providing services and in what areas do licensees anticipate offering services in the near term?

3. Approaches to Sharing

39. If coexistence among the co-primary services, *i.e.,* DBS, NGSO FSS, MVDDS incumbents, and the proposed flexible-use service (*i.e.,* two-way, mobile service) is technically feasible without resulting in harmful interference to any incumbent service, the Commission next seeks comment on the appropriate means to facilitate such shared use. The Commission recognizes that its technical analysis as well as public interest considerations will guide its approach to sharing, and it seeks comment on whether particular approaches to sharing depend on certain results of its technical analysis (for example, is one approach more appropriate than another if it kept a maximum EIRP for terrestrial operations?).

40. *Service-Rule Sharing.* The Commission first seeks comment on whether the operating parameters proposed by the MVDDS 5G Coalition—specifically modifying the power levels available to terrestrial operations and modifying some of the coordination requirements—are sufficient to enable new terrestrial operations. What are the maximum power levels and the most flexibility that could be granted to new terrestrial operations with simple service-rule sharing while still protecting incumbents from harmful interference? Commenters should discuss the potential benefits and value of terrestrial operations under these conditions.

41. *Geographic Sharing.* Would geographic sharing protect and facilitate use of DBS and NGSO FSS in some areas without precluding new flexible-use deployment elsewhere? Would geographic sharing allow higher-power terrestrial operations in certain areas rather than others? How should such geographic sharing be structured? Do subscribers of satellite services typically receive these services in more rural areas? What are the propagation characteristics of this band with respect to mobile system coverage? What is the cell size? Like other, higher-frequency 5G bands, will cell size be limited to a few hundred meters based on line-of-site conditions? Can smaller sized cells provide the flexibility necessary to mitigate any potential interference with respect to DBS (or NGSO) satellite service operations either before or after deployment of the network? What are the potential costs and benefits of geographic sharing?

42. According to AT&T, the MVDDS 5G Coalition's proposal would result in ''some fixed, low-power base stations in 'unique geographic conditions' away from the millions of DBS users sprinkled through virtually every community, perhaps in 'urban canyons' or other places where satellites might not reach.'' The Commission seeks comment on this view.

43. *Dynamic Sharing Between Full Power Terrestrial and Satellite.* Federated Wireless claims that ''industry [has] confidence in the ability of dynamic spectrum sharing technologies to enable new and innovative uses in [ ] spectrum, while protecting incumbent operations.'' Parties such as DISH, DSA, Federated Wireless, Public Knowledge, RS Access, and WeLink argue that new dynamic spectrum sharing techniques, such as spectrum access systems (SASs) that were developed for the Citizens Broadband Radio Service and the automated frequency coordination (AFC) approach established for unlicensed access in the 6 GHz band, could facilitate increased terrestrial use of the 12 GHz band. How could dynamic sharing mechanisms facilitate continued use by DBS, NGSO FSS, and MVDDS incumbents, while also accommodating potential new uses such as two-way mobile service?

44. What improvements have there been in dynamic spectrum technology that might enable flexible use and sharing among these services? For example, are database-based coordination systems sophisticated enough to account for earth stations' receiving data from both thousands of NGSO satellites as well as DBS receivers, thus permitting mobile terrestrial use while preventing harmful interference to all incumbent users? How would such a system work? Is there any history of successful dynamic spectrum sharing involving widely deployed satellites and ubiquitous terrestrial services?

45. How long would it take to develop an automated frequency coordination mechanism for the services in this band? To what extent could the Commission leverage existing technologies (either the SASs created for the 3.5 GHz band or the AFC being developed for the 6 GHz band) to perform these functions? Would an entirely new system need to be developed? To the extent the Commission could repurpose an existing system, what benefits or trade-offs would there be between using an existing system versus creating an entirely new dynamic-use system specifically tailored to the 12 GHz band? Would such a spectrum sharing system be able to satisfy the spectrum access needs for all the current and potential future satellite and terrestrial operators? If so, would it be worth the cost and burden of such a system to the respective services?

46. If the Commission choose a dynamic sharing approach, it would propose to follow the existing prioritization of services for protection, with DBS continuing to receive the highest protection, followed by NGSO FSS and MVDDS. How should the Commission assign priority under this approach to new terrestrial operations? And should the Commission assign priority between NGSO FSS and MVDDS uses? Should the Commission continue to apply a ''first-in-time''

[57] *See Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range,* Memorandum Opinion and Order and Second Report and Order, ET Docket No. 98–206, 17 FCC Rcd 9612, para. 177 (2002).

[58] The MVDDS licensee in Albuquerque, New Mexico, reports that it has deployed a large-scale broadband internet service offering that reaches more than 900,000 people (or approximately 50 percent of the population) in the Albuquerque geographic license area. *See* RS Access, LLC, ULS File No. 0008742312, Required Notification for Call Sign WQAR 561, Substantial Service Showing Supplement at 43–49. ''To build a high-speed, high-power broadband network, RSA/MDS required a waiver from the FCC of certain MVDDS operating constraints—namely, the EIRP levels.'' *Id.* at 43 (note omitted). RS Access states that the waiver allows a single transmitter to replicate the service quality of multiple MVDDS transmitters operating elsewhere without a waiver. *Id.* at 43.

approach in the context of a more dynamic sharing environment?

47. The Commission seeks comment on how a dynamic sharing mechanism would incorporate legacy DBS consumer equipment? AT&T has expressed concern that DBS is unlike a fixed service because DBS receivers are deployed ubiquitously, with some installed on vehicles and thus effectively mobile, and because exact geographic coordinates are not known.[59] Could these conditions be remedied and could the Commission seek information to obtain greater granularity of location, information on DBS end-user equipment, the height of such equipment at the installation location and any technical aspects relevant for coordination? How would a dynamic frequency sharing coordination mechanism determine the presence and potential for interference from terrestrial services to DBS? How would such a mechanism incorporate legacy NGSO FSS consumer terminals? If current DBS or NGSO FSS end-user equipment or databases are not able to support some type of coordination mechanism, should the Commission adopt a requirement to incorporate such equipment going forward? Should legacy equipment be grandfathered and allowed to operate until a specified end date? The Commission notes that to receive protection from new proposed MVDDS transmitters, NGSO FSS licensees must already maintain a database of fixed subscriber earth stations, in a format that can be readily shared with MVDDS licensees.[60] Would such a database similarly facilitate protection from new terrestrial mobile two-way services? How should the Commission address any consumer privacy concerns, or protection of proprietary and confidential business information, that might arise from the use of one or more databases to facilitate shared use among competing services?[61]

48. If the Commission decides to give priority to new terrestrial flexible-use services, vis-à-vis NGSO FSS or MVDDS, should it consider an approach similar to that taken in the 3.5 GHz band, in which it auctioned Priority Access Licenses (PALs) to promote innovative use while protecting incumbents? Federated Wireless argues that the auction of PALs in 3.5 GHz band could serve as a model for how to facilitate shared use in the 12 GHz band. SpaceX, however, argues that there are important distinctions between the 3.5 GHz band and the 12 GHz band that make it infeasible to auction PALs in this band. For example, SpaceX asserts that there are far fewer earth stations in the 3.5 GHz band than the 12 GHz band because FSS use in the former is limited to international inter-continental systems and is subject to case-by-case electromagnetic compatibility analysis. In addition, according to SpaceX, blanket earth station licensing in 12 GHz means that there are many more receivers in the band that cannot be adequately tracked (including DBS receivers). The Commission seeks comment on these views.

49. More broadly, how would dynamic spectrum sharing affect existing services? Would it reduce the incentives of existing operators to invest in deployment? During the period in which a sharing technology was developed, would it prevent the band from being put to its most productive use? Or would it facilitate new investment and innovation in this band?

50. *Opportunistic Use of the Band.* Are there other approaches the Commission could adopt to enable operation of opportunistic use of the 12 GHz band? What technical and operational rules would be needed to ensure such systems do not cause harmful interference to incumbent systems? Considering the spectral needs of DBS, MVDDS, NGSO FSS, would there be usable spectrum in enough geographic areas to allow for more than *de minimis* opportunistic use? Would there be enough interest in such use to spur equipment manufacturing? Commenters that believe there is a potential approach should specifically address the potential value created through sharing and costs of the proposed solution.

51. DSA argues that the Commission could promote far more intensive use of the band by authorizing coordinated access to vacant 12 GHz spectrum on a secondary basis. It contends that such an approach would ''provide spectrum-as-infrastructure to fixed wireless ISPs and other broadband network providers [that operate] in underserved'' areas, including rural and tribal communities. DSA argues that the Commission could adopt rules for opportunistic access to locally vacant spectrum in the 12 GHz band that operate in much the same way as the 3.5 GHz band rules authorize General Authorized Access (GAA) to unused PAL spectrum. *Should* coordinated, shared use of the band for high-capacity fixed wireless services be authorized on an opportunistic, unlicensed, or licensed-by-rule basis?

52. Could the 12 GHz band support opportunistic use of unused spectrum on a localized basis, such as for high-capacity fixed wireless in rural and less densely populated areas? What technical and operational rules would be needed for such usage to ensure that incumbent services are protected from harmful interference? Would the benefits of opportunistic use outweigh the costs, such as the complexity it would create and the coordination burden it would place on incumbents?

53. Could such operation be permitted based on sensing technology or a database (such as a SAS)? What provisions would be needed under either type of regime to prevent harmful interference to other services?

B. Maintaining the Current Framework

54. Next, the Commission seeks comment on whether the costs of accommodating new services in the band, including the potential for adverse impact or additional burden on existing services, exceed the benefits. Several commenters argue that the existing rules and services in the band allow for intense and efficient use of this spectrum, and that changes to the band are therefore unnecessary. For example, SpaceX's Starlink system has commenced testing of its service in multiple states, and SpaceX asserts it will begin commercial broadband service to rural users by the end of 2020. SpaceX cites support from several organizations for its Starlink system, such as the Hoh Indian Tribe in Washington who has stated that ''because of NGSO service, the tribe 'finally has broadband, distributed to its community in only a matter of weeks' and that the Commission should 'maintain the careful and successful balance that allows the 12 GHz frequency band to provide this

[59] AT&T Oct. 16, 2020 *Ex Parte* at 2. According to AT&T, DBS receivers are tied to subscriber addresses, not specific coordinates, and subscribers have the right to move their dish from one location to another on their property without no notification requirement. *Id.*

[60] *See, e.g.,* 47 CFR 25.139(a) (requiring NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared with MVDDS licensees for the purpose of determining compliance with the MVDDS transmitting antenna spacing requirement relating to qualifying existing NGSO FSS subscriber receivers set forth in § 101.129); 101.103(f)(1) (prior to the construction or addition of an MVDDS transmitting antenna, the MVDDS licensee shall provide notice of intent to construct the proposed antenna site to NGSO FSS licensees operating in the 12 GHz band and maintain an internet website of all existing transmitting sites and transmitting antennas that are scheduled for operation within one year, including the ''in-service'' dates); 101.129(b) (MVDDS licensees must not locate transmitting antennas within 10 km of any qualifying NGSO FSS receiver); 101.1440(b) (for each proposed transmitter, MVDDS licensees must conduct a survey to determine the location of all DBS customers of record that may potentially be affected by the introduction of its MVDDS service).

[61] SpaceX Jan. 6, 2021 *Ex Parte,* Attach. A at 2–3.

service.' '' SpaceX was a winning bidder in the Rural Digital Opportunity Fund Phase I auction, where it won $888.5 million to deploy high-speed broadband to unserved homes and businesses over a ten-year period. SpaceX claims that its service is capable of providing downlink/uplink speeds of 103/42 megabits-per-second and a consistently observed median latency of 30 milliseconds. According to SpaceX, making changes to the band potentially could threaten its planned operations while doing little to close the digital divide. How might this uncertainty affect future investment in new systems, whether in 12 GHz or in other frequency bands? What actions can the Commission take in this proceeding to ensure that the locations successfully bid for through the RDOF process get access to the broadband internet access service committed to through that program? SpaceX further claims that NGSO systems have the potential to provide low latency 5G backhaul using 12 GHz band spectrum. Could maintaining the current framework allow NGSO-provided backhaul to proliferate? Alternatively, would allowing terrestrial mobile service in the band harm NGSOs' ability to provide backhaul? If terrestrial mobile and satellite-based backhaul services cannot both be provided in the band, then which service would best serve the public interest?

55. AT&T has repeatedly argued that adopting the proposals of the MVDDS 5G Coalition would not adequately protect DBS operations in the 12 GHz band, which potentially could result in ''an untenable interference environment'' for the tens of millions of DBS subscribers receiving programming via the 12 GHz Band. DISH, which is the other DBS provider in the band, disagrees and contends that MVDDS 5G Coalition's two technical studies have demonstrated that geographic separation, transmitter power constraints on MVDDS operations, and other siting parameters, as well as absorption due to clutter, can ensure that interference from terrestrial base stations to DBS users would rarely, if ever, occur. If the Commission maintains the current framework, then NGSO FSS and Fixed Service would continue to operate on a co-primary, non-harmful interference basis to DBS.[62] In that case, neither DBS nor NGSO FSS would be subjected to the uncertainty of new rules adopted for the band. Are the potential benefits of further action to facilitate flexible use for terrestrial services in the 12 GHz band outweighed by the potential uncertainty and the costs caused by granting terrestrial, flexible-use rights in this band? Should the Commission conclude that the appropriate balance between satellite and terrestrial use has already been struck by the framework currently in place, such that few or no revisions to the service rules are required?

56. As noted above, the Commission has made a substantial amount of spectrum available for 5G services in the period since the 5G MVDDS Coalition filed its Petition. In particular, since that time, the Commission completed the post-auction transition of the 600 MHz band, making 70 megahertz of low-band spectrum available for 5G. The Commission completed three auctions of millimeter-wave spectrum, putting nearly five gigahertz of high-band spectrum into the market. At least one nationwide service provider has characterized this spectrum as instrumental to its 5G deployment plans. As for mid-band spectrum, the Commission has repurposed 480 megahertz between 3550 and 3980 MHz and is on track to potentially repurpose an additional adjacent 100 megahertz in the 3.45 GHz band.[63] Have intervening developments over the past four years, including the Commission's work to make additional spectrum resources available for 5G and the number of NGSO systems that have been authorized to operate using 12 GHz band spectrum, counsel against making changes to the current framework for the 12 GHz band? The Commission values the public interest benefits that could flow from NGSOs offering an affordable solution for delivering high-speed internet services to communities that might be more expensive to serve through other technologies. How should the potential public interest benefits of those services be balanced by the Commission as it proceeds with this rulemaking?

57. The Commission noted in the *OneWeb Order,* 32 FCC Rcd 5366 (2017), that NGSO FSS operators have access to other frequency bands, ''such that even if NGSO FSS systems were precluded entirely from the 12.2–12.7 GHz band,'' OneWeb would still retain a measure of flexibility to provide its proposed services. Given the proliferation of NGSO authorizations and ongoing deployments, the Commission seeks comment on whether this remains the case, as well as the costs and benefits of maintaining the current framework. Additionally, the Commission adopted similar, though not identical, conditions in the various NGSO authorizations for use of the 12 GHz band. The Commission seeks comment on the various conditions included in the NGSO authorizations and what effect (if any) these variations should have on its analysis.

58. If the Commission maintains the current framework, should it make any revisions to the MVDDS technical rules within the existing regulatory framework so as to facilitate more robust terrestrial operations without causing harmful interference to satellite operations in the band?[64] The Commission notes that it contemplated that MVDDS service providers might petition for waivers of the technical rules and that, in denying a petition for reconsideration to increase the power limit for all MVDDS licenses, it was not prejudging whether a rationale for higher EIRP and EPFD limits in rural areas might have some technical merit in certain very specific circumstances. The Commission also stated that after it gained experience with MVDDS operations, it would entertain requests to modify the general EPFD and EIRP limits, if such experience provided sufficient justification for such action. The Commission invites comment on whether there are any other changes it could adopt in revising its existing rules that would improve the efficiency of incumbent use of the band.

III. Ordering Clauses

59. *It is ordered*, pursuant to the authority found in sections 1, 2, 3, 4, 5, 7, 301, 302, 303, 304, 307, 309, 310, and 316 of the Communications Act of 1934, 47 U.S.C. 151, 152, 153, 154, 155, 157, 301, 302, 303, 304, 307, 309, 310, and

[62] Under the approach that the Commission adopted for NGSO FSS and MVDDS sharing, first in-time NGSO FSS receivers and first in-time MVDDS transmitting systems are afforded more and easier use of the shared 12 GHz band than subsequent deployments. The Commission concluded that such a result is equitable and consistent with the co-primary status of NGSO FSS and MVDDS. *See MVDDS Second Report & Order,* 17 FCC Rcd at 9659, para. 111; *see also OneWeb Order,* 32 FCC Rcd at 5370 para. 8.

[63] *Auction of Priority Access Licenses in the 3550–3650 MHz Band Closes; Winning Bidders Announced for Auction 105,* Public Notice, 35 FCC Rcd 9287 (2020); *Expanding Flexible Use in the 3.7–4.2 GHz Band,* Report and Order, Order Proposing Modification, 35 FCC Rcd 2343 (2020), *Facilitating Shared Use in the 3100–3550 MHz Band,* Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 11078 (2020).

[64] *See, e.g., Wireless Telecommunications Bureau Seeks Comment on Petitions of Seven Licensees for Waiver of Multichannel Video Distribution and Data Service Technical Rules,* WT Docket No. 15–218, Public Notice, 30 FCC Rcd 9953 (WTB BD 2015) (petitioners seek waivers of 47 CFR 101.113 note 11, 101.147(p), 101.1407, and 101.1411(a), to use the 12 GHz band for two-way, point-to-point operation at an EIRP up to 55 dBm).

316, and §§ 1.407 and 1.411 of the Commission's rules, 47 CFR 1.407, 1.411, the petition for rulemaking filed by the MVDDS 5G Coalition, RM–11768, *is granted* to the extent discussed herein and otherwise *terminated, and this NPRM* in the captioned docket(s) *is adopted*.

60. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *NPRM,* including the IRAF, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04115 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–49; RM–11874; DA 21–158; FR ID 17525]

Television Broadcasting Services Augusta, Georgia

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Video Division has before it a petition for rulemaking filed November 27, 2020 (Petition) by Gray Television Licensee, LLC (Petitioner), the licensee of WRDW–TV (CBS), channel 12 (WRDW–TV or Station), Augusta, Georgia. The Petitioner requests the substitution of channel 27 for channel 12 at Augusta, Georgia in the DTV Table of Allotments.

In support of its channel substitution request, the Petitioner states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and also that the ''reception of VHF signals require larger antennas . . . relative to UHF channels.'' According to the Petitioner, ''many of its viewers experience significant difficulty receiving WRDW–TV's signal'' and its channel substitution proposal will allow WRDW ''to deliver a more reliable over-the-air signal to viewers.'' The Petitioner further states that operation on channel 27 will not result in any predicted loss of service and would result in a substantial increase in signal receivability for WRDW viewers.

We believe that the Petitioner's channel substitution proposal warrants consideration. Channel 27 can be substituted for channel 12 at Augusta, Georgia as proposed, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules at coordinates 33–24–37.0 N and 81–50–36.0 W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules.

DATES: Comments must be filed on or before April 7, 2021 and reply comments on or before April 22, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Joan Stewart, Esq., Wiley Rein LLP, 1776 Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Andrew Manley, Media Bureau, at (202) 418–0596 or *Andrew.Manley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–49; RM–11874; DA 21–158, adopted February 12, 2021, and released February 12, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, and 339.

■ 2. In § 73.622 in paragraph (i) amend the Post-Transition Table of DTV Allotments under Illinois by revising the entry for Superior and York to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Georgia	
* * * * *	
Augusta	27, 30, 31, 42
* * * * *	

[FR Doc. 2021–04719 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 86, No. 43
Monday, March 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request

AGENCY: U.S. Agency for International Development.

ACTION: Notice of information collection.

SUMMARY: The U.S. Agency for International Development (USAID), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on this information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) Whether the continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Send comments via email to the Industry Liaison at the United States Agency for International Development at *IndustryLiaision@usaid.gov* or contact Matthew Johnson: *matjohnson@usaid.gov* or 571–216–5328.

SUPPLEMENTARY INFORMATION:

OMB Number:

Form Number:

Title: USAID Partner Survey: Operating in the COVID–19 Environment

Type of Review: Emergency

Purpose

In response to COVID–19, USAID's top priority is to protect the safety, health, and security of our global workforce—including our Implementing Partners, in order to ensure that we can continue our life-saving mission across the world, and support partner countries in their response to COVID–19.

The purpose of this survey is to help USAID's COVID–19 Task Force to get an expansive view of our programs and the challenges being faced by our implementing partners. With this information, USAID hopes to identify opportunities to support implementing partners, programs, and partner countries during COVID–19.

Annual Reporting Burden

Respondents: 3,000.

Total annual response: 3,000.

Estimated Total Annual Burden Hours: 0.

Dated: March 3, 2021.

Mark Walther,

Director, Office of Acquisition and Assistance, Bureau for Management at the U.S. Agency for International Development (USAID).

[FR Doc. 2021–04782 Filed 3–5–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval To Reinstate an 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 intention of the National Agricultural Statistics Service (NASS) to seek reinstatement of an information collection, the 2022 Census of Agriculture.

DATES: Comments on this notice must be received by May 7, 2021 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0226, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (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: The 2022 Census of Agriculture.

OMB Control Number: 0535–0226.

Expiration Date of Previous Approval: November 1, 2019.

Type of Request: Intent to Seek Reinstatement of an Information Collection.

Abstract: The census of agriculture is the primary source of statistics concerning the nation's agricultural industry. It provides the only basis of consistent, comparable data for each county, county equivalent, and state in the United States and its outlying insular areas. The census is conducted every 5 years, the last one being for the reference year of 2017. The 2022 Census of Agriculture will again cover all agricultural operations in the 50 states, Puerto Rico, Guam, the U.S. Virgin Islands, the Commonwealth of Northern Mariana Islands (CNMI), and American Samoa which meet the census definition for a farm. For the 50 states, Guam, and CNMI, a farm is any place that produced and sold, or normally would produce and sell, $1,000 or more of agricultural products during the census reference year. For Puerto Rico and the U.S. Virgin Islands it is any place with $500 in production and sales. American Samoa is not limited by a threshold for production or sales and includes items grown for home consumption.

Data collection for the censuses of agriculture for the 50 states and Puerto Rico will be conducted primarily by

mail-out/mail-back procedures (U.S. Postal Service), internet, and with phone and field enumeration for targeted non-respondents. Data collection for Guam, the U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa will be conducted using direct enumeration methods only. For the 50 states, respondents will be contacted up to 7 times by mail (postcard announcement, 3 mailings of the questionnaire and internet access instruction, and postcard reminders) and additional telephone or personal interview follow-up for mail and internet non-respondents. Questionnaires returned by the Post Office as non-deliverable will be removed from the target population and subsequent mailings. Respondents who contact one of our phone centers to notify NASS of their farming status or to complete a questionnaire will also be removed from any subsequent mailings. In 2020, NASS conducted cognitive interviews of proposed changes to the 2022 Census of Agriculture using the Generic Testing docket (0535–0248). In December 2020 NASS began testing the 2022 Census of Agriculture and will continue testing through September 2021, using the Census Content Testing docket (0535–0243).

Four census of agriculture questionnaire versions will be used for the 50 states. One version will be used for Hawaii to contain tropical commodities unique to that state. One version will be used for Native Americans to accommodate operating structures unique to some tribal lands. One shorter version will target farm operations known to not have certain commodities or farming practices. A longer form will be used for the remaining farming operations. NASS is working to increase the speed and ease at which any respondent may fill out the form by incorporating improved screening questions in the internet version of the questionnaire that automatically skips questions that do not apply to a particular respondent. This reduces overall respondent burden, particularly for small operations and operations specializing in only a few commodities. A screening survey, conducted prior to the census, will enable NASS to eliminate non-farm operations from the census mail list and determine respondent eligibility for receiving the appropriate census mail package.

The census of agriculture is required by law under the ''Census of Agriculture Act of 1997,'' Public Law 105–113, 7 U.S.C. 2204(g). Response to the screening form, the census of agriculture and the census special study surveys are mandatory. The census special study surveys will be included under different OMB approvals. 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. The law guarantees farm operators that their individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only tabulated total data. These data are used by Congress when developing or changing farm programs. Many national and state programs are designed or allocated based on census data, *i.e.,* soil conservation projects, funds for cooperative extension programs, and research funding. Private industry uses the data to provide more effective production and distribution systems for the agricultural community.

Estimate of Burden: Public reporting burden for this collection of information will average about 50 minutes per census long form, 40 minutes per census short form, 30 to 50 minutes for U.S. territories, 15 minutes per screening form, and 2 minutes per refusal from all sources. Additional burden is allotted for instruction sheets, cover letters, and postcard reminders.

Respondents: Farm and ranch operators.

Estimated Number of Respondents: 4,320,000.

Estimated Total Annual Burden on Respondents: 2,960,000 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, March 2, 2021.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2021–04701 Filed 3–5–21; 8:45 am]

BILLING CODE 3410–20–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; Business and Professional Classification Report

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 minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Business and Professional Classification Report 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 May 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Business and Professional Classification Report in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0007, to the Federal e-Rulemaking Portal: *https://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *https://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 Scott Handmaker, Branch Chief, Classification Processing Branch, Economic Statistical Methods Division, (301) 763–7107, and *Scott.P.Handmaker@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the Business and Professional Classification Report to collect information from new businesses to obtain proper industry classification for use in economic surveys and the Economic Census. The survey, conducted quarterly, samples businesses with newly assigned Employer Identification Numbers (EINs) from the Internal Revenue Service (IRS). Businesses can only be selected once for the survey. The survey collects data about a business in such areas as: Primary business activity, company structure, size, and business operations. This information is used to update the sampling frame for current business surveys, which ensures high quality economic estimates. Additionally, by ensuring proper industry classification, this survey reduces burden for the businesses in the five-year Economic Census, as the questions in the census are tailored to the industry in which the business operates.

Respondents will choose the economic sector of their business and then select from a list of business activities. If the respondent does not see their business activity listed, then they will provide a brief description of their business activity. This is the same methodology that the Census Bureau uses in the Economic Census to assign industry classification.

Minimal changes will be made to the wording and organization of existing questions and instructions.

II. Method of Collection

The Business and Professional Classification Report is primarily collected via the internet and telephone follow-up. Those selected for the survey receive an initial letter informing the respondents of their requirement to complete the survey as well as instructions on accessing the survey. Responses will be due approximately 30 days from initial mailing. Respondents will also receive a due date reminder approximately one week before responses are due. After the due date, an overdue notice is sent to nonrespondents. Lastly, the Census Bureau will conduct telephone and email follow-up operations for nonresponse. Throughout the survey, telephone assistance is available for respondents with questions and for those that cannot report over the internet.

III. Data

OMB Control Number: 0607–0189.
Form Number(s): SQ–CLASS.
Type of Review: Regular submission, Request for an Extension, without Change, of Currently Approved Collection.
Affected Public: Business or other for profit and not-for-profit institutions.
Estimated Number of Respondents: 52,000.
Estimated Time per Response: 13 minutes.
Estimated Total Annual Burden Hours: 11,267.
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: Mandatory.
Legal Authority: Title 13, United States Code, Sections 131, 182, 193, 224, and 225.

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. 2021–04668 Filed 3–5–21; 8:45 am]
BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–15–2021]

Foreign-Trade Zone (FTZ) 31—Granite City, Illinois; Notification of Proposed Production Activity; M.M.O. Companies, Inc. (Disassembly of Firearms and Ammunition); Mascoutah and Edwardsville, Illinois

America's Central Port District, grantee of FTZ 31, submitted a notification of proposed production activity to the FTZ Board on behalf of M.M.O. Companies, Inc. (M.M.O.), located in Mascoutah and Edwardsville, Illinois. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 1, 2021.

The M.M.O. facility is located within Subzone 31E. The facility is used for the disassembly of firearms and ammunition as well as the modification of receivers. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt M.M.O. from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, M.M.O. would be able to choose the duty rates during customs entry procedures that apply to: Trigger groups, gas piston assemblies, sight assemblies, magazines, rail attachments, dust cover assemblies, muzzle device assemblies, bolt carriers, bolts, operating rods, cocking handles, carrying handles,

foregrips/handguards, buttstocks, pistol grips and bayonet lugs from military rifles; empty ammunition cartridge casings; smokeless ammunition powder; ammunition primer; pistol receivers; pistol barrels; slides, hammers, trigger groups, sights, magazines, grips, bolt carriers and bolts from pistols; foregrips, buttstocks, pistol grips, trigger groups, gas piston assemblies, sight assemblies, magazines, rail attachments, dust cover assemblies, muzzle device assemblies, bolt carriers, bolts, carrying handles, operating rods, cocking handles, sporting rifle receivers, sporting rifle barrels and sporting barreled receivers from rifles; shotgun barrels; shotgun receivers; and, foregrips, buttstocks, pistol grips, trigger groups, gas piston assemblies, sight assemblies, magazines, rail attachments, dust cover assemblies, muzzle device assemblies, bolt carriers, bolts, carrying handles, operating rods and cocking handles for shotguns (duty rate ranges from duty-free to 4.2%). M.M.O. would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Military rifles; machine guns; semi-automatic pistols; steel, aluminum and plastic pistol receivers; steel and plastic pistol barrels; semiautomatic rifles (centerfire); steel, aluminum and plastic rifle receivers; steel and aluminum rifle barrels; military shotguns; steel and aluminum shotgun barrels; semiautomatic shotguns; pump-action shotguns; steel, aluminum and plastic shotgun receivers; and, 5.56mm, 7.62mm, .223, .50BMG, .308, 9mm, .45ACP and .40 ammunition (duty rate ranges from duty-free to 13%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 19, 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 Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov.*

Dated: March 2, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–04718 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–35–2021]

Foreign-Trade Zone 44—Mt. Olive, New Jersey; Application for Subzone; All Ways Pacific LLC; Dayton, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the State of New Jersey Department of State, grantee of FTZ 44, requesting subzone status for the facility of All Ways Pacific LLC, located in Dayton, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 2, 2021.

The proposed subzone (16.86 acres) is located at 10 Sigle Lane, Dayton, New Jersey. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 44.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 19, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 3, 2021.

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

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov.*

Dated: March 2, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–04717 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–895]

Common Alloy Aluminum Sheet From India: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Jasun Moy or Nicolas Mayora, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8194 or (202) 482–3053, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** the preliminary affirmative determination in the LTFV investigation of aluminum sheet from India, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from India. For a complete description of the scope of this investigation, *see* Appendix I.

[1] *See Common Alloy Aluminum Sheet from India: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65377 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from India,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations for Manaksia Aluminum Company Limited (MALCO). For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Use of Adverse Facts Available

One of the respondents, Hindalco Industries Limited (Hindalco), failed to submit a timely response to Commerce's supplemental section A questionnaire and did not timely file an extension request. Therefore, in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce assigned Hindalco a rate based on partial adverse facts available (AFA). As discussed in the Issues and Decision Memorandum, we continue to find that the application of partial AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Hindalco.[6]

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce has determined that the estimated weighted-average dumping margin for MALCO is zero. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Hindalco. Consequently, the rate calculated for Hindalco is also assigned as the rate for all other producers and exporters.[7]

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Hindalco Industries Limited	47.92	44.64
Manaksia Aluminium Company Limited	0.00	0.00
All Others	47.92	44.64

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend the liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination,* except for those entries of subject merchandise produced and exported by MALCO. Because the estimated weighted-average dumping margin for MALCO is zero, we will not direct CBP to suspend liquidation of entries of the subject merchandise it produced and exported.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation

[3] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and Turkey: Scope Comments Decision Memorandum for the Final Determinations,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''Request for Documentation,'' dated November 17, 2020; *see also* Commerce's Letter, ''Request for Documentation,'' dated November 17, 2020; *see also* Hindalco's Letter, ''Common Alloy Aluminum Sheet from India: Hindalco Industries Limited's Response to Request for Documentation,'' dated November 25, 2020; and MALCO's Letter, ''Common Alloy Aluminium Sheet from India: Manaksia Aluminium Company Limited Responding to In-Lieu of Verification Questionnaire Response,'' dated November 27, 2020.

[6] *See* Issues and Decision Memorandum at Comment 2.

[7] *Id.* at Comment 19.

instructions will remain in effect until further notice.

Because the estimated weighted-average dumping margin for MALCO is zero, entries of shipments of subject merchandise from this company will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce also applies the exclusion from the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce will direct CBP not to suspend liquidation of entries of subject merchandise produced and exported by MALCO. However, entries of shipments of subject merchandise from this company in any other producer/exporter combination (*i.e.,* where MALCO is either the producer or the exporter, but not both), or by third parties that sourced subject merchandise from the excluded producer/exporter combination, will be subject to suspension of liquidation at the all-others rate.

Because the estimated weighted-average dumping margin is zero for the producer/exporter combination identified above, entries of shipments of subject merchandise from this producer/exporter combination will be excluded from the potential antidumping duty (AD) order. Such an inclusion will not be applicable to merchandise exported to the United States by this respondent in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce made an affirmative determination for countervailable export subsidies (*i.e.,* Advanced Authorization Program, Duty Drawback Program, Export Promotion of Capital Goods Scheme, Merchandise Export from India Scheme, and Export-Oriented Unit Scheme), Commerce has offset the estimated weighted-average dumping margins by the appropriate CVD rate.[8] In the companion CVD investigation, we have found export subsidies for all producers and exporters of subject merchandise. However, suspension of liquidation for provisional measures in the companion CVD case has been discontinued. Therefore, we are not instructing CBP to collect cash deposits based upon the estimated the estimated weighted-average dumping margins adjusted for export subsidies at this time. Any such adjusted cash deposit rate may be found in the ''Final Determination'' section above.

[8] *See Common Alloy Aluminum Sheet from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49631 (August 14, 2020), and accompanying Preliminary Decision Memorandum.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025,

7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Hindalco's Untimely Extension Request
Comment 2: Whether Commerce Should Continue to Apply Partial Adverse Facts Available (AFA) to Hindalco
Comment 3: Whether Commerce Should Deny Certain Price Adjustments for Hindalco
Comment 4: Whether Commerce Should Rely on FA for Hindalco's ''Deemed Export'' Sales
Comment 5: Whether Commerce Should Rely on FA for Hindalco's Home Market Warehousing Expenses
Comment 6: Whether Commerce Overstated the Affiliated Party Adjustment
Comment 7: Whether MALCO's Cost Information is Usable
Comment 8: MALCO's Missing Cost Data for U.S. Control Numbers (CONNUMs)
Comment 9: Appropriate Differential Pricing Methodology
Comment 10: Whether to Disallow Home Market Quantity and Early Payment Discounts
Comment 11: Whether Commerce Should Apply the Highest U.S. Commission Rate to All U.S. Sales
Comment 12: Whether to Disallow MALCO's Home Market Credit Expenses
Comment 13: Whether MALCO Has Properly Reported Its Packing Costs
Comment 14: Whether MALCO's Overall Costs Should Be Adjusted for the Cost of Home Market Returns
Comment 15: Whether MALCO's Reported Direct Materials Cost is Understated
Comment 16: Whether to Revise MALCO's General and Administrative (G&A) Expenses Ratio to Include Missing Expenses and to Correct the Cost of Goods Sold
Comment 17: Whether to Revise MALCO's Interest Expense Ratio
Comment 18: Constructed Value (CV) Profit
Comment 19: Selection of the All-Others Rate
V. Recommendation

[FR Doc. 2021–04726 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–896]

Common Alloy Aluminum Sheet From India: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of common alloy aluminum sheet (aluminum sheet) from India.

DATES: Applicable March 8, 2021

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros or Nathan James AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7425 or (202) 482–5305, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 2020, Commerce published the *Preliminary Determination* in the **Federal Register**.[1] In the *Preliminary Determination,* and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final determination of this CVD investigation with the final determination in the companion antidumping duty investigation of aluminum sheet from India.

A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The product covered by this investigation is aluminum sheet from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the Preliminary Determination. *See* Appendix I for the final scope of the investigation.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.[5]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in

[1] *See Common Alloy Aluminum Sheet from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49631 (August 14, 2020) (*Preliminary Determination*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Common Alloy Aluminum Sheet from India,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] See Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''Countervailing Duty Investigation of Common Alloy Aluminum Sheet from India: In Lieu of Verification Questionnaire,'' dated December 3, 2020.

the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, see Appendix II of this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to the subsidy rate calculations for Hindalco Industries Limited (Hindalco) and Manaksia Aluminium Company Limited (MALCO). For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act.

In this investigation, we continue to calculate the all-others rate using the weighted-average of the individual subsidy rates calculated for Hindalco and MALCO.[7]

Final Negative Determination of Critical Circumstances

Commerce determines that critical circumstances do not exist within the meaning of 703(e)(1) of the Act. For further information, *see* Issues and Decision Memorandum.

Final Determination

Commerce determines that the following countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent)
Hindalco Industries Limited[8]	35.25
Manaksia Aluminium Company Limited	4.89
All Others	30.15

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after August 14, 2020, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective December 12, 2020, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries from August 14, 2020, through December 11, 2020.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of aluminum sheet from India. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured or threatened with material injury. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 771(i) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The product covered by this investigation is common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut- to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] Both companies reported their respective sales values as public information.

[8] As discussed in the Preliminary Decision Memorandum, Commerce has found the following company to be cross-owned with Hindalco: Utkal Alumina International Limited.

that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-l9, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Final Negative Determination of Critical Circumstances
V. Subsidies Valuation
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Analysis of Programs
VIII. Discussion of the Issues
Comment 1: Whether To Exclude the Subsidy Rate for the Provision of Coal for Less Than Adequate Remuneration (LTAR) From the All-Others Rate
Comment 2: Whether To Reconsider Initiation of New Subsidy Allegations (NSAs)
Comment 3: Whether Commerce Appropriately Initiated the Investigation After the Government of India (GOI) Withdrew From Consultations
Comment 4: Whether Commerce Conducted a Selective/Incomplete Investigation
Comment 5: Whether the GOI has an Effective System in Place To Confirm Input Consumption
Comment 6: Whether the Provision of Coal for $LTAR_{Is}$ Countervailable
Comment 7: Whether Water for LTAR and Land for LTAR in the State of Gujarat Are Countervailable
Comment 8: Whether To Correct the Consumer Price Index (CPI) Rate Used in the Land for LTAR Benefit Calculation
Comment 9: Whether To Exclude Certain Rebates From the Duty Drawback Benefit Calculation
Comment 10: Whether To Correct the Duty Exemption Rate Used in the State Government of Madhya Pradesh (SGMP) Electricity Duty Exemption
Comment 11: Whether To Correct the Benefit Calculation Relating to the Export Promotion of Capital Goods Scheme (EPCGS)
Comment 12: Whether To Adjust the Inland Freight Benchmark Used in the Coal for LTAR Benefit Calculation
Comment 13: Whether To Apply Adverse Facts Available (AFA) to MALCO's EPCGS Usage
Comment 14: Whether To Correct the Discount Rate Used in the Export-Oriented Unit (EOU) Scheme Benefit Calculation
IX. Recommendation

[FR Doc. 2021–04728 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–825]

Common Alloy Aluminum Sheet From South Africa: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from South Africa is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4243.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from South Africa, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The product covered by this investigation is aluminum sheet from South Africa. For a complete description of the scope of this investigation, *see* Appendix I of this notice.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4]

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[1] *See Common Alloy Aluminum Sheet from South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65351 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from South Africa,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

Commerce is not modifying the scope language as it appeared in the *Preliminary Determination.*[5]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification and requested additional documentation and information to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[6]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* Comment 2 of the Issues and Decision Memorandum.[7]

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Hulamin Operations (Pty.) Ltd. (Hulamin Operations), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Hulamin Operations is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Hulamin Operations (Pty) Ltd	8.85
All Others	8.85

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of aluminum sheet from South Africa, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

[5] *See* Appendix I for the final scope of the investigation.

[6] *See* Commerce's Letter, ''Common Alloy Aluminum Sheet from South Africa: Hulamin Operations (Pty) Ltd. (Hulamin Operations): Questionnaire in Lieu of Verification,'' dated November 9, 2020; *see also* Hulamin Operations' Letter, ''Common Alloy Aluminum Sheet from South Africa: Hulamin Operations Proprietary Limited—Responses to Questionnaire in Lieu of Verification,'' dated November 18, 2020.

[7] *See also,* Memorandum, ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Hulamin Operations Proprietary Limited,'' dated concurrently with this notice, and Memorandum, ''Analysis Memorandum for the Final Determination of the Antidumping Duty Investigation of Common Alloy Aluminum Sheet from South Africa: Hulamin Operations (Pty) Ltd.,'' dated concurrently with this notice.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
Comment 1: U.S. and Home Market Packing Expenses
Comment 2: Whether to Rely on Hulamin Operations' Actual Base Metal Costs
V. Recommendation

[FR Doc. 2021–04734 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–855]

Common Alloy Aluminum Sheet From Brazil: Final Negative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are not being provided to producers and exporters of common alloy aluminum sheet (aluminum sheet) from the Brazil.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Jonathan Hall-Eastman or Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468 or (202) 482–7851, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 2020, Commerce published its Preliminary Determination.[1] On December 22, 2020, Commerce released its Post-Preliminary Decision.[2] In addition to the Government of Brazil, the mandatory respondents in this investigation are Companhia Brasileiro de Aluminio (CBA) and Novelis do Brasil Ltda. (Novelis Brasil). In the Preliminary Determination, and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailable duty (CVD) determination with the final antidumping duty determination.[3]

For a complete description of the events that followed the Preliminary Determination, see the Issues and Decision Memorandum.[4] The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at http://access.trade.gov. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn/index.html. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation (POI) is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Brazil. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[5] We received comments

[1] See Common Alloy Aluminum Sheet from Brazil: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination, 85 FR 49634 (August 14, 2020) (Preliminary Determination), and accompanying Preliminary Decision Memorandum.

[2] See Memorandum, ''Countervailing Duty Investigation of Common Alloy Aluminum Sheet from Brazil: Post-Preliminary Decision Memo,'' dated December 22, 2020 (Post-Preliminary Decision).

[3] See Preliminary Determination, 85 FR at 49634.

[4] See Memorandum, ''Issues and Decision Memorandum for the Final Negative Determination of the Countervailing Duty Investigation of Common Alloy Aluminum Sheet from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] See Memorandum, ''Scope Comments Decision Memorandum for the Preliminary Determinations,''

Continued

from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[6] Commerce is not modifying the scope language as it appeared in the Preliminary Determination. See Appendix I for the final scope of the investigation.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.[7]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II to this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.* , a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied, in part, on facts available pursuant to section 776(a) of the Act. Additionally, as discussed in the Issues and Decision Memorandum, because one or more respondents did not act to the best of their ability in responding to our requests for information, we drew adverse inferences, where appropriate, in selecting from among the facts otherwise available, pursuant to section 776(b) of the Act. For further information, *see* the section ''Use of Facts Otherwise Available and Adverse Inferences'' in the accompanying Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to the subsidy rate calculations for CBA. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (*ad valorem*)
Companhia Brasileiro de Aluminio.[9]	0.22 percent (*de minimis*)
Novelis do Brasil Ltda [10]	0.75 percent (*de minimis*).

Commerce has not calculated an all-others rate because it has not reached an affirmative final determination.

Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on August 14, 2020, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation of subject merchandise entered, or withdrawn from warehouse, on or after December 12, 2020, but to continue the suspension of liquidation of all entries from August 14, 2020, through December 11, 2020 for CBA and all producers/exporters not individually examined. Because Commerce has made a final negative determination of countervailing subsidies with regard to the subject merchandise, Commerce will direct CBP to refund or cancel all estimated duties deposited or securities posted as a result of the suspension of liquidation.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission of our final determination. As our final determination is negative, this proceeding is terminated in accordance with section 735(c)(2) of the Act.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to Administrative Protective Order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy,

dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[6] See Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[7] See Commerce's Letters, ''Questionnaire in Lieu of Verification for Companhia Brasileira de Alumino;'' and ''Questionnaire in Lieu of Verification for Novelis do Brasil Ltda.'' dated December 2, 2020; see also CBA's Letter, ''Common Alloy Aluminum Sheet from Brazil: Questionnaire in Lieu of Verification,'' dated December 10, 2020; and Novelis Brasil's Letter, ''Common Alloy Aluminum Sheet from Brazil: Novelis do Brasil Response to Questionnaire In Lieu of Verification,'' dated December 9, 2020.

[8] See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] Commerce has found the following companies to be cross-owned with CBA: Votorantim S.A. and its holding company; Votorantim Comercializadora de Energia Ltda.; CBA Machadinho Geração de Energia Ltda.; and CBA Energia Participações S.A.

[10] Commerce has found the following company to be cross-owned with Novelis: Novelis Inc.

clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Application of Adverse Facts Available (AFA) Concerning the Specificity of the Ex-Tarifario and Lei do Bem Programs
V. Subsidies Valuation
VI. Analysis of Programs
VII. Analysis of Comments
Comment 1: Whether Commerce Applied Appropriate Negligibility and *De Minimis* Thresholds
Comment 2: Whether Commerce Correctly Analyzed Benefit for the Integrated Drawback Program
Comment 3: Whether the Integrated Drawback Program Provides Excessive Remission
Comment 4: Whether Furnas' Sales of Electricity to Companhia Brasileiro de Aluminio (CBA) are a Countervailable Subsidy
Comment 5: Whether the Ex-Tarifario Program Provides a Financial Contribution and Is Specific
Comment 6: Whether Commerce Was Correct To Apply Adverse Facts Available (AFA) To Find the Lei do Bem Program *De Facto* Specific
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VIII. Recommendation

[FR Doc. 2021–04724 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–898]

Chlorinated Isocyanurates From the People's Republic of China: Preliminary Determination of No Shipments; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Heze Huayi Chemical Co., Ltd. (Heze Huayi) and Juancheng Kangtai Chemical Co., Ltd. (Kangtai), the only two companies subject to review, did not have any shipments of subject merchandise during the period of review (POR), June 1, 2019, through May 31, 2020.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Carey, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3964.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2020, Commerce initiated the administrative review of the AD order on chlorinated isocyanurates (chlorinated isos) from China covering the period June 1, 2019, through May 31, 2020.[1] The petitioners in this review are Bio-lab, Inc., Clearon Corp., and Occidental Chemical Corp. (collectively, the petitioners). This review covers two producers/exporters: Heze Huayi and Kangtai. On September 8, 2020, Heze Huayi and Kangtai both certified that their respective companies had no entries of subject merchandise during the POR.[2] Based on our review of U.S. Customs and Border Protection data, we preliminarily found that Heze Huayi and Kangtai had no entries of subject merchandise originating from China, that were subject to antidumping duties during the POR.[3]

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. For a full description of the scope of the order, *see* Preliminary Decision Memorandum.[5]

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 47731 (August 6, 2020).

[2] *See* Heze Huayi's Letter, ''Chlorinated Isocyanurates from the People's Republic of China: No Sales Certification,'' dated September 8, 2020; *see also* Kangtai's Letter, ''Chlorinated Isocyanurates from the People's Republic of China: No Sales Certification,'' dated September 8, 2020.

[3] *See* Memorandum, ''U.S. Customs and Border Protection (CBP) Data for Heze Huayi Chemical Co., Ltd. and Juancheng Kangtai Chemical Co., Ltd.,'' dated November 17, 2020.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review: Chlorinated Isocyanurates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *Id.*

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213.

Preliminary Determination of No Shipments

Based on the available record information, Commerce preliminarily determines that Heze Huayi and Kangtai had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum. Consistent with our assessment practice in non-market economy administrative reviews, Commerce is not rescinding this review for Heze Huayi and Kangtai, but intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.[6]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[7] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, and we did not self-initiate a review, the China-wide entity rate (*i.e.,* 285.63 percent) is not subject to change as a result of this review.[8] Aside from Heze Huayi and Kangtai, no other companies requested a review. For additional information, *see* the Preliminary Decision Memorandum.

Public Comment

In accordance with 19 CFR 351.309(c), case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of these preliminary results, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days of the date of publication of this notice.[11] Requests should contain: (1) The party's name, address and telephone number; (2) The number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[12] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuing the final results of this review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[13] We intend to liquidate entries containing subject merchandise exported by the companies under review that we determine in the final results to be part of the China-wide entity at the China-wide rate of 285.63 percent. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the existing producer/exporter-specific combination rate published for the most recent period; (2) for all Chinese exporters of subject merchandise that have not been found to be eligible for a separate rate, the cash deposit rate will be the China-wide rate of 285.63 percent;[14] and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: March 2, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2021–04765 Filed 3–5–21; 8:45 am]

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[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* the ''Assessment Rates'' section, below.

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[8] *See Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated Isocyanurates from the People's Republic of China,* 70 FR 24502, 24505 (May 10, 2005) (*Chlorinated Isos Investigation*).

[9] *See* 19 CFR 351.309(d)(1) and (2).

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.310(d).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See Chlorinated Isos Investigation.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–867]

Common Alloy Aluminum Sheet From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019. Further, Commerce determines that critical circumstances do not exist for all producers and exporters of aluminum sheet from Taiwan.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2670.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of sheet from Taiwan, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Taiwan. For a complete description of the scope of this investigation, *see* Appendix I to this notice.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making the final determination in this investigation.[5] However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[6]

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculations with respect to C.S. Aluminum Corporation (CSAC), the sole mandatory respondent in this investigation. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

Final Negative Determination of Critical Circumstances

Consistent with the *Preliminary Determination,* Commerce determines that critical circumstances do not exist within the meaning of 735(a)(3) of the Act. For further information, *see* Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for CSAC, the only individually examined exporter or producer in this investigation. Because the only individually calculated estimated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for CSAC is the estimated weighted-average dumping margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter or producer	Estimated weighted-average dumping margin (percent)
C.S. Aluminium Corporation	17.50

[1] *See Common Alloy Aluminum Sheet from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65361 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See Preliminary Determination,* 85 FR 65362.

[6] *See* Commerce's Letter, ''In Lieu of Verification Questionnaire,'' dated December 3, 2020; *see also* CSAC's Letter, ''Response of C.S. Aluminium Corporation to the Department's December 3 In Lieu of Verification Questionnaire,'' dated December 14, 2020.

Exporter or producer	Estimated weighted-average dumping margin (percent)
All Others	17.50

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Taiwan, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all other producers and exporters. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX–, 3XXX–, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes From the Preliminary Determination
IV. Final Negative Determination of Critical Circumstances
V. Discussion of the Issues
Comment 1: CSAC's Reported On-Schedule Delivery Discounts
Comment 2: Scrap Offset Adjustment
VI. Recommendation

[FR Doc. 2021–04727 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–801–001]

Common Alloy Aluminum Sheet From Serbia: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Serbia are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or Katherine Johnson, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3640 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Serbia, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The product covered by this investigation is aluminum sheet from Serbia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of on-site verification, we made certain changes to the margin calculation for Impol d.o.o. and Impol Seval, a.d. (collectively, Impol), the only mandatory respondent that participated in this investigation. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum. We made no change to the adverse facts available (AFA) rate applied to Otovici d.o.o., the mandatory respondent which failed to participate in this investigation, as we received no comments on the application of this rate and the facts have not changed with respect to this company.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Impol, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Impol is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol Seval, a.d.[6] ...	11.67
Otovici Doo	*25.84
All Others	11.67

*Margin is based on AFA.

[1] *See Common Alloy Aluminum Sheet from Serbia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65386 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Serbia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 9, 2020; *see also* Impol's Letter, ''Response to In Lieu of Verification Questionnaire,'' dated December 17, 2020.

[6] The final rate calculated for Impol in this investigation applies to subject merchandise produced by Impol Seval and exported by either Impol Seval (Serbia) or Impol d.o.o. (Slovenia).

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Serbia, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty (AD) order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes from the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Whether Commerce Should Apply Partial Adverse Facts Available (AFA) to Impol's Reported Yield Loss and Costs Associated with Non-Recoverable Scrap
Comment 2: Impol d.o.o.'s General and Administrative (G&A) Expenses
Comment 3: U.S. and Home Market Sales Databases
Comment 4: U.S. Credit Expenses
Comment 5: Selection of Appropriate Gross Unit Price in the Home Market
V. Recommendation

[FR Doc. 2021–04743 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–808; A–823–808]

Certain Cut-to-Length Carbon Steel Plate From the Russian Federation and Ukraine; Final Results of the Expedited Fourth Sunset Reviews of the Suspension Agreements

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that termination of the Agreement Suspending the Antidumping Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation (Russia) and the Agreement Suspending the Antidumping Investigation of Certain Cut-to-Length Carbon Steel Plate from Ukraine (collectively, Suspension Agreements) and the respective suspended investigations would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail are indicated in the ''Final Results of Reviews'' section of this notice.

DATES: Applicable: March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Rebecca Lee, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–6188, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2020, Commerce published the notice of initiation of these sunset reviews of the suspended antidumping duty investigations of certain cut-to-length carbon steel plate (CTL plate) from Russia and Ukraine, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] Pursuant to 19 CFR 351.218(d)(1)(i), Commerce received timely and complete notices of intent to participate in these sunset reviews from SSAB Enterprises LLC (SSAB) on November 13, 2020,[2] from ArcelorMittal USA LLC (AMUSA) [3] and Nucor Corporation (Nucor) [4] on November 16, 2020, and from JSW Steel (USA) Inc. (JSW) on November 18, 2020 [5] (collectively, domestic interested parties). On November 30, 2020, Commerce received adequate substantive responses from Nucor, AMUSA, and SSAB within the deadline specified in 19 CFR 351.218(d)(1)(i).[6] Commerce did not receive substantive responses from any respondent interested party for either sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited sunset reviews of these Suspension Agreements.

Scope of Reviews

The products covered by these Suspension Agreements include hot-rolled iron and non-alloy steel universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in the Suspension Agreements are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'') for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the Suspension Agreements is dispositive. Specifically excluded from the subject merchandise within the scope of these Suspension Agreements is grade X–70 plate.

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is provided in the respective accompanying Issues and Decision Memoranda.[7] The issues discussed in the Issues and Decision Memoranda include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the Suspension Agreements are terminated. The Issues and Decision Memoranda are public documents and are on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, complete versions of the respective Issues and Decision Memoranda can be accessed directly at *https://enforcement.trade.gov/frn.* The signed Issues and Decision Memoranda and the electronic versions of the Issues and Decision Memoranda are identical in content.

[1] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020).

[2] *See* Letter from SSAB, ''Notice of Intent to Participate in the Fourth Five-Year Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from Russia,'' dated November 13, 2020; Letter from SSAB, ''Notice of Intent to Participate in the Fourth Five-Year Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from Ukraine,'' dated November 13, 2020.

[3] *See* Letter from AMUSA, ''Cut-to-Length Carbon Steel Plate from the Russian Federation—ArcelorMittal USA LLC's Notice of Intent to Participate,'' dated November 16, 2020; Letter from AMUSA, ''Cut-to-Length Carbon Steel Plate from Ukraine—ArcelorMittal USA LLC's Notice of Intent to Participate,'' dated November 16, 2020.

[4] *See* Letter from Nucor, ''Cut-to-Length Carbon Steel Plate from the Russian Federation: Notice of Intent to Participate in Review,'' dated November 16, 2020; Letter from Nucor, ''Cut-to-Length Carbon Steel Plate from Ukraine: Notice of Intent to Participate in Review,'' dated November 16, 2020.

[5] *See* Letter from JSW, ''Cut-to-Length Carbon Steel Plate from the Russian Federation: Notice of Intent to Participate in Review,'' dated November 18, 2020; Letter from JSW, ''Cut-to-Length Carbon Steel Plate from Ukraine: Notice of Intent to Participate in Review,'' dated November 18, 2020.

[6] *See* Letter from Nucor, AMUSA, and SSAB, ''Certain Cut-to-Length Carbon Steel Plate from Ukraine: Domestic Interested Parties' Substantive Response to Notice of Initiation,'' dated November 30, 2020; Letter from Nucor, AMUSA, and SSAB, ''Certain Cut-to-Length Carbon Steel Plate from Russia: Domestic Interested Parties' Substantive Response to Notice of Initiation,'' dated November 30, 2020.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Agreement Suspending the Antidumping Duty Investigation of Certain-Cut-to-Length Carbon Steel Plate from Ukraine; Final Results,'' dated concurrently with and hereby adopted by this notice; *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Agreement Suspending the Antidumping Duty Investigation of Certain-Cut-to-Length Carbon Steel Plate from the Russia Federation; Final Results,'' dated concurrently with and hereby adopted by this notice (collectively, Issues and Decision Memoranda).

Final Results of Reviews

Pursuant to section 752(c) of the Act, Commerce determines that termination of the Suspension Agreements and suspended investigations of CTL plate from Russia and Ukraine would likely lead to continuation or recurrence of dumping at weighted-average margins up to 185.00 percent for Russia [8] and up to 237.91 percent for Ukraine.[9]

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 3, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–04736 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the Russian Federation,* 62 FR 61787, 61794 (November 19, 1997).

[9] *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Ukraine,* 62 FR 61754, 61766 (November 19, 1997).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–820]

Common Alloy Aluminum Sheet From Spain: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Whitley Herndon, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6274.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** the preliminary affirmative determination in the LTFV investigation of aluminum sheet from Spain, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we have made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Use of Adverse Facts Available

In the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce relied on partial facts otherwise available, with adverse inferences, for Aludium Transformacion de Productos, S.L. (Aludium), and entirely on facts otherwise available, with adverse inferences for Compania Valenciana de Aluminio Baux S.L.U.

[1] *See Common Alloy Aluminum Sheet from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65367 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter to Aludium Transformación de Productos S.L. (Aludium), ''Request for Documentation,'' dated November 20, 2020; *see also* Aludium's Letter, ''Common Alloy Aluminum Sheet from Spain: Aludium Transformación de Productos, S.L.'s Response to the Questionnaire in Lieu of Verification,'' dated November 30, 2020.

(Baux). For the final determination, we continue to find that the application of partial adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act, is warranted with respect to Aludium, and the application of total AFA, pursuant to sections 776(a) and (b) of the Act, is warranted with respect to Baux. For a discussion of the partial AFA applied to Aludium and the total AFA applied to Baux, *see* the Issues and Decision Memorandum.

Commerce has assigned to Baux's exports of the subject merchandise the rate of 24.23 percent, which is Aludium's highest transaction-specific margin.[6] Because this rate is not secondary information, but rather is based on information obtained in the course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce has determined a rate for Baux based entirely on section 776 of the Act. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Aludium. Consequently, the rate calculated for Aludium is also assigned as the rate for all other producers and exporters.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Aludium Transformacion de Productos, S.L.	3.80
Compania Valenciana de Aluminio Baux S.L.U./Bancolor Baux S.L.U.	** 24.23
All Others	3.80

** AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend the liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX–, 3XXX–, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise

[6] *See* Issues and Decision Memorandum.

remove the merchandise from the scope of this investigation if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Whether Commerce Should Apply Total or Partial Adverse Facts Available (AFA) to Aludium
Comment 2: Application of Partial AFA to Aludium's Date of Sale
Comment 3: Whether Section 232 Duties are ''Special Duties''
Comment 4: Denial of Aludium's Duty Drawback Adjustment
Comment 5: Substantial Transformation
Comment 6: Whether Commerce Should Evaluate Differential Pricing (DP) on a Monthly Basis
Comment 7: Whether Commerce Should Have Deselected Baux as a Mandatory Respondent
Comment 8: Whether the Number of Countries Commerce Initiated Upon Is Contrary to the World Trade Organization (WTO) Antidumping Agreement
V. Recommendation

[FR Doc. 2021–04722 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–484–804]

Common Alloy Aluminum Sheet From Greece: Final Negative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Greece are not being, or are not likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Samantha Kinney or Brian Smith, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2285 or (202) 482–1766, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Greece, in which we also postponed the final determination until March 1, 2021.[1] We invited interested paties to comment on the Preliminary Determination. A summary of the events that occurred since Commerce published the Preliminary Determination, may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The product covered by this investigation is aluminum sheet from Greece. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the the scope language as it appeared in the *Preliminary Determination*. *See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

[1] *See Common Alloy Aluminum Sheet from Greece: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65374 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Negative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Greece,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Rpublic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''Antidumping Investigation Common Alloy Aluminum Sheet from Greece: Elvalhalcor Hellenic Copper and Aluminum Industry S.A. In Lieu of Verification

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations for Elval Hellenic Aluminum Industry S.A (Elvalhalcor). For a discussion of these changes, see the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

Final Determination of No Shipments

Commerce preliminarily determined that Argiropoulos B.A.E.E. (Argiropoulos) had no shipments of the subject merchandise to the United States during the POI.[6] There is no new information on the record that would cause us to revisit our determination of no shipments for this company. Accordingly, Commerce will issue appropriate instructions to U.S. Customs and Border Protection (CBP).

Final Determination

The final estimated weighted-average dumping margin is as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Elval Hellenic Aluminum Industry S.A./ Elval Colour S.A./ Symetal S.A.[7]	0.00

Because the only weighted-average dumping margin is zero, we determine that aluminum sheet from Greece is not being, or is not likely to be, sold in the United States at LTFV. Commerce has not calculated an estimated weighted-average dumping margin for all other producers and exporters pursuant to sections 735(c)(1)(B) and (c)(5) of the Act because it has not made a final affirmative determination of sales at LTFV.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In the *Preliminary Determination*, Commerce determined a weighted-average dumping margin for Elvalhalcor that was above *de minimis* . Therefore, we instructed CBP to suspend liquidation of entries of aluminum sheet from Greece as of October 15, 2020, the date of publication of the *Preliminary Determination*.[8] Because Commerce has made a final negative determination of sales at LTFV with regard to the subject merchandise, Commerce will instruct CBP to terminate suspension of liquidation and refund any cash deposits of estimated antidumping duties for entries of aluminum sheet from Greece.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission of our final determination. As our final determination is negative, this proceeding is terminated in accordance with section 735(c)(2) of the Act.

Notification Regarding Administrative Protective Orders

This notice will serve as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background

Questionnaire,'' dated December 11, 2020; *see also* Elvalhalcor's Letter, ''Antidumping Investigation of Common Alloy Aluminum Sheet from Greece: Elvalhalcor's Response to In Lieu of Verification Questionnaire Response,'' dated December 21, 2020.

[6] *See Preliminary Determination* PDM at 5.

[7] Commerce determined that Elval Hellenic Aluminum Industry S.A., Elval Colour S.A. and Symetal S.A. are a single entity. *See Preliminary Determination* PDM.

[8] *See Preliminary Determination,* 85 FR at 65375.

III. Changes from the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Whether Adverse Facts Available (AFA) is Appropriate for Elvalhalcor
Comment 2: Application of Major Input Rule
Comment 3: Selling Expense Adjustment to the Cost of Manufacture (COM)
Comment 4: Adjusting COM With Amounts Related to Losses on Derivatives
Comment 5: Reconciliation of April 2019 U.S. Sales
Comment 6: Warranty Expenses
Comment 7: Home Market Rebates
Comment 8: Home Market Inland Freight Expenses
Comment 9: Packing Expenses
Comment 10: Comparisons Between Alloy Products
Comment 11: Home Market Credit Expenses
Comment 12: U.S. Indirect Selling Expenses for Sales Through International Trade
Comment 13: Adjustment Made to Other Disounts for Certain Home Market Sales
Comment 14: Use of Quarterly Costs in Differential Pricing Analysis
V. Recommendation

[FR Doc. 2021–04737 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–854]

Common Alloy Aluminum Sheet From Brazil: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) continues to determine that imports of common alloy aluminum sheet (aluminum sheet) from Brazil are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI), January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5449.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Brazil, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* We received no comments on the *Preliminary Determination.*

Scope of the Order

The products covered by this investigation are common alloy aluminum sheet from Brazil. For a complete description of the scope of this investigation, *see* the Appendix.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[2] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[3] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* the Appendix for the final scope of the investigation.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[4]

Changes Since the Preliminary Determination

We continue to find that imports of aluminum sheet from Brazil are being, or are likely to be, sold in the United States at LTFV for the POI. Because we received no comments, we hereby incorporate by reference our reasoning in the *Preliminary Determination,* and no separate decision memorandum accompanies this **Federal Register** notice.

However, based on our review and analysis of the information received in lieu of on-site verification, we made certain changes to the margin calculation for mandatory respondent, Novelis do Brasil Ltda (Novelis Brasil).[5] As a result of these changes, Commerce also revised the all-others rate and the rate assigned to Companhia Brasileira de Aluminio (CBA). *See* below for further discussion.

Use of Adverse Facts Available

In the *Preliminary Determination,* Commerce found that the mandatory respondent, CBA, failed to comply with Commerce's multiple requests for information, which significantly impeded the investigation. Further, Commerce found that CBA failed to cooperate to the best of its ability in this investigation. Therefore, in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce assigned CBA a rate based on adverse facts available (AFA). No interested party commented on this determination, and so there is no basis for us to revisit our determination to apply AFA to this company. Accordingly, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted in determining CBA's weighted-average margin. Consistent with the *Preliminary Determination,* Commerce has assigned to CBA the highest transaction-specific margin calculated for Novelis Brasil, which is 137.06 percent.[6] Because this rate is not secondary information, but rather is based on information obtained in the

[1] *See Common Alloy Aluminum Sheet from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65363 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[4] *See* Commerce's Letter, ''Remote Verification—Request for Documentation,'' dated November 17, 2020; *see also* Novelis do Brasil Ltda's (Novelis Brasil's) Letter, ''Common Alloy Aluminum Sheet from Brazil: Novelis do Brasil Ltda's Verification Questionnaire Response,'' dated November 24, 2020 (Verification Questionnaire Response).

[5] *See* Memorandum, ''Analysis Memorandum for the Final Determination of the Less-than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Brazil: Novelis do Brasil Ltda.,'' dated concurrently with this notice (Final Analysis Memorandum).

[6] *See* Final Analysis Memorandum. As a result of minor corrections received in Novelis Brasil's Verification Questionnaire Response, Novelis Brasil's highest transaction-specific margin changed from 136.78 percent in the *Preliminary Determination* to 137.06 percent in the final determination. Because we continue to use Novelis Brasil's highest transaction-specific margin as the AFA rate for CBA, for the final determination, we have updated the rate assigned to CBA accordingly.

course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce assigned a rate based entirely on facts available under section 776 of the Act to CBA. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available, is the rate calculated for Novelis Brasil. Consequently, consistent with the *Preliminary Determination,* the rate calculated for Novelis Brasil is assigned as the rate for all other producers and exporters pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Companhia Brasileira de Aluminio	137.06
Novelis do Brasil Ltda	49.61
All Others	49.61

Disclosure

We intend to disclose the calculations performed for Novelis Brasil in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).[7]

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Brazil, as described in the appendix of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-l9, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the

[7] Because Commerce is continuing to apply AFA to CBA in this investigation, in accordance with section 776 of the Act, there are no calculations to disclose for CBA.

United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2021–04725 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–835]

Common Alloy Aluminum Sheet From Indonesia: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Finding of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Indonesia are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: John K. Drury, 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) 482–0195.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its *Preliminary Determination.*[1] On November 6, 2020, we postponed the final determination until March 1, 2021.[2] The petitioner in this investigation is the Aluminum Association Common Alloy Aluminum Sheet Working Group and its individual members: Aleris Rolled Products, Inc.; Arconic, Inc.; Constellium Rolled Products Ravenswood, LLC; JW Aluminum Company; Novelis Corporation; and Texarkana Aluminum, Inc. (the petitioner). The mandatory respondent in this investigation is Pt. Alumindo Light Metal Industry Tbk (Pt. Alumindo). We provided interested parties an opportunity to comment on the *Preliminary Determination.* We received no comments. As such, this final determination is unchanged from the *Preliminary Determination.* Commerce conducted this investigation in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by this investigation are common alloy aluminum sheet from Indonesia. For a complete description of the scope of this investigation, *see* the Appendix to this notice.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination.* See the Appendix to this notice for the final scope of the investigation.

Verification

Because the mandatory respondent in this investigation did not provide necessary information requested by Commerce, we did not conduct verification.

Changes Since the Preliminary Determination and Use of Adverse Facts Available

Commerce has made no changes to the *Preliminary Determination.* As stated in the *Preliminary Determination,* we found that the application of facts available with an adverse inference with respect to the mandatory respondent, *i.e.,* Pt. Alumindo, was warranted, in accordance with sections 776(a)(1), 776(a)(2)(A)-(C), and 776(b) of the Act.[5]

Final Determination of Critical Circumstances

In the *Preliminary Determination,* we preliminarily found that critical circumstances exist with respect to imports of subject merchandise from Indonesia.[6] Commerce received no comments regarding this issue after the *Preliminary Determination.* Thus, for this final determination, we continue to find that critical circumstances exist with respect to imports of subject merchandise from Indonesia.

All-Others Rate

As discussed in the *Preliminary Determination,* in accordance with section 735(c)(5)(B) of the Act, Commerce preliminarily determined the estimated dumping margin for the individually examined respondent (*i.e.,* Pt. Alumindo) entirely under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, and consistent with Commerce's practice, the all-others rate in the *Preliminary Determination* was based on the only dumping margin alleged in the petition (*i.e.,* 32.12 percent). No parties commented on this issue and we made no changes to the all-others rate for this final determination.[7]

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated dumping margin (percent)
Pt. Alumindo Light Metal Industry Tbk	32.12
All Others	32.12

[1] *See Common Alloy Aluminum Sheet from Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances,* 85 FR 65356 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM),

[2] *See Common Alloy Aluminum Sheet from Indonesia and Romania: Postponement of Final Determinations of Less-Than-Fair-Value Investigations,* 85 FR 71049 (November 6, 2020).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See Preliminary Determination.*

[6] *Id.* at 65357.

[7] *Id.*

Disclosure

The estimated weighted-average dumping margin assigned to the mandatory respondent in this investigation in the *Preliminary Determination* was based on adverse facts available, and Commerce described the method it used to determine the adverse facts available rate in the *Preliminary Determination.* Because we have made no changes to this margin since the *Preliminary Determination,* no disclosure of calculations is necessary for this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Indonesia, as described in the ''Scope of the Investigation'' section above, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of common alloy aluminum sheet from Indonesia no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce intends to issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2021–04738 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–856–001]

Common Alloy Aluminum Sheet From Slovenia: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Slovenia are

being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery or Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537 or (202) 482–6905, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Slovenia, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation is aluminum sheet from Slovenia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of on-site verification, we made certain changes to the margin calculation for Impol d.o.o. and Impol FT, d.o.o. (collectively, Impol), the only mandatory respondent in this investigation. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Impol, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Impol is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol FT, d.o.o.[6]	13.43
All Others	13.43

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Slovenia, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

[1] *See Common Alloy Aluminum Sheet from Slovenia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65349 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Slovenia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated January 4, 2021; *see also* Impol's Letter, ''Response to In Lieu of Verification Questionnaire,'' dated January 12, 2021.

[6] The final rate calculated for Impol in this investigation applies to subject merchandise produced by Impol FT, d.o.o. and exported by either Impol FT, d.o.o. or Impol d.o.o.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty (AD) order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes From the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Duty Drawback Adjustment
Comment 2: Calculation of Home Market Indirect Selling Expenses
Comment 3: Calculation of Home Market Credit Expenses
Comment 4: Whether Commerce Should Apply Partial Adverse Facts Available to Impol's Reported Yield Loss and Costs Associated With Non-Recoverable Scrap
Comment 5: Whether Commerce Should Modify Its Adjustment of Impol's Affiliated Transactions
Comment 6: Impol d.o.o.'s General and Administrative Expenses
V. Recommendation

[FR Doc. 2021–04732 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–906]

Common Alloy Aluminum Sheet From the Republic of Korea: Final Negative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from the Republic of Korea (Korea) are not being, or are not likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Brittany Bauer, AD/CVD Operations,

Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3860.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Korea, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the *Preliminary Determination*

Based on our analysis of the comments received, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination

The final estimated weighted-average dumping margin is as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Novelis Korea Limited/Ulsan Aluminum Limited	0.00

Because the weighted-average dumping margin is zero, we determine that aluminum sheet from Korea is not being, or is not likely to be, sold in the United States at LTFV. Commerce has not calculated an estimated weighted-average dumping margin for all other producers and exporters pursuant to sections 735(c)(1)(B) and (c)(5) of the Act because it has not made a final affirmative determination of sales at LTFV.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

Because Commerce has made a final negative determination of sales at LTFV with regard to subject merchandise, Commerce will not direct U.S. Customs and Border Protection (CBP) to suspend liquidation or to require a cash deposit of estimated antidumping duties for entries of aluminum sheet from Korea. We will instruct CBP to liquidate without regard to antidumping duties those entries that were suspended on or after October 15, 2020, which is the date of publication of the *Preliminary Determination* in the **Federal Register**.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission of our final determination. As our final determination is negative, this proceeding is terminated, in accordance with section 735(c)(2) of the Act.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

[1] *See Common Alloy Aluminum Sheet from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65354 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Negative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''Request for Documentation,'' dated December 1, 2020; *see also* Novelis Korea Limited and Ulsan Aluminum Limited's Letter, ''Common Alloy Aluminum Sheet from Brazil {*sic*}: Novelis Korea and Ulsan Aluminum Verification Questionnaire Response,'' dated December 9, 2020.

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes from the *Preliminary Determination*
IV. Discussion of the Issues
Comment 1: Price-Based Particular Market Situation (PMS) Allegation Relating to Aluminum Sheet Sales in the Korean Market
Comment 2: General and Administrative (G&A) Expense Ratio
Comment 3: Affiliated Party Transactions
Comment 4: Deduction of Section 232 Duties from U.S. Price
V. Recommendation

[FR Doc. 2021–04740 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–842]

Common Alloy Aluminum Sheet From Italy: Final Affirmative Determination of Sales at Less Than Fair Value (LTFV)

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

SUMMARY: The Department of Commerce (Commerce) determines that common alloy aluminum sheet (aluminum sheet) from Italy is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Jun Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0197 or (202) 482–1396, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Italy, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Italy. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement

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[1] *See Common Alloy Aluminum Sheet from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65342 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Italy,'' dated concurrently with, and herby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation, as provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act). Accordingly, we took additional steps in lieu of on-site verification and requested additional documentation and information.[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made changes to the margin calculations regarding Laminazione's cost reporting. For a discussion of these changes, *see* Comment 4 of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

For this final determination, Commerce has determined that the estimated weighted-average dumping margin for Laminazione Sottile S.p.A. (Laminazione) is zero. Additionally, Commerce assigned a rate based entirely on facts available, under section 776 of the Act, to Profilglass. Therefore, pursuant to section 735(c)(5)(B) of the Act, we determine that it is reasonable to calculate the all-others rate based on a simple average of Laminazione's zero percent margin and Profilglass' adverse facts available margin.[6]

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Laminazione Sottile S.p.A.	0.00
Profilglass S.p.A.	** 29.13
All Others	14.57

** Adverse Facts Available

Consistent with 735(a)(4) of the Act and 19 CFR 351.204(e)(1), Commerce disregards zero or *de minimis* rates and determines that individually examined respondents with zero or *de minimis* rates have not made sales of subject merchandise at LTFV. Therefore, we will exclude merchandise produced and exported by Laminazione from the antidumping duty order in the event an order is instituted.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Italy, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination,* except for those entries of subject merchandise produced and exported by Laminazione. Because the estimated weighted-average dumping margin for Laminazione is zero, we are not directing CBP to suspend liquidation of entries of the subject merchandise it produced and exported.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for Profilglass will be equal to the company-specific margin based on AFA and determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Because the estimated weighted-average dumping margin for Laminazione is zero, entries of shipments of subject merchandise produced and exported by this company will not be subject to suspension of liquidation or cash deposit requirements. Accordingly, Commerce continues to direct CBP not to suspend liquidation of entries of subject merchandise produced and exported by Laminazione. Entries of shipments of subject merchandise from this company in any other producer/exporter combination, or by third parties that sourced subject merchandise from the excluded producer/exporter combination, are subject to the all-others rate.

Accordingly, entries of shipments of subject merchandise from this producer/exporter combination will be excluded from the antidumping duty order. Such exclusion is not applicable to merchandise exported to the United States by this respondent in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 10, 2020; *see also* Laminazione Sottile S.p.A.'s Letter, ''Common Alloy aluminum Sheet from Italy: Response to the Verification Questionnaire,'' dated December 18, 2020.

[6] *See, e.g., Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 81 FR 47355 (July 21, 2016).

material injury, by reason of imports or sales (or the likelihood of sales) for importation of sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes from the Preliminary Determination
IV. Application of Facts Available and Use of Adverse Inference
V. Discussion of the Issues
Comment 1: Whether Commerce's Application of Adverse Facts Available to Profilglass is Supported by Substantial Evidence and in Accordance with the Law.
Comment 2: Whether Commerce Should Use the Earlier of Invoice Date or Shipment Date to Calculate a Margin for Profilglass.
Comment 3: Whether Commerce Should Assign the Petition AD Rate as AFA to Profilglass.
Comment 4: Whether Total AFA is Appropriate with Respect to Laminazione's Reported Costs.
Comment 5: Whether a Duty Drawback Adjustment for Laminazione is Warranted
Comment 6: Whether Commerce' Partial Reliance on an AFA Rate to Determine the All Others Rate is Supported by the Record.
Comment 7: Whether the Geographical Scope of this Investigation Conflicts with the WTO AD Agreement and Application of Adverse Facts Available is Justified.
VI. Recommendation

[FR Doc. 2021–04739 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–962]

Certain Potassium Phosphate Salts From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

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

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the antidumping duty order on certain potassium phosphate (salts) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Emily Halle, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0176.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2010, the Department of Commerce (Commerce) published the antidumping duty order on salts from China.[1] On November 3, 2020, Commerce initiated the second sunset review of the *Order* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 18, 2020, Commerce received a notice of intent to participate in this sunset

[1] *See Notice of Antidumping Duty Order: Certain Potassium Phosphate Salts from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 42683 (July 22, 2010) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020).

review from ICL Performance Products LP and Prayon, Inc. (collectively, Domestic Industry), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The members of the Domestic Industry claimed interested party status under section 771(9)(C) of the Act as producers of the domestic like product in the United States. On December 3, 2020, Commerce received a substantive response from the Domestic Industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] Commerce received no substantive responses from respondent interested parties, nor was a hearing requested. On December 23, 2020, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The products covered by the *Order* include anhydrous Dipotassium Phosphate (DKP) and Tetrapotassium Pyrophosphate (TKPP), whether anhydrous or in solution (collectively ''phosphate salts'').

TKPP, also known as normal potassium pyrophosphate, Diphosphoric acid or Tetrapotassium salt, is a potassium salt with the formula $K_4P_2O_7$. The CAS registry number for TKPP is 7320–34–5. TKPP is typically 18.7 percent phosphorus and 47.3 percent potassium. It is generally greater than or equal to 43.0 percent P_2O_5 content. TKPP is classified under subheading 2835.39.1000 of the Harmonized Tariff Schedule of the United States (HTSUS).

DKP, also known as Dipotassium salt, Dipotassium hydrogen orthophosphate or Potassium phosphate, dibasic, has a chemical formula of K_2HPO_4. The CAS registry number for DKP is 7758–11–4. DKP is typically 17.8 percent phosphorus, 44.8 percent potassium and 40 percent P_2O_5 content. DKP is classified under subheading 2835.24.0000 HTSUS.

The products covered by the *Order* include the foregoing phosphate salts in all grades, whether food grade or technical grade. The products covered by the *Order* also include anhydrous DKP without regard to the physical form, whether crushed, granule, powder or fines. Also covered are all forms of TKPP, whether crushed, granule, powder, fines or solution.

For purposes of the *Order,* the narrative description is dispositive, and not the tariff heading, American Chemical Society, CAS registry number or CAS name, or the specific percentage chemical composition identified above.

Analysis of Commerce Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the *Order* were revoked, are addressed in the accompanying Issues and Decision Memorandum.[6] A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the antidumping duty order on salts from China would likely lead to continuation or recurrence of dumping and that the magnitude of the margins is up to 95.40 percent.[7]

Administrative Protective Order (APO)

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 2, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–04766 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* Domestic Industry's Letter, ''Potassium Phosphate Salts from the People's Republic of China: Notice of Intent to Participate,'' dated November 18, 2020.

[4] *See* Domestic Industry's Letter, ''Potassium Phosphate Salts from the People's Republic of China: Substantive Response to Notice of Initiation of Five-Year (Sunset) Review of the Antidumping Duty Order and Countervailing Duty Order,'' dated December 3, 2020.

[5] *See* Commerce's Letter, ''Sunset Reviews for November 2020,'' dated December 23, 2020.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order on Certain Potassium Phosphate Salts from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See* Issues and Decision Memorandum

DEPARTMENT OF COMMERCE

International Trade Administration

[A–891–001]

Common Alloy Aluminum Sheet From Croatia: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Croatia are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Croatia, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Croatia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of on-site verification, we made one change to the margin calculation for Impol d.o.o. and Impol-TLM d.o.o., (collectively, Impol), the only mandatory respondent in this investigation. For a discussion of this change, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Impol, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Impol is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol-TLM d.o.o.[6] ...	3.19
All Others	3.19

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Croatia, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.* Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others

[1] *See Common Alloy Aluminum Sheet from Croatia: Preliminary Affirmative Determination of Sales at Less Than*

Fair Value, Postponement of Final Determination, and Extension of Provisional Measures, 85 FR 65384 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Croatia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 9, 2020; *see also* Impol's Letter, ''Response to In Lieu of Verification Questionnaire,'' dated December 17, 2020.

[6] The final rate calculated for Impol in this investigation applies to subject merchandise produced by Impol-TLM d.o.o. and exported by either Impol-TLM d.o.o. (Croatia) or Impol d.o.o. (Slovenia).

estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty (AD) order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes from the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Duty Drawback Adjustment
Comment 2: Whether to Apply Partial Adverse Facts Available to Impol's Reported Yield Loss and Non-Recoverable Scrap Cost
Comment 3: Calculation of Impol d.o.o.'s General and Administrative Expenses
V. Recommendation

[FR Doc. 2021–04729 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–963]

Certain Potassium Phosphate Salts From the People's Republic of China: Final Results of the Expedited Second Five-Year Sunset Review of the Countervailing Duty Order

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

SUMMARY: As a result of this second sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain potassium phosphate salts (phosphate salts) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2010, Commerce published its CVD order on phosphate salts from China in the **Federal Register**.[1] On November 3, 2020, Commerce published the notice of initiation of the second sunset review of the *Order,* pursuant to section 751(c) of

[1] *See Certain Potassium Phosphate Salts from the People's Republic of China: Countervailing Duty Order,* 75 FR 42682 (July 22, 2010) (*Order*).

the Tariff Act of 1930, as amended (the Act).[2] Commerce received a notice of intent to participate from ILC Performance Products LP (ILC) and Prayon, Inc. (Prayon) (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] ILC and Prayon claimed interested party status under section 771(9)(C) of the Act, as both are producers of the domestic like product in the United States.

Commerce received a substantive response from the domestic interested parties[4] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On December 23, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The merchandise covered by the scope of the *Order* is phosphate salts. Imports of merchandise included within the scope of the *Order* are currently classifiable under subheadings 2835.24.0000 and 2835.39.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the scope of the *Order* is dispositive. For a complete description of the scope of the *Order, see* the accompanying Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on phosphate salts from China would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Lianyungang Mupro Import Export Co Ltd.	109.11
Mianyang Aostar Phosphate Chemical Industry Co. Ltd.	109.11
Shifang Anda Chemicals Co. Ltd.	109.11
All Others	109.11

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: March 2, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. History of the Order
IV. Scope of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2021–04767 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020).

[3] *See* Domestic Interested Parties' Letter, ''Potassium Phosphate Salts from the People's Republic of China: Notice of Intent to Participate,'' dated November 18, 2020.

[4] *See* Domestic Interested Parties' Letter, ''Potassium Phosphate Salts from the People's Republic of China: Substantive Response to the Notice of Initiation of Five-Year (Sunset) Review of the Antidumping Duty Order and Countervailing Duty Order,'' dated December 3, 2020.

[5] *See* Commerce's Letter, ''Sunset Reviews for November 2020,'' dated December 23, 2020.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Review of the Countervailing Duty Order on Certain Potassium Phosphate Salts from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–840]

Common Alloy Aluminum Sheet From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, in Part

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of common alloy aluminum sheet (aluminum sheet) from the Republic of Turkey (Turkey).

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 2020, Commerce published the *Preliminary Determination* in the **Federal Register**.[1] In addition to the Government of Turkey (GOT), the mandatory respondents in this investigation are Assan Aluminyum

[1] *See Common Alloy Aluminum Sheet from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Determination of Critical Circumstances in Part, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49629 (August 14, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

Sanayi ve Ticaret A. S. (Assan) and Teknik Aluminyum Sanayi A.S. (Teknik). In the *Preliminary Determination,* and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailable duty (CVD) determination with the final antidumping duty determination.[2]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation (POI) is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The product covered by this investigation is aluminum sheet from Turkey. For a full description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[4] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[5] Commerce is not modifying the scope language as it appeared in the Preliminary Scope Decision Memorandum. *See* Appendix I for the final scope of the investigation.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.[6]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, *see* Appendix II of this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying this final determination, *see* the Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1)(B) of the Act, Commerce preliminarily determined that critical circumstances existed with respect to imports of aluminum sheet from Turkey for Assan, but did not exist with respect to Teknik or for all other exporters or producers not individually examined.[8] We have further analyzed the data following the *Preliminary Determination,* and we have made no modifications to our findings for the final determination.

Accordingly, pursuant to section 705(a)(2) of the Act, we continue to find that critical circumstances exist with respect to imports of aluminum sheet from Turkey with respect to Assan. We continue to find, as we did in the *Preliminary Determination,* that critical circumstances do not exist with respect to imports of aluminum sheet from Turkey with respect to Teknik and for all other producers or exporters not individually examined. For a full description of the methodology and results of Commerce's analysis, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the record and the comments received, we have made certain changes to the countervailable subsidy rate calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated countervailable subsidy rate for Assan and for Teknik. Sections 705(c)(1)(B)(i)(I) and 705(c)(5)(A) of the Act direct Commerce to calculate and estimated ''all-others'' rate for exporters and producers not individually investigated. Section 705(c)(5)(A)(i) of the Act provides that the ''all-others'' rate shall be an amount equal to the weighted-average of the countervailable subsidy rates established for individually investigated exporters and producers, excluding any rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Because we determine that the sales information submitted by respondent Teknik is unreliable,[9] as a result, we find that complete and publicly-available sales

[2] *Id.,* 85 FR at 49629.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Common Alloy Aluminum Sheet from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[5] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[6] *See* Commerce's Letter, ''Countervailing Duty Investigation of Common Alloy Aluminum Sheet from Turkey: In Lieu of Verification Questionnaire,'' dated January 14, 2021; *see also* Assan's Letter, ''Common Alloy Aluminum Sheet from Turkey: Response to Questions in Lieu of Verification,'' dated January 22, 2021; and Teknik's Letter, ''Common Alloy Aluminum Sheet from Turkey: Teknik Aluminyum Sanayi A.S.'s Response to the Questionnaire in Lieu of Verification,'' dated January 22, 2021.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See Preliminary Determination,* 85 FR at 49630.

[9] *See* Issues and Decision Memorandum at Comment 1.

data for Teknik is not available. Therefore, instead of calculating a rate equal to the weighted average of the countervailable subsidy rates calculated for Assan and Teknik, for this final determination, we are using the simple average of Assan's and Teknik's subsidy rates as the rate for ''all others.'' [10]

Final Determination

We determine the countervailable subsidy rates to be:

Producer/exporter	Subsidy rate (percent)
Assan Aluminyum Sanayi ve Ticaret A.S.[11]	2.56
Teknik Aluminyum Sanayi A.S.[12]	4.34
All Others	3.45

Disclosure

We intend to disclose the calculations performed in this final determination to interested parties within five days of the public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result our *Preliminary Determination,* and pursuant to section 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of aluminum sheet from Turkey, that were entered, or withdrawn from warehouse, for consumption on or after August 14, 2020, which is the date of publication of the *Preliminary Determination* in the **Federal Register**. Because we preliminarily determined that critical circumstances existed with respect to Assan, we instructed CBP to suspend such entries on after May 16, 2020, which is 90 days prior to the date of the publication of the *Preliminary Determination* in the **Federal Register**. Because we preliminarily found a *de minimis* subsidy rate for Teknik, we instructed CBP to not suspend liquidation of entries of the merchandise produced by Teknik and exported by either Teknik or by TAC Metal. In accordance with section 703(d) of the Act, effective December 12, 2020, we instructed CBP to discontinue the suspension of liquidation of all entries, but to continue the suspension of liquidation for all entries of subject merchandise between August 14 through December 11, 2020.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and will reinstate the suspension of liquidation under section 706(a) of the Act and will require a cash deposit of estimated countervailable duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all case deposits will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, we intend to notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic injury in the United States is materially injured, or threatened with material injury, by reason of imports of aluminum sheet from Turkey no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO) without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the

[10] It is Commerce's practice to calculate a rate for ''all others'' by weight-averaging the calculated subsidy rates of the respondent companies using their publicly-available sales data for exports of subject merchandise to the United States during the POI. *See, e.g., Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 82 FR 2946 (January 10, 2017). However, in certain instances, Commerce may calculate the rate for ''all others'' by using a simple average of the subsidy rates of the companies under examination when it finds that sales data is not available. *See Certain Corrosion Inhibitors from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 86 FR 7537 (January 29, 2021).

[11] Commerce has found Kibar Dis Ticaret A.S. and Kibar Holding to be cross-owned with Assan Aluminyum Sanayi ve Ticaret A.S., pursuant to 19 CFR 351.525(b)(6)(vi).

[12] Commerce has found TAC Metal Ticaret A.S. to be cross-owned with Teknik Aluminyum Sanayi A.S., pursuant to 19 CFR 351.525(b)(6)(vi).

scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Final Determination of Critical Circumstances
IV. Use of Adverse Facts Available
V. Subsidies Valuation
VI. Analysis of Programs
VII. Analysis of Comments
  Comment 1: Whether to Determine That Teknik Failed to Comply with Verification Requests and Apply Facts Available with Adverse Inferences
  Comment 2: Whether the Value-Added Tax (VAT) Exemption on Assan's Acquisition of the Operating Rights for a Hydroelectric Power Plant is a Countervailable Subsidy
  Comment 3: The Provision of Land for Less Than Adequate Remuneration (LTAR)
  Comment 4: Whether to Revise Certain of Assan's Sales Denominators
  Comment 5: Whether Commerce Should Deduct Commissions Paid by Assan Regarding the Rediscount Loan Program and the Export-Oriented Working Capital Credit Program
  Comment 6: Whether Commerce Should Correct Certain Calculation Errors Regarding Assan
VIII. Recommendation

[FR Doc. 2021–04733 Filed 3–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–849]

Common Alloy Aluminum Sheet From Germany: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Germany are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna or Jonathan Hill, 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) 482–0835 or (202) 482–3518, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination, and postponement of the final determination, in the LTFV investigation of aluminum sheet from Germany.[1] Commerce invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet from Germany. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues of the Issues and Decision Memorandum are in Appendix II of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination in this investigation as provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act). Accordingly, in lieu of on-site verification, we requested additional supporting documentation and information after issuing the *Preliminary Determination.*[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made a change to our margin calculations for Novelis Deutschland GmbH (Novelis). For a discussion of this change, *see* the ''Changes Since the Preliminary Determination'' section of the Issues and Decision Memorandum.

Use of Adverse Facts Available

In the *Preliminary Determination,* Commerce found that the mandatory respondent, Hydro Aluminium Rolled Products GmbH (HARP), failed to comply with Commerce's request for

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[1] *See Common Alloy Aluminum Sheet from Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65386 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Germany,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, dated November 9, 2020.

information, which significantly impeded the investigation. Further, Commerce found that HARP failed to cooperate to the best of its ability in this investigation. Therefore, in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce assigned HARP a rate based on adverse facts available (AFA). We have continued to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act is warranted in determining HARP's weighted-average dumping margin.

In the *Preliminary Determination,* as AFA, we assigned HARP, as an estimated weighted-average dumping margin, a dumping margin equal to the highest non-aberrational individual dumping margin determined for Novelis based on an average-to-transaction comparison. For the final determination, we have assigned an estimated weighted-average dumping margin to HARP equal to the highest non-aberrational individual dumping margin determined for Novelis based on an average-to-average comparison.[6] Because this rate is not secondary information, but rather is based on information obtained in the course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.

Commerce determined an estimated weighted-average dumping margin for HARP that is based entirely on facts available. Therefore, the only estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts available, is the estimated weighted-average dumping margin calculated for Novelis. Consequently, we have assigned the rate calculated for Novelis as the estimated weighted-average dumping margin for all other exporters and producers of aluminum sheet in Germany.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter or producer	Estimated weighted-average dumping margin (percent)
Hydro Aluminium Rolled Products GmbH	242.80
Novelis Deutschland GmbH	[7] 49.40
All Others	49.40

Disclosure

In accordance with 19 CFR 351.224(b), within five days of the date of publication of this notice in the **Federal Register**, we intend to disclose to parties in this proceeding the calculations performed in this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Germany, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rates for the respondents listed in the table above will be equal to the company-specific estimated weighted-average dumping margin listed for each respondent in the table; (2) if the exporter is not identified in the table above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all-other producers and exporters, as listed in the table above.

These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy,

[6] *See* Issues and Decision Memorandum for details.

[7] *See* Memorandum, ''Antidumping Duty Investigation of Common Alloy Aluminum Sheet from Germany: Final Determination Margin Calculation for Novelis Deutschland GmbH,'' dated concurrently with, and hereby adopted by, this notice.

clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Sections in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Application of Total Adverse Facts Available
Comment 2: Date of Sale
V. Recommendation

[FR Doc. 2021–04731 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–809]

Common Alloy Aluminum Sheet From Romania: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Romania are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, 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) 482–4037.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Romania.[1] Commerce invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2] On November 6, 2020, Commerce postponed the final determination to March 1, 2021.[3]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Romania. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[4] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[5] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the sections of the Issues and Decision Memorandum are in Appendix II of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Because Alro, SA stated prior to the *Preliminary Determination* that it would not respond to Commerce's request for information, we did not conduct a verification of Alro, SA's information.

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[1] *See Common Alloy Aluminum Sheet From Romania: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 85 FR 65358 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet From Romania,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Common Alloy Aluminum Sheet From Indonesia and Romania: Postponement of Final Determinations of Less-Than-Fair-Value Investigations,* 85 FR 71049 (November 6, 2020).

[4] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[5] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

Use of Adverse Facts Available

In the *Preliminary Determination,* Commerce found that the mandatory respondent, Alro, SA, failed to comply with Commerce's request for information, which significantly impeded the investigation. Further, Commerce found that Alro, SA failed to cooperate to the best of its ability in this investigation. Therefore, in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce assigned Alro, SA a rate based on adverse facts available (AFA). We have continued to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act is warranted in determining Alro, SA's weighted-average dumping margin.

In the *Preliminary Determination,* as AFA, we assigned Alro, SA, as an estimated weighted-average dumping margin, a dumping margin equal to the highest non-aberrational individual dumping margin determined for Alro, SA based on an average-to-transaction comparison. For the final determination, we have based the AFA rate for Alro, SA on the highest non-aberrational individual dumping margin determined for Alro, SA based on an average-to-average comparison.[6] Because this rate is not secondary information, but rather is based on information obtained in the course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce has determined the estimated dumping margin for the sole respondent, Alro, SA, entirely under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the alleged dumping margins from the petition.[7] However, there is only one dumping margin in the petition for this investigation. Therefore, we used that rate as the all-others rate.

Final Determination

Pursuant to section 735 of the Act, the final estimated dumping margins are as follows:

Exporter/producer	Estimated dumping margin (percent)
Alro, SA [8]	37.26
All Others	12.51

Disclosure

In accordance with 19 CFR 351.224(b), within five days of the date of publication of this notice in the **Federal Register**, we intend to disclose to parties in this proceeding the calculations performed in this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Romania, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rate for Alro, SA will be equal to the respondent-specific estimated dumping margin listed for Alro, SA in the table; (2) if the exporter is not identified in the table above but Alro, SA is the producer, then the cash deposit rate will be equal to the respondent-specific estimated dumping margin established for Alro, SA; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated dumping margin listed in the table above. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet from Romania no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of

[6] *See* Issues and Decision Memorandum for details.

[7] *See, e.g., Notice of Preliminary Determinations of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014); and *Polyethylene Terephthalate Resin from Pakistan: Final Determination of Sales at Less Than Fair Value,* 83 FR 48281, 48282 (September 24, 2018).

[8] On April 8, 2020, Alro, SA and its affiliate Vimetco Management Romania, SRL, notified Commerce that ''Vimetco Group'' is not a legal entity but that the name reflects a collection of companies including Alro, SA. Additionally, Alro, SA noted that its name is ''Alro, SA'' rather than ''Alro, S.A.'' as stated in the *Initiation Notice. See* Alro, SA's Letter, ''Common Alloy Aluminum Sheets from Romania, A–385–809; Clarification of Company Names,'' dated April 8, 2020. Given that Vimetco Group is not a legal entity but refers to a group of companies in which Alro, SA is the only producer, seller, and exporter of aluminum sheet, we have assigned the dumping rate to Alro, SA.

their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Sections in the Issues and Decision Memorandum

I. Summary
II. Background
III. Discussion of the Issue
IV. Recommendation

[FR Doc. 2021–04742 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874]

Certain Steel Nails From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) determines that sales of certain steel nails (nails) from the Republic of Korea (Korea) were made at below normal value during the period of review (POR) July 1, 2018, through June 30, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor at (202) 482–5831 or Eva Kim at (202) 482–8283, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2020, Commerce published the *Preliminary Results* in the **Federal Register**.[1] We invited interested parties to comment on the *Preliminary Results.* For events subsequent to the *Preliminary Results, see* the Issues and Decision Memorandum.[2]

Scope of the Order

The merchandise covered by this order is steel nails having a nominal shaft length not exceeding 12 inches.[3] Merchandise covered by the order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.[4]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

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[1] *See Certain Steel Nails from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty; 2018–2019,* 85 FR 69576 (November 3, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

[4] *See* Issues and Decision Memorandum.

Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received from parties, we have made changes to the margin calculations of Daejin Steel Company (Daejin) and Korea Wire Co., Ltd. (Kowire). For Daejin, we allocated all credit card entertainment expenses to general and administrative (G&A) expenses.[5] For Kowire, we corrected a currency conversion.[6]

Final Results of the Review

We are assigning the following weighted-average dumping margins to the producer/exporters listed below for the period July 1, 2018 through June 30, 2019:

Producer and/or exporter	Weighted-average dumping margin (percent)
Daejin Steel Company	1.84
Korea Wire Co., Ltd	2.29

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after publication of these final results in the **Federal Register**, in accordance with section 751(a) of the Act and 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

We intend to calculate importer- (or customer-) specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's (or customer's) examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific rate is zero or de minimis within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[7]

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(I), in which case the cash deposit rate will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific-rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notice to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: March 2, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. List of Comments
III. Background
IV. Scope of the Order

[5] *See* Memorandum, ''Final Results Analysis Memorandum for Daejin Steel Company,'' dated concurrently with this memorandum.

[6] *See* Memorandum, ''Final Results Analysis Memorandum for Korea Wire Co., Ltd. (Kowire); 2018–2019,'' dated concurrently with this memorandum.

[7] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See Certain Steel Nails from the Republic of Korea: Final Determination of Sales at Less Than Fair Value,* 80 FR 28955 (May 20, 2015).

V. Changes Made Since the Preliminary Results
VI. Analysis of Comments
Comment 1: Whether Commerce Should Reallocate Certain Common Expenses From General & Administrative (G&A) Expenses
Comment 2: Whether Commerce Should Reallocate Daejin's Credit Card Expenses Completely to G&A Expenses
Comment 3: Whether Commerce Should Adjust Differential Pricing
Comment 4: Whether Daejin's Interest Expense Offset for Interest Revenue Should Be Denied
Comment 5: Whether Commerce Should Correct the Currency for Commissions
Comment 6: Whether Commerce Should Correct the Spelling of Kowire in Draft Liquidation Instructions
VII. Recommendation

[FR Doc. 2021–04715 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–729–803]

Common Alloy Aluminum Sheet From Egypt: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Egypt are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Magd Zalok 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) 482–4162.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination, and postponement of the final determination, in the LTFV investigation of aluminum sheet from Egypt.[1] Commerce invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Egypt. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the sections of the Issues and Decision Memorandum are in Appendix II of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination in this investigation as provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act). Accordingly, we took additional steps in lieu of on-site verification and requested additional documentation and information after issuing the *Preliminary Determination.*[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to our dumping margin calculations. For a discussion of these changes, *see* the ''Changes Since the Preliminary Determination'' section of the Issues and Decision Memorandum.

Use of Adverse Facts Available

Commerce determined certain movement expenses for Egyptalum-Egypt Copper based on adverse facts available pursuant to sections 776(a) and (b) of the Act.[6] For a full description of the methodology underlying the final determination, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Egyptalum-Egypt Copper, the only exporter/producer

[1] *See Common Alloy Aluminum Sheet From Egypt: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65382 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet From Egypt,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter to Aluminium Co. of Egypt (Egyptalum) and Egyptian Copper Works (Egypt Copper), (collectively, Egyptalum-Egypt Copper), dated November 6, 2020; *see also* Egyptalum-Egypt Copper's Letter, ''Common Alloy Aluminum Sheet from Egypt: Remote Verification Questionnaire Response,'' dated November 16, 2020.

[6] Commerce determined that Egyptalum and Egypt Copper are a single entity. *See* Memorandum, ''Antidumping Duty Investigation of Common Alloy Aluminum Sheet from Egypt: Aluminium Company of Egypt (Egyptalum) Preliminary Affiliation and Collapsing Memorandum,'' dated October 6, 2020; *see also Preliminary Determination* PDM).

individually examined in this investigation. Because Egyptalum-Egypt Copper's dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, we assigned the estimated weighted-average dumping margin calculated for Egyptalum-Egypt Copper to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Aluminium Co. of Egypt (Egyptalum)/Egyptian Copper Works Company	[7] 12.11
All Others	12.11

Disclosure

In accordance with 19 CFR 351.224(b), within five days of the date of publication of this notice in the **Federal Register**, we intend to disclose to parties in this proceeding the calculations performed in this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Egypt, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rate for the respondent listed in the table above will be equal to the respondent-specific estimated weighted-average dumping margin listed for the respondent in the table; (2) if the exporter is not identified in the table above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin listed in the table above. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025,

[7] *See* Memorandum, ''Antidumping Duty Investigation of Common Alloy Aluminum Sheet From Egypt: Final Determination Margin Calculation for Egyptalum-Egypt Copper,'' dated concurrently with, and hereby adopted by, this notice.

7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Sections in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the Preliminary Determination
IV. Discussion of the Issues
Comment 1: International Freight Expenses (INTNFRU)
Comment 2: Freight Revenue Cap (FREIGHTREVH)
Comment 3: Inland Freight to The Port of Exportation (DINLFTPU)
Comment 4: U.S. Credit Expenses
Comment 5: Interest Expense Ratio
V. Recommendation

[FR Doc. 2021–04730 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–842]

Common Alloy Aluminum Sheet From Turkey: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that common alloy aluminum sheet (aluminum sheet) from Turkey is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Carey, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3964.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Turkey, and postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Turkey. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

For this final determination, Commerce calculated individual estimated weighted-average dumping

[1] *See Common Alloy Aluminum Sheet from Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65346 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum. ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Turkey, and Final Negative Determination of Critical Circumstances,'' dated concurrently with, and herby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum. ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and herby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 1, 2020; *see also* Teknik's Letter, ''Teknik Aluminyum Sanayi A.S.'s Response to the Questionnaire in Lieu of Verification,'' dated December 9, 2020; Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 10, 2020; and, Assan's Letter, ''Response to Request for Documents in Lieu of Verification,'' dated December 18, 2020.

margins for Assan Aluminyum Sanayi ve Ticaret A.S. (Assan) and Teknik Aluminyum Sanayi A.S. (Teknik), the only individually examined exporters/producers in this investigation. Notwithstanding the language of section 735(c)(5)(B) of the Act, determining the all-others rate using our typical method of calculating the weighted average of the estimated weighted average dumping margins for Assan and Teknik risks disclosure of proprietary information. Therefore, pursuant to section 735(c)(5)(B) of the Act, we determine that it is reasonable to calculate the all-others rate based on a weighted-average rate of the estimated weighted-average dumping margins calculated for Assan and Teknik and each company's publicly-ranged values for the merchandise under consideration.[6] This margin was assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Assan Aluminyum Sanayi ve Ticaret A.S	2.02
Teknik Aluminyum Sanayi A.S	13.56
All Others	4.85

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

[6] With two respondents under examination, Commerce normally calculates: (A) A weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for producers and exporters not subject to individual examination. *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). For a complete analysis of the data, *see* Memorandum ''Final Determination Calculation for the ''All-Others' Rate,'' dated concurrently with, and hereby adopted by, this notice.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of sheet from Turkey, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for Assan and Teknik will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which

is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Final Negative Determination of Critical Circumstances
IV. Changes from the Preliminary Determination
V. Discussion of the Issues
Comment 1: Assan's Eligibility and Calculation of Duty Drawback
Comment 2: Treatment of Section 232 Duties
Comment 3: Assan's Cost Database
Comment 4: Use of Assan's Reported Foreign Inland Freight to Port Charges
Comment 5: Commerce's Price Adjustments for Assan's Marine Insurance and Late Payments
Comment 6: Use of Assan's Reported Home Market Rebate Adjustment
Comment 7: Use of Assan's Reported Billing Adjustments for BILLADJ1U and BILLADJ2U
Comment 8: Whether Teknik's Freight Expenses Should Have Been Reported on a Transaction-Specific Basis
Comment 9: Teknik's Reported Constructed Export Price (CEP) Inventory Carrying Costs
Comment 10: Teknik's Gains on Debt Restructuring
Comment 11: Teknik's General and Administrative (G&A) Expense Ratio
Comment 12: Ministerial and Mathematical Errors in Assan's Margin Program
Comment 13: Ministerial Errors in Teknik's Margin Program
Comment 14: Capping Teknik's Freight Revenue
Comment 15: Reconciliation of Teknik's U.S. Sales
Comment 16: Calculation of Teknik's CEP Indirect Selling Expense Ratio
VI. Recommendation

[FR Doc. 2021–04735 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–814]

Common Alloy Aluminum Sheet From the Sultanate of Oman: Final Affirmative Determination of Sales at Less Than Fair Value and Negative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from the Sultanate of Oman (Oman) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1979.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Oman, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Oman. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final

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[1] *See Common Alloy Aluminum Sheet from the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Determination of Critical Circumstances, and Postponement of Final Determinations,* 85 FR 65340 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of on-site verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

Final Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, we preliminarily determined that critical circumstances did not exist with respect to imports of aluminum sheet from OARC or for all other exporters or producers not individually examined. For this final determination, our preliminary determination remains unchanged. Accordingly, pursuant to section 735(a)(3) of the Act, we find that critical circumstances do not exist with respect to imports of aluminum sheet from OARC or all other exporters or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Oman Aluminium Rolling Company (OARC), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for OARC is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Oman Aluminium Rolling Company	5.29
All Others	5.29

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of aluminum sheet from Oman, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet from Oman no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c). Due to technical issues, James Maeder, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, is signing this final determination on behalf of Ryan Majerus, Deputy Assistant Secretary for Policy and Negotiations.

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated December 16, 2020; *see also* OARC's Letter, ''Common Alloy Aluminum Sheet from Oman: Response to Questionnaire in Lieu of Verification,'' dated December 23, 2020.

Dated: March 1, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes from the Preliminary Determination
IV. Critical Circumstances
V. Discussion of the Issues
Comment 1: Particular Market Situation
Comment 2: Total Adverse Facts Available
Comment 3: Major Input Adjustment
Comment 4: Cost of Production and Market Price
Comment 5: Third-Country Market
Comment 6: Constructed Value Profit
Comment 7: Affiliation
Comment 8: Calculation Adjustments
VI. Recommendation

[FR Doc. 2021–04741 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–849]

Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain cut-to-length carbon steel plate from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the level indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Abdul Alnoor, 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) 482–4554.

SUPPLEMENTARY INFORMATION:

Background

After publication of the notice of initiation of this sunset review of the AD order on certain cut-to-length carbon steel plate from China,[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the domestic interested parties, consisting of ArcelorMittal USA LLC (AMUSA), JSW Steel (USA) Inc. (JSW), Nucor Corporation (Nucor), and SSAB Enterprises LLC (SSAB) (collectively, the domestic interested parties) filed with Commerce timely and complete notices of intent to participate in the sunset review.[2] Also, AMUSA, Nucor, and SSAB timely filed an adequate substantive response with Commerce.[3] Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*[4]

Scope of the Order

The product covered by the *Order* is certain cut-to-length carbon steel plate from China. Included in this description is hot-rolled iron and non-alloy steel universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters (mm) but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without

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[1] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020); *see also Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order,* 68 FR 60081 (October 21, 2003) (*Order*); *Final Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,* 62 FR 61964 (November 20, 1997); and *Amended Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,* 63 FR 1821 (January 12, 1998).

[2] *See* SSAB's Letter, ''Notice of Intent to Participate in the Fourth Five-Year Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from China,'' dated November 13, 2020; *see also* AMUSA's Letter, ''Cut-to-Length Carbon Steel Plate from the People's Republic of China—ArcelorMittal USA LLC's Notice of Intent to Participate,'' dated November 16, 2020; Nucor's Letter, ''Cut-to-Length Carbon Steel Plate from the People's Republic of China: Notice of Intent to Participate in Review,'' dated November 16, 2020; and JSW's Letter, ''Cut-to-Length Carbon Steel Plate from the People's Republic of China: Notice of Intent to Participate in Review,'' dated November 18, 2020.

[3] *See* Domestic Interested Parties' Letter, ''Cut-to-Length Carbon Steel Plate from the People's Republic of China; Five Year (4th Sunset) Review—Domestic Interested Parties' Substantive Response,'' dated November 30, 2020.

[4] For a complete description of the background of this sunset review of the *Order, see* Memorandum, ''Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and nonalloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in this *Order* are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive. Specifically excluded from the subject merchandise within the scope of the *Order* is grade X–70 steel plate.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the dumping margins likely to prevail if the *Order* is revoked, is provided in the Issues and Decision Memorandum.[5] A list of the sections in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed on the internet at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

[5] *Id.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail are weighted-average dumping margins up to 128.59 percent.

Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or the conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: March 2, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Sections in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margin of Dumping Likely To Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–04768 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–525–001]

Common Alloy Aluminum Sheet From Bahrain: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of common alloy aluminum sheet (aluminum sheet) from Bahrain is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation, January 1, 2019, through December 31, 2019.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Allison Hollander, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2020, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of aluminum sheet from Bahrain, in which we also postponed the final determination until March 1, 2021.[1] We invited interested parties to comment on the *Preliminary Determination.* A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[2]

Scope of the Investigation

The products covered by this investigation are aluminum sheet from Bahrain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope

[1] *See Common Alloy Aluminum Sheet from Bahrain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65372 (October 15, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Common Alloy Aluminum Sheet from Bahrain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[3] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[4] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.*

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[5]

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculations. For a discussion of these changes, *see* the ''Changes from the Preliminary Determination'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Gulf Aluminium Rolling Mill B.S.C. (GARMCO), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for GARMCO is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Gulf Aluminium Rolling Mill B.S.C. (GARMCO)	4.83
All Others	4.83

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after October 15, 2020, the date of publication of *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

While Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect, we have not adjusted the cash deposit rates listed above because Commerce found no countervailable export subsidies in the final determination of the companion CVD investigation.[6]

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum sheet no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess,

[3] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[5] *See* Commerce's Letter, ''In Lieu of Verification Supplemental,'' dated January 4, 2021; *see also* Impol's Letter, ''Response to In Lieu of Verification Questionnaire,'' dated January 12, 2021.

[6] *See* the Final Affirmative Countervailing Duty Determination of Common Alloy Aluminum Sheet from Bahrain and accompanying Issues and Decision Memorandum dated concurrently with this final determination.

upon further instruction by Commerce, AD duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes From the Preliminary Determination
IV. Discussion of the Issues
Comment 1: Particular Market Situation
Comment 2: Treatment of Further Processing and Repacking Costs
Comment 3: Constructed Export Price (CEP) Offset
Comment 4: Whether Indirect Selling Expenses Should Be Deducted from Third Country Sales
Comment 5: Whether Certain Sales Should Be Removed From The U.S. Database
Comment 6: Cost of Production (COP) of Major Input
Comment 7: Certain Offsets to Direct Material Costs
Comment 8: Variable Overhead Expenses (VOH)
Comment 9: Financial Expense Ratio
V. Recommendation

[FR Doc. 2021–04721 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–525–002]

Common Alloy Aluminum Sheet From Bahrain: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of common alloy aluminum sheet (aluminum sheet) from Bahrain.

DATES: Applicable March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 2020, Commerce published the *Preliminary Determination* in the **Federal Register**.[1] In addition to the Government of Bahrain (GOB), the mandatory respondent in this investigation is Gulf Aluminium Rolling Mill B.S.C. (GARMCO). In the *Preliminary Determination,* and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailable duty (CVD) determination with the final antidumping duty determination.[2]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a

[1] *See Common Alloy Aluminum Sheet from Bahrain: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49636 (August 14, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See Preliminary Determination,* 85 FR at 49637.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Common Alloy Aluminum Sheet from Bahrain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The product covered by this investigation is aluminum sheet from Bahrain. For a full description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[4] We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.[5] Commerce is not modifying the scope language as it appeared in the *Preliminary Determination. See* Appendix I for the final scope of the investigation.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.[6]

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, *see* Appendix II of this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying this final determination, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the record and the comments received, we have made certain changes to the countervailable subsidy rate calculations. For discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis* rates, or based entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated countervailable subsidy rate for GARMCO, the only individually examined exporter/producer, which is not zero, *de minimis,* or based entirely on facts otherwise available. Accordingly, we have assigned GARMCO's rate to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

We determine the net countervailable subsidy rates to be:

Company	Subsidy rate (percent)
Gulf Aluminium Rolling Mill B.S.C.	6.44
All Others	6.44

Disclosure

We intend to disclose the calculations performed in this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to section 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all aluminum sheet from Bahrain, that were entered, or withdrawn from warehouse, for consumption on or after August 14, 2020, the date of the publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective December 12, 2020, we instructed CBP to discontinue the suspension of liquidation of all entries, but to continue the suspension of liquidation of all entries between August 14 through December 11, 2020.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and will reinstate the suspension of liquidation under section 706(a) of the Act and will require a cash deposit of estimated countervailable duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all cash deposits will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of aluminum sheet from Bahrain no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and non-proprietary

[4] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Republic of Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated October 6, 2020 (Preliminary Scope Decision Memorandum).

[5] *See* Memorandum, ''Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Scope Comments Final Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[6] *See* Commerce's Letters, dated November 9 and 18, 2020; *see also* GARMCO's Letter, ''Common Alloy Aluminum Sheet from Bahrain; Verification Questionnaire Response,'' dated November 18, 2020; and GOB's Letter, ''Common Alloy Aluminum Sheet from Bahrain; GOB Verification Response,'' dated November 25, 2020.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to the parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: March 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, 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 common alloy sheet.

Excluded from the scope of this investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of this investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Subsidies Valuation
V. Analysis of Programs
VI. Analysis of Comments
Comment 1: Whether to Revise GARMCO's Sales Denominator
Comment 2: How to Calculate the Benefit for the Provision of Electricity and Water
Comment 3: Whether Income Tax Exemptions Are Countervailable
Comment 4: What Benchmark to Use to Calculate the Benefit for the Provision of Land
Comment 5: Whether to Countervail the Provision of Land Associated with Plot NS–107
Comment 6: Whether Alba Is an Authority
Comment 7: What Benchmark to Use to Calculate the Benefit for the Provision of Primary Aluminum
Comment 8: Whether the Natural Gas Market in Bahrain Is Distorted
Comment 9: What Benchmark to Use to Calculate the Benefit for the Provision of Natural Gas
Comment 10: Whether Certain Programs Are Specific
Comment 11: Whether the Tamkeen Programs Have Been Terminated
VII. Recommendation

[FR Doc. 2021–04723 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA917]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's (Council) District Advisory Panels (DAPs) will hold public virtual meetings to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The DAPs public virtual meetings will be held as follows: St. Thomas/St. John DAP, March 29, 2021, from 10 a.m. to 12 p.m.; Puerto Rico DAP, March 29, 2021, from 1 p.m. to 3 p.m.; St. Croix DAP, March 30, 2021, from 10 a.m. to 12 p.m. All meetings will be at Atlantic Standard Time (AST).

ADDRESSES: You may join the DAPs public virtual meetings (via Zoom) from a computer, tablet or smartphone by entering the following addresses:

Zoom Virtual Meeting: DAP–STT/STJ

Time: Mar 29, 2021, 10 a.m. Puerto Rico

Join Zoom Meeting

https://us02web.zoom.us/j/83854425765?pwd=aW1McVk5WFh3REh6TVAzWFNTOGlXdz09

Meeting ID: 838 5442 5765
Passcode: 778522

One Tap Mobile

+17879451488,,83854425765#,,,,*778522# Puerto Rico
+17879667727,,83854425765#,,,,*778522# Puerto Rico

Zoom Virtual Meeting: DAP–PR

Time: Mar 29, 2021, 1 p.m. Puerto Rico

Join Zoom Meeting

https://us02web.zoom.us/j/86873299715?pwd=SklOeFZxVGx5WWNMaEt0WnBZRDVFZz09

Meeting ID: 868 7329 9715
Passcode: 305290

One Tap Mobile

+17879667727,,86873299715#,,,,
*305290# Puerto Rico
+19399450244,,86873299715#,,,,
*305290# Puerto Rico

Zoom Virtual Meeting: DAP–STX

Time: Mar 30, 2021, 10 a.m. Puerto Rico

Join Zoom Meeting

https://us02web.zoom.us/j/81928632796?pwd=emdrUEkwb2tPZkNoWXRWTVM0eHZrUT09
Meeting ID: 819 2863 2796
Passcode: 588443

One Tap Mobile

+19399450244,,81928632796#,,,,
*588443# Puerto Rico
+17879451488,,81928632796#,,,,
*588443# Puerto Rico

FOR FURTHER INFORMATION CONTACT: Miguel Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 398–3717.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda are:

—Call to Order
—Roll Call
—Adoption of Agenda
—5-year Strategic Plan
—Other Business

All three meetings will be discussing the same agenda items.

Other than the starting date and time the order of business may be adjusted as necessary to accommodate the completion of agenda items, at the discretion of the Chair. The meetings will begin on March 29, 2021 at 10 a.m. AST, and will end on March 30, 2021, at 12 p.m. AST.

Special Accommodations

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 226–8849.

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

Dated: March 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–04757 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA909]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a seminar series presentation.

SUMMARY: The South Atlantic Fishery Management Council (Council) will host a presentation on red snapper diet analysis via webinar March 30, 2021.

DATES: The webinar presentation will be held on Tuesday, March 30, 2021, from 2 p.m. until 3:30 p.m.

ADDRESSES:

Meeting address: The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council's website at: *https://safmc.net/safmc-meetings/other-meetings/* as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8439 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council will host a presentation from South Carolina Department of Natural Resources staff on recent diet analysis of red snapper conducted in the South Atlantic region. A question and answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational purposes only and no management actions will be taken.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–04756 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA915]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of web conference.

SUMMARY: The Center of Independent Experts (CIE) meeting will be held April 5, 2021 through April 9, 2021.

DATES: The meeting will be held on Monday, April 5, 2021 through Friday, April 9, 2021, from 9 a.m. to 5 p.m., Pacific Time.

ADDRESSES: The meeting will be a web conference. Join online through the link at *https://archive.fisheries.noaa.gov/afsc/refm/stocks/plan_team/2021_flatfish_cie/.*

Council address: Alaska Fishery Science Center, 7600 Sand Point Way, Seattle, WA 98115; telephone: (206) 526–4000.

FOR FURTHER INFORMATION CONTACT: Meaghan Bryan, Alaska Fishery Science Center staff; phone: (206) 526–4694; email: *meaghan.bryan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, April 5, 2021 Through Friday, April 9, 2021

The CIE is to review the Bering Sea and Aleutian Islands (BSAI) Greenland turbot assessment model and the Gulf of Alaska northern rock sole and southern rock sole stock assessment models.

The agenda is subject to change, and the latest version will be posted at *https://archive.fisheries.noaa.gov/afsc/refm/stocks/plan_team/2021_flatfish_cie/* prior to the meeting, along with meeting materials.

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

Dated: March 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–04755 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA920]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Meeting of the South Atlantic Fishery Management Council.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting via webinar.

DATES: The Council meeting will be held from 1 p.m.–2 p.m. on Monday, March 29, 2021.

ADDRESSES: The meeting will be held via webinar. Webinar registration is required. Details are included in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone 843/302–8440 or toll free 866/SAFMC–10; FAX 843/769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Meeting information, including the webinar link, agenda, and briefing book materials will be posted on the Council's website at: *http://safmc.net/safmc-meetings/council-meetings/.*

The Council will convene to review section 216(c) of the Executive Order (E.O.) on Tackling the Climate Crisis at Home and Abroad (E.O. 14008) issued on January 27, 2021. Section 216(c) of the E.O. 14008 directs NOAA to collect recommendations on how to make fisheries, including aquaculture and protected resources more resilient to climate change, including changes in management and conservation measures and improvements in science, monitoring and cooperative research.

NOAA issued a Request for Information (RFI) on March 2, 2021 accepting written comments within 30-days and will continue to gather input through 2021. During the Council meeting, NOAA Fisheries will provide a presentation on Section 216 (c) of the E.O. and the Council will provide input.

Written comments may be directed to John Carmichael, Executive Director, South Atlantic Fishery Management Council (see **ADDRESSES**) or electronically via the Council's website at *http://safmc.net/safmc-meetings/council-meetings/.* Public comment will also be allowed as part of the meeting agenda.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–04758 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA908]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: We, NMFS, intend to prepare an Environmental Impact Statement (EIS), in accordance with the requirements of the National Environmental Policy Act (NEPA), to analyze the potential impacts on the human (biological, physical, social, and economic) environment caused by the Western Oregon State Forests Habitat Conservation Plan (WOSF HCP) and a range of reasonable alternatives. The WOSF HCP is being prepared in support of a request for Endangered Species Act (ESA) incidental take permits (ITPs) authorizing incidental take of covered species by covered activities. We are also announcing the initiation of a public scoping period to engage Federal, Tribal, State, and local governments and the public in the identification of issues and concerns, potential impacts, and reasonable alternatives to the proposed action that meet the purpose and need for consideration in the draft EIS. The applicant for the ITPs is the Oregon Department of Forestry (ODF).

DATES: The NMFS requests comments concerning the scope of the analysis, and identification of relevant information, studies, and analyses. All comments must be received by April 7, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0019, by:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2021–0019 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The WOSF draft HCP is posted on the ODF website: *https://www.oregon.gov/ODF/AboutODF/Pages/HCP-initiative.aspx.*

FOR FURTHER INFORMATION CONTACT: Michelle McMullin, NMFS, 541–957–3378, *Michelle.McMullin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for the Proposed Action

The purpose of ITP(s) issuance to ODF is to protect the covered species and their habitat while allowing the applicant to manage WOSF lands in compliance with the ESA. The need for the Federal action is to respond to the applicant's request for ITPs for the covered species and covered activities as described in the WOSF HCP. NMFS and the U.S. Fish and Wildlife Service (USWFS) will review the ITP applications to determine if they meet permit issuance criteria.

Preliminary Proposed Action and Alternatives

Under the proposed action, NMFS and USFWS would approve the WOSF HCP and issue ITPs with 70-year permit

terms to the ODF for incidental take of covered species from covered activities in the plan area. The plan area includes all state forestlands west of the Cascade Range that are managed by ODF, a total of 733,695 acres (about 2969.16 km^2). The permit area is defined as the portion of the plan area that ODF currently controls and where all covered activities would occur and conservation actions would apply. The covered activities are the projects and activities for which ODF is requesting take authorization. The covered activities include the ODF's forest and recreation management activities in the permit area as well as the activities needed to carry out ODF's proposed conservation strategy. Broad categories of covered activities include stand management, road system management, recreation infrastructure construction and maintenance, and HCP conservation actions. Covered species under the proposed WOSF HCP include threatened and endangered species listed under the ESA, and currently unlisted species that have the potential to become listed during the life of the HCP. Incidental take coverage is being sought by ODF for covered species. More information on covered activities and the species for which ODF is seeking incidental take coverage is provided in the draft HCP, available at *https://www.oregon.gov/ODF/AboutODF/Pages/HCP-initiative.aspx.*

We will consider the Proposed Action and the No Action Alternative as well as being open to considering what ideas the public may bring forward during the scoping process. We are using this process to seek alternatives, which may include, but are not limited to variation in the length of the permit term; adding or removing some of the covered species; the level of take allowed; the level, location, or type of minimization, mitigation, or monitoring provided under the HCP; the scope of covered activities; the location, amount or type of conservation, or similar aspects of the permit conditions.

Summary of Expected Impacts

Incidental take is expected to occur due to the covered activities under the proposed action. Expected impacts are less than what occurs under ODFs current timber/land management practices. ODF is proposing a conservation strategy as part of their HCP that is intended to fully offset the impacts of the take.

Anticipated Permits and Authorizations

The following permits, consultations, or other authorizations are anticipated to be required in order to proceed with issuance of the ITPs:

- ESA Section 7 consultations, ESA Section 10 Findings;
- Magnuson-Stevens Fishery Conservation and Management Act consultation;
- Tribal consultations; and
- National Historic Preservation Act with possible memorandum of agreement or other mechanism.

Schedule for the Decision-Making Process

Information on the proposed NEPA schedule can be found at: *https://www.fisheries.noaa.gov/action/notice-intent-prepare-environmental-impact-statement-western-oregon-state-forest-habitat.*

Public Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. NMFS is hosting a public webinar for informational purposes, including a question and answer session, within the scoping period. Information on the webinar date and time, and instructions for connecting or calling into the webinar will be posted at: *https://www.fisheries.noaa.gov/action/notice-intent-prepare-environmental-impact-statement-western-oregon-state-forest-habitat.* Accommodations for persons with disabilities are available; accommodation requests should be directed to Michelle McMullin at least 10 working days prior to the webinar.

Public comments will not be accepted during the webinar.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

The primary purpose of the scoping process is for the public to assist NMFS in developing the EIS. NMFS requests that the comments be specific. In particular, we request information regarding: Any science that is relevant and not yet incorporated, any interpretation of science that is different than what is presented; significant issues; identification of impacts that are not fully off-set; review and input regarding monitoring; possible alternatives that meet the purpose and need; effects or impacts to the human environment from the proposed action or alternatives; and potential terms and conditions that may minimize adverse effects, including time or area restrictions or both to reduce environmental impacts.

Lead and Cooperating Agencies

NMFS is the lead agency for the NEPA process. The USFWS is a cooperating agency in the NEPA process.

Nature of Decision To Be Made

If after publication of the Record of Decision we determine that all requirements are met for ITP issuance, the NMFS West Coast Regional Administrator will issue a decision on the requested ITP.

Authority: 42 U.S.C. 4321 *et seq.;* 40 CFR parts 1500–1508; and Companion Manual for NOAA Administrative Order 216–6A, 82 FR 4306.

Dated: February 25, 2021.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–04315 Filed 3–5–21; 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 Logbook 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 December 22, 2020 (85 FR 83519) 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: Greater Atlantic Region Logbook Family of Forms.

OMB Control Number: 0648–0212.

Form Number(s): None.

Type of Request: Regular (Revision of an approved information collection).

Number of Respondents: 2,299.

Average Hours per Response: 5 minutes, Vessel Trip Reports; 12.5 minutes, Shellfish Log; 3 minutes for Spawning Blocks, Monkfish DAS, EFP, Herring, RSA, and Tilefish.

Total Annual Burden Hours: 10,487.

Needs and Uses: The information collected is used by several offices of the NOAA Fisheries Service, the U.S. Coast Guard, the Councils, and state fishery enforcement agencies under contract to the NOAA Fisheries Service in order to develop, implement, and monitor fishery management strategies.

These data serve as inputs for a variety of uses, including biological analyses and stock assessments, regulatory impact analyses, quota allocation selections and monitoring, economic profitability profiles, trade and import tariff decisions, allocation of grant funds among states, and analysis of ecological interactions among species. NMFS would be unable to fulfill the majority of its scientific research and fishery management missions without these data.

This request is for revision of a current information collection. Fishing vessels participating in select fisheries within the Greater Atlantic Region are currently able to submit certain required reports via an Interactive Voice Response (IVR) system. As of Spring 2021, the IVR system will no longer be available and the reports will need to be submitted using our web based system, FishOnline.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: On occasion, weekly, monthly.

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 0648–0212.

Sheleen Dumas,

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

[FR Doc. 2021–04654 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA916]

Mid-Atlantic Fishery Management Council (MAFMC); Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) will hold five public hearings via webinar and a written comment period to solicit public comments on a developing a management action that considers initiation and/or modifications to the bluefish fishery management plan goals and objectives, sector allocations, commercial allocations to the states, rebuilding plan, transfer processes, accounting of management uncertainty, and the *de minimis* provisions.

DATES: The webinar hearings will be held between March 24 and April 8, 2021. Each hearing will take place from 6 p.m. to 8 p.m. EST. Written comments must be received on or before 11:59 p.m. EST, April 23, 2021. See **SUPPLEMENTARY INFORMATION** for more details, including the dates and times for all hearings.

ADDRESSES: All hearings will be hosted through GoToWebinar. You must use GoToWebinar to speak during the hearings. A listen-only call in option is also available. Participants will not be able to speak through the listen-only phone connection. To access any of the webinar hearings, please follow the registration prompts at *https://register.gotowebinar.com/rt/1167425575591673359.* To attend the webinar in listen only mode without the ability to speak, you may dial 1–866–901–6455 and enter access code 140–544–592.

A public hearing document with more information on this action is available at: *https://www.mafmc.org/actions/bluefish-allocation-amendment.* Copies of the document are also available by request from Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

Public comments: Written comments may be sent by any of the following methods:

- *Email to: mseeley@mafmc.org* (subject: ''Bluefish Amendment'')
- *Via webform at: https://www.mafmc.org/comments/bluefish-allocation-rebuilding-amendment.*
- *Mail to:* Chris Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. Mark the outside of the envelope ''Bluefish Amendment.''
- *Fax to:* 302.674.5399 (subject: ''Bluefish Amendment'')

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) are developing a joint action to address the overfished status via a rebuilding plan, as well as consider adjusting the bluefish fishery management plan goals and objectives, sector allocations, commercial allocations to the states, transfer processes, the approach to account for management uncertainty, and the *de minimis* provisions. The commercial and recreational allocations are currently based on historical landings from 1981–1989. Recent changes in how recreational catch is estimated have resulted in a discrepancy between the current levels of estimated recreational harvest and the allocations to the recreational sector. This action will consider whether modifications to the allocations are needed in light of these and other changes in the fisheries. Additional information on this action is available at: *https://www.mafmc.org/actions/bluefish-allocation-amendment.*

The dates and times of the five webinar hearings are listed below. You are encouraged to participate in the hearing for your state or region; however, all hearings are open to all individuals.

1. North Carolina, South Carolina, Georgia, and Florida: Wednesday, March 24, 2021; 6–8 p.m. EST.

2. Delaware, Maryland, Potomac River Fisheries Commission, and Virginia: Thursday, March 25, 2021. 6–8 p.m. EST.

3. Connecticut and New York: Tuesday, March 30, 2021; 6–8 p.m. EST.

4. Maine, New Hampshire, Massachusetts, and Rhode Island: Thursday, April 1, 2021. 6–8 p.m. EST.

5. New Jersey: Thursday, April 8, 2021. 6–8 p.m. EST.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office, (302) 526–5253, at least 5 days prior to the meeting date.

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

Dated: March 3, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–04754 Filed 3–5–21; 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; West Coast Groundfish Trawl Economic Data

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 December 4, 2020, (85 FR 78311) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Groundfish Trawl Economic Data.

OMB Control Number: 0648–0618.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 339.

Average Hours per Response: 8 hours for catcher processors, catcher vessels, and motherships, 1 hour for quota share permit owners, and 20 hours for first receivers and shorebased processors.

Total Annual Burden Hours: 2,195.

Needs and Uses: This information collection is needed in order to meet the monitoring requirements of the Magnuson-Stevens Act (MSA). In particular, the Northwest Fisheries Science Center (NWFSC) needs economic data on all harvesters, first receivers, shorebased processors, catcher processors, motherships, and quota share owners participating in the West Coast groundfish trawl fishery.

Data will be collected from all catcher vessels registered to a limited entry trawl endorsed permit, catcher processors registered to catcher processor permits, and motherships registered to mothership permits, first receivers, and shorebased processors that received round or head-and-gutted IFQ groundfish or whiting from a first receiver and owners of a quota share permit to provide the necessary information for analyzing the effects of the West Coast Groundfish Trawl Catch Share Program.

As stated in 50 CFR 660.114, the EDC forms due on September 1, 2021, will provide data for the 2020 operating year.

Affected Public: Business or other for-profit organizations; not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: 50 CFR 660.114.

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 0648–0618.

Sheleen Dumas,

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

[FR Doc. 2021–04653 Filed 3–5–21; 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; Papahānaumokuākea Marine National Monument & University of Hawaii Research Internship Program

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0719 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Brian Hauk, NOS/ONMS/PMNM, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Office: 808–725–5835; Cell: 808–232–6379; Main: 808–725–5800; Fax: 808–455–3093, or Email: *brian.hauk@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service's Office of National Marine Sanctuaries (ONMS)/Papahānaumokuākea Marine National Monument (PMNM) is sponsoring this collection.

On June 15, 2006, President George W. Bush established the Papahānaumokuākea Marine National Monument (PMNM) by Presidential Proclamation 8031 under the authority of the American Antiquities Act, 16 CFR 431, to ensure the comprehensive, strong, and lasting protection of the coral reef ecosystems and related resources of the Northwestern Hawaiian Islands (NWHI). At a time when ocean resources around the world are in major decline, the designation of PMNM enabled nearly 140,000 square miles of U.S. land and waters of the region to receive the highest form of environmental protection in the country and created one of the largest marine conservation areas in the world.

As part of PMNM's mission to characterize its natural resources, PMNM conducts annual coral reef monitoring expeditions to the NWHI. Additionally, as part of PMNM's education mission, PMNM is committed to providing educational opportunities for students and educators. In order to accomplish these two missions, PMNM has partnered with the University of Hawaii to offer research internships. Each year, a limited number of research internships will be awarded to outstanding undergraduate students in the marine sciences at the University of Hawaii. These internships consist of training students in SCUBA surveys of coral reef fauna, a research expedition to PMNM aboard a NOAA or contract ship, and the development of an independent research project with data from the expedition. Due to the fact that space is very limited for these internships, only a small number of internships can be offered each year. This request collects information from internship applicants in order to allow PMNM staff to select candidates which are best suited for its research internships.

The collection of information will consist of an electronic application package, which will be solicited annually from undergraduate students applying for the internship. The application package will include (1) an application form with information on academic background and professional experiences, (2) reference forms by two educational or professional references, and (3) a support letter from one academic professor or advisor.

All gathered information would be used only by staff of PMNM for the purpose of selecting interns, and will not be shared with any other party. None of the information collected will be disseminated to the public.

II. Method of Collection

The proposed collection of new information will consist of electronic forms which will be submitted via email.

III. Data

OMB Control Number: 0648–0719.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Response: Scholarship application: 1 hour; Reference forms: 30 minutes; Support Letter: 30 minutes.

Estimated Total Annual Burden Hours: 62.5 hours.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary.

Legal Authority: None.

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. 2021–04702 Filed 3–5–21; 8:45 am]

BILLING CODE 3510–JE–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before April 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain*. Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain*.

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0070, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx*.

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission,

Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

• *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Meghan Tente, Division of Data, Commodity Futures Trading Commission, (202) 418–5785, email: *mtente@cftc.gov,* and refer to OMB Control No. 3038–0070.

SUPPLEMENTARY INFORMATION:

Title: Real Time Public Reporting and Block Trades (OMB Control No. 3038–0070). This is a request for comment on revision of a currently approved information collection.

Abstract: The collection of information is needed to ensure that swap data repositories publicly disseminate swap data as required by the Commodity Exchange Act, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[2] The Dodd-Frank Act directed the CFTC to adopt rules providing for the real-time public reporting and dissemination of swap data and rules for block trades.

On September 17, 2020, the Commission adopted a rulemaking amending its part 43 regulations.[3] In the release accompanying the Final Rule, the Commission included some cost and burden estimates that were not included in the Proposal, including changes to some of its previous estimates.[4] The Commission explains these cost and burden estimates further below.

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. On December 2, 2020, the Commission published in the **Federal Register** notice of the proposed revision of this information collection (including estimated costs related to the modification or maintenance of systems in order to be in compliance with the amendments to § 43.3 that were adopted in the Final Rule), and provided 60 days for public comment on the proposed revision, 85 FR 77437 (''60-Day Notice''). The Commission did not receive any comments on the 60-Day Notice.

1. Amendments to Regulation 43.3

In the Proposal, the Commission omitted the aggregate reporting burden for proposed § 43.3 (as well as § 43.4) and instead provided PRA estimates for all of part 43. The Final Rule included the estimated aggregate reporting burden for § 43.3 as follows:

Estimated Number of Respondents: 1,729 SEFs, DCMs, and reporting counterparties.

Estimated Number of Reports per Respondent: 2,998.

Average Number of Hours per Report: 0.067.

Estimated Gross Annual Reporting Burden: 725,696.

Existing § 43.3 requires reporting counterparties to send swap reports to swap data repositories (''SDRs'') as soon as technologically practicable after execution. The Commission did not include any burden estimates in the Proposal related to the modification or maintenance of systems in order to be in compliance with the proposed amendments to § 43.3.[5] However, for the Final Rule, the Commission recognized certain entities would incur start-up costs to modify their reporting systems and operational costs to maintain them going forward to adopt the changes to § 43.3[6] in the Final Rule, as explained below.

In the Final Rule, the Commission estimated the cost for a reporting entity, including designated contracts markets (''DCMs''), derivatives clearing organizations (''DCOs''), major swap participants (''MSPs''), swap dealers (''SDs''), non-SD/MSP/DCO counterparties, and swap execution facilities (''SEFs''), to modify their systems and maintain those modifications going forward to adopt the Final Rule could range from $24,000 to $74,000 per entity. There are an estimated 1,732 reporting entities, for a total estimated cost of $84,868,000.[7] As described in the Final Rule, the estimated cost range is based on a number of assumptions that cover tasks required to design, test, and implement an updated data system based on the new swap data elements contained in part 43.

In the Final Rule, the Commission further estimated that the cost for an SDR to modify their systems, including their data reporting, ingestion, and validation systems, and maintain those modifications going forward may range from $144,000 to $510,000 per SDR. There are currently three SDRs, for an estimated total cost of $981,000.[8]

[1] 17 CFR 145.9.

[2] Public Law 111–203, 124 Stat. 1376 (2010).

[3] The Commission proposed the amendments to part 43 in February 2020. Real-Time Public Reporting Requirements, 85 FR 21516 (Apr. 17, 2020) (the ''Proposal''). The final rule was published in the **Federal Register**, 85 FR 75422 (Nov. 25, 2020) (the ''Final Rule'').

[4] In the Final Rule, the Commission revised the information collection to reflect the adoption of amendments to part 43, including changes to reflect adjustments that were made to the Final Rule in response to comments on the Proposal (not relating to PRA). In the Proposal, the Commission omitted the aggregate reporting burden for proposed § 43.3 and § 43.4 in the preamble and instead provided PRA estimates for all of part 43. In the Final Rule, the Commission included PRA estimates for final § 43.3 and § 43.4 which are set forth below. In addition, in the Final Rule, the Commission revised the information collection to include burden estimates for one-time costs that SDRs, SEFs, DCMs, and reporting counterparties could incur to modify their systems to adopt the changes to part 43, as well as burden estimates for these entities to perform any annual maintenance or adjustments to reporting systems related to the changes. These estimates are also set forth below. The Commission did not include PRA estimates for all of part 43 in the Final Rule preamble as the Final Rule only affects PRA estimates for § 43.3 and § 43.4. However, PRA estimates for all of part 43 were included in the supporting statement being filed with OMB in connection with the Final Rule (excluding estimates related to the Commission's block trade regulation, as the block trade regulation is not affected by the final rulemaking).

[5] The supporting statement for part 43 submitted for the Proposal only showed negative incremental changes in Attachment A (*e.g.,* showed a negative adjustment of 30,300 responses and negative 2,030.10 burden hours).

[6] The Commission did not include any burden estimates in the Final Rule related to the modification or maintenance of systems in order to be in compliance with the amendments to § 43.4. To avoid double-counting, the Commission included the costs associated with updates to § 43.4 in the estimates for § 43.3, as they would be captured in the costs of updating systems based on the list of swap data elements in part 43.

[7] Based on the Commission's eight years of experience in administering the existing-real time reporting regulation, the Commission believes that the costs to reporting entities to implement the Final Rule will be on the lower end of the range, closer to $24,000 than to $74,000.

[8] As described in the Final Rule, the estimated cost ranges are based on a number of assumptions that cover the set of tasks required for the SDR to design, test, and implement an updated data system

2. Amendments to Regulation 43.4

In the Final Rule, the Commission estimated that the amendments would reduce the number of mirror swaps SDRs would need to publicly disseminate by 100 reports per each SDR, for an aggregate burden hour reduction of 20.10 hours. In addition, the Commission estimated that the aggregate reporting burden total for § 43.4, as adjusted for the reduction in reporting by SDRs of mirror swaps, is as follows:

Estimated Number of Respondents: 3.

Estimated Number of Reports per Respondent: 1,499,900.

Average Number of Hours per Report: 0.009.

Estimated Gross Annual Reporting Burden: 40,497.

The Commission did not include any burden estimates in the Proposal related to the modification or maintenance of systems in order to be in compliance with the proposed amendments to § 43.4. To avoid double-counting, the Commission included the costs associated with updates to § 43.4 in the estimates for § 43.3 discussed above, as they would be captured in the costs of updating systems based on the list of swap data elements in part 43.

Burden Statement: Provisions of CFTC Regulations 43.3, 43.4, and 43.6 result in information collection requirements within the meaning of the PRA. With respect to the ongoing reporting and recordkeeping burdens associated with swaps, the CFTC is revising its estimate of the burden of this collection (excluding estimates related to the Commission's block trade regulation, which is not affected by the final rulemaking). The Commission believes that SDs, MSPs, SEFs, DCMs, DCOs, and non-SD/MSP/DCO counterparties incur an annual time-burden of 771,831 hours. This time-burden represents a proportion of the burden respondents incur to operate and maintain their swap data recordkeeping and reporting systems. The respondent burden for this collection (excluding estimates related to the Commission's block trade regulation) is estimated to be as follows:

Respondents/Affected Entities: SDs, MSPs, and other counterparties to a swap transaction (*i.e.,* non-SD/MSP/DCO counterparties).

Estimated Number of Respondents: 1,732.

Estimated Average Burden Hours per Respondent: 445.

Estimated Total Annual Burden Hours: 771,831 hours.

Frequency of Collection: Ongoing.

Capital or Operating and Maintenance Costs: $85,849,000.[9]

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 2, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–04667 Filed 3–5–21; 8:45 am]

BILLING CODE 6351–01–P

based on the new swap data elements contained in part 43.

[9] In the Proposal, the Commission omitted the aggregate reporting burden for proposed § 43.3 and § 43.4 in the preamble and instead provided PRA estimates for all of part 43 (excluding estimates related to the Commission's block trade regulation, which is not affected by the final rulemaking). In the Final Rule, the Commission included PRA estimates for final § 43.3 and § 43.4 in the preamble because these are the only sections of part 43 affected by the final rulemaking. Attachment A to the supporting statement for the Proposal only showed the changes in the burden estimates for § 43.3 and § 43.4 for the Proposal. For the Final Rule, the Commission revised Attachment A to the supporting statement that was filed with OMB to include aggregate burden estimates for all requirements in the collection (excluding estimates related to the Commission's block trade regulation, as the burden estimates for the block trade regulation are not affected by the final rulemaking). In addition, in the Final Rule, the Commission revised the information collection to include burden estimates for one-time costs that SDRs, SEFs, DCMs, and reporting counterparties could incur to modify their systems to adopt the changes to part 43, as well as burden estimates for these entities to perform any annual maintenance or adjustments to reporting systems related to the changes. The estimates in the supporting statements for the Final Rule are consistent with the estimates shown in the Burden Statement above (*e.g.,* the supporting statement for the Final Rule reflects that there are 1,732 respondents and that the total annual number of burden hours across all respondents is 771,831.)

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before April 7, 2021.

ADDRESSES: Written comments and recommendations for the information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0096, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

[1] 17 CFR 145.9.

FOR FURTHER INFORMATION CONTACT: Meghan Tente, Division of Data, Commodity Futures Trading Commission, (202) 418–5785, email: *mtente@cftc.gov,* and refer to OMB Control No. 3038–0096.

SUPPLEMENTARY INFORMATION:

Title: Swap Data Recordkeeping and Reporting Requirements (OMB Control No. 3038–0096). This is a request for comment on revision of a currently approved information collection.

Abstract: The collection of information is needed to ensure that the CFTC and other regulators have access to swap data as required by the Commodity Exchange Act, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[2] The Dodd-Frank Act directed the CFTC to adopt rules providing for the reporting of data relating to swaps.

On September 17, 2020, the Commission adopted a rulemaking amending its part 45 regulations.[3] In the release accompanying the final rule, the Commission included some estimated costs and burdens that were not included in the Proposal and made corrections to some of its previous estimates. The Commission explains these cost and burden estimates below.

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. On December 2, 2020, the Commission published in the **Federal Register** notice of the proposed revision of this information collection and provided 60 days for public comment on the proposed revision, 85 FR 77435 (''60-Day Notice''). The Commission did not receive any comments on the 60-Day Notice.

1. Amendments to Regulation 45.3

Amended § 45.3 creates costs for swap data repositories (''SDRs''), swap execution facilities (''SEFs''), designated contract markets (''DCMs''), and reporting counterparties to update systems for reporting required swap creation data reports. For the Proposal, the Commission estimated SDRs, SEFs, DCMs, and reporting counterparties would incur a one-time initial burden of 10 hours per entity to modify their systems to adopt the changes, for a total estimated hours burden of 17,320 hours. The cost per entity was estimated to be $722.30 for a total cost across entities of $1,251,024. The Commission additionally estimated 5 hours per entity annually to perform any needed maintenance or adjustments to reporting systems, at a cost of $361.15 per entity and $625,512 across entities.[4] The Commission re-evaluated the analysis in the final rule and instead used a wage estimate of between $48 and $101[5] per hour and revised its estimate of the one-time initial cost per SDR to be in a range of $144,000 to $1,010,000 for PRA purposes, based on 3,000 to 10,000 hours of work per SDR.[6] Using these revised estimates, the Commission estimated an average estimated cost of $577,000 per SDR to update their systems, or estimated capital/start-up costs of $1,731,000 across all 3 SDRs.

With regard to reporting entities, the PRA section of the Proposal inadvertently did not include any estimates of initial costs to update systems for SEFs, DCMs, and reporting counterparties. In the final rule, the Commission estimated that SEFs, DCMs, and reporting counterparties will incur a one-time initial cost per reporting entity in a range of $24,000 to $73,225 per reporting entity, with each reporting entity spending approximately 500 to 725 hours on the updates.[7] Rather than base the Commission's PRA estimates of the total upfront implementation cost for reporting entities on arithmetic averages, the Commission recognized that reporting entities are already subject to existing swaps data reporting and recordkeeping obligations pursuant to Part 45, so it is likely that reporting entities will only need to reprogram their existing reporting systems, instead of building new reporting systems, to comply with the final rule. Furthermore, through the Commission's eight years of experience in administering Part 45, the Commission believes that the 1,732 reporting entities are a relatively consistent group, such that most entities that are currently reporting entities under Part 45 will continue to be reporting entities under the final rule, and few entities that are not currently reporting entities under Part 45 will become reporting entities under the final rule. Because most reporting entities will only need to reprogram their existing reporting systems, the Commission believes that the upfront cost to reporting entities to implement the final rule will be on the lower end of the range, closer to $24,000 than to $73,225. Therefore, the Commission based its PRA estimates on a more realistic split of 90%/10% between existing reporting entities and new reporting entities, which resulted in a weighted average cost of $28,923 per reporting entity ($24,000 * 0.9 + $73,225 * 0.1), or a total upfront implementation cost of $50,094,636 for the 1,732 reporting entities.

Together, the Commission estimated the total aggregate upfront implementation cost in the final rule to be $51,825,636 ($50,094,636 for reporting entities and $1,731,000 for SDRs). The Commission does not expect any ongoing costs for SDRs or reporting entities after the initial builds.

2. Amendments to Regulation 45.4

The Commission amended § 45.4, which requires reporting counterparties to report data to SDRs when swap terms change and daily swap valuation data. The PRA section of the Proposal estimated that proposed § 45.4 would apply to 1,705 respondents, with 97,341 reports per respondent, .004 average hours per report, and a gross annual reporting burden of 664,479 hours. In the final rule, the Commission expanded the daily valuation data reporting requirement for SD/MSP reporting counterparties to report margin and collateral data in addition to valuation data. This is a change from the

[2] Public Law 111–203, 124 Stat. 1376 (2010).

[3] The Commission proposed the amendments to Part 45 in February 2020. Swap Data Recordkeeping and Reporting Requirements, 75 FR 21578 (Apr. 17, 2020) (the ''Proposal''). The final rule was published in the **Federal Register**, 85 FR 75503 (Nov. 25, 2020).

[4] The PRA section of the Proposal included one-time and ongoing burden hour estimates for entities to modify their systems. The associated cost estimates referenced above were included in the related Supporting Statement filed with OMB for the Proposal.

[5] Hourly wage rates for this aspect came from the Software Developers and Programmers category of the May 2019 National Occupational Employment and Wage Estimates Report produced by the U.S. Bureau of Labor Statistics, available at *https://www.bls.gov/oes/current/oes_nat.htm.* The 25th percentile was used for the low range and the 90th percentile was used for the upper range ($36.89 and $78.06, respectively). Each number was multiplied by an adjustment factor of 1.3 for overhead and benefits (rounded to the nearest whole dollar) which is in line with adjustment factors the CFTC has used for similar purposes in other final rules adopted under the Dodd-Frank Act. *See, e.g.,* 77 FR at 2173 (using an adjustment factor of 1.3 for overhead and other benefits). These estimates are intended to capture and reflect U.S. developer hourly rates market participants are likely to pay when complying with the changes. Individual entities may, based on their circumstances, incur costs substantially greater or less than the estimated averages.

[6] The lower estimate of $144,000 represents 3,000 working hours at the $48 rate. The higher estimate of $1,010,000 represents 10,000 working hours at the $101 rate. The PRA section of the final rule incorrectly stated that the $1,010,000 estimate at the higher end of the range was based on 5,000 working hours. However, in response to a comment indicating that the commenter expected its costs to be 8,000 to 10,000 developer hours, the Commission expanded the range of potential costs per SDR to between $144,000 and $1,010,000 for PRA purposes.

[7] The lower estimate of $24,000 represents 500 working hours at the $48 rate. The higher estimate of $73,225 represents 725 working hours at the $101 rate.

Proposal, in which the Commission proposed requiring derivatives clearing organization (''DCO'') counterparties to report the information as well. The frequency of the report will not change for SD/MSP reporting counterparties, but the Commission estimated SD/MSP/DCO reporting counterparties would require more time to prepare each report. However, since all of this information is reported electronically, the Commission expected the increase per report to be small, from .003 to .004 hours per report. Since the Commission is not requiring DCO reporting counterparties to report the information, the Commission revised its estimate to .0035 hours per report. As a result, in the final rule the aggregate burden under § 45.4 was estimated to apply to 1,705 respondents, with 97,341 reports per respondent, .0035 average hours per report, and a gross annual reporting burden of 581,419 hours.

Amended § 45.4 creates costs for SDRs and reporting counterparties to update systems for reporting required swap continuation data. For the Proposal, the Commission estimated SDRs and reporting counterparties would incur a one-time initial burden of 10 hours per entity to modify their systems to adopt the changes to § 45.4, for a total estimated hours burden of 17,050 hours. The cost per entity was estimated to be $722.30 for a total cost across entities of $1,231,522. The Commission additionally estimated 5 hours per entity annually to perform any needed maintenance or adjustments to reporting systems, at a cost of $361.15 per entity and $615,761 across entities. However, the Commission re-evaluated the analysis for the final rule and realized that since the costs relate to reporting certain swap data elements, they are covered in the start-up and initial costs for § 45.3 described above. To avoid double-counting, the Commission removed the estimates for § 45.4.

3. Amendments to Regulation 45.5

Amended § 45.5 creates costs for entities that were previously required to generate Unique Swap Identifiers (''USIs'') to update their systems to generate Uniform Transaction Identifiers (''UTIs''). The PRA section of the Proposal estimated that SDRs and reporting counterparties required to generate UTIs would incur a one-time initial burden of 1 hour per entity to modify their systems to adopt the changes to § 45.5, for a total estimated hours burden of 940 hours. The Commission additionally estimated 1 hour per entity annually to perform any needed maintenance or adjustments to reporting systems. The related Supporting Statement filed with OMB for the Proposal estimated that the cost per entity for the one-time initial burden would be $72.23 for a total cost across entities of $67,896, and an additional cost of $72 per entity and $67,680 across entities annually to perform any needed maintenance or adjustments to reporting systems. The PRA section of the final rule did not make any changes to the Commission's burden hour estimates for SDRs and reporting counterparties to modify their systems to adopt the changes to final § 45.5 in connection with either its estimates of either the one-time initial burden estimate or the burden of ongoing maintenance or adjustments to reporting systems. The final rule also did not change the estimated cost per entity of $72.23 per entity or a total cost across entities of $67,896 in connection with the Commission's estimate of the one-time initial burden costs for SDRs and reporting counterparties required to generate UTIs. However, the PRA section of the final rule corrected the estimated cost per entity for ongoing maintenance or adjustment to reporting systems in the supporting statement for the Proposal from a cost of $72 per entity and $67,680 across entities to a cost of $72.23 per entity and $67,896 across entities for final § 45.5.

Burden Statement: Provisions of CFTC Regulations 45.2, 45.3, 45.4, 45.5, 45.6, 45.10 and 45.14 result in information collection requirements within the meaning of the PRA. With respect to the ongoing reporting and recordkeeping burdens associated with swaps, the CFTC is revising its estimate of the burden of this collection. The Commission believes that SEFs, DCMs, DCOs, SDRs, swap dealers (''SDs''), major swap participants (''MSPs''), and non-SD/MSP/DCO counterparties incur an annual time-burden of 1,226,021 hours. This time-burden represents a proportion of the burden respondents incur to operate and maintain their swap data recordkeeping and reporting systems. The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: SDs, MSPs, SDRs, DCMs, SEFs, and other counterparties to a swap transaction (*i.e.,* non-SD/MSP/DCO counterparties).

Estimated Number of Respondents: 1,732.

Estimated Average Burden Hours per Respondent: 708.

Estimated Total Annual Burden Hours: 1,226,021 hours.

Frequency of Collection: Ongoing.

Capital or Operating and Maintenance Costs: $51,961,428.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: March, 2, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–04666 Filed 3–5–21; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Friday, March 5, 2021; 10 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Staff will brief the Commission on a compliance 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: March 3, 2021.

Alberta E. Mills,

Secretary.

[FR Doc. 2021–04801 Filed 3–4–21; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Notice To Reopen Public Scoping for the Homeland Defense Radar-Hawaii Environmental Impact Statement; Correction

AGENCY: Missile Defense Agency, Department of Defense (DoD).

ACTION: Notice of intent; correction.

SUMMARY: The Department of Defense published a document in the **Federal Register** of February 26, 2021, concerning a public scoping period for the Homeland Defense Radar-Hawaii (HDR–H) Environmental Impact Statement (EIS). The document contained an incorrect web address.

FOR FURTHER INFORMATION CONTACT: Patricia Toppings, 571–372–0485.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of Friday, February 26, 2021, in FR Doc. 2021–03449, on page 11735, in the first column, correct the sixth line of the ''For Further Information Contact'' section to read: ''*https://www.mda.mil/hdrh.html.*''

On page 11735, in the second column, correct the 19th line of the

''Supplementary Information'' section to read: ''*https://www.mda.mil/hdrh.html.*''

Dated: March 2, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–04648 Filed 3–5–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[COE–2021–0002]

Water Resources Development Act of 2020 Comment Period and Stakeholder Sessions

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Request for comments; announcement of stakeholder sessions.

SUMMARY: The Assistant Secretary of the Army for Civil Works (ASA(CW)) is issuing this notice for a comment period for stakeholders and other interested parties to provide input and recommendations to the ASA(CW) on any provisions in the Water Resources Development Act (WRDA) of 2020. The Office of the ASA(CW) will consider all comments received before any implementation guidance is issued.

DATES: Five stakeholder sessions will be held to allow the public to provide input on any provisions in WRDA 2020. Commenters can provide information on any provision of interest during each session. We encourage stakeholders with specific interests to a U.S. Army Corps of Engineers (Corps) mission area to participate in the session aligned with that mission area. The ASA(CW) and the Corps will co-host focused sessions using webinars/teleconferences by means of the web link *https://usace1.webex.com/meet/WRDA2020* and teleconference information at (844) 800–2712, Code 199 937 4287 at the following dates/times: March 16, 2021 from 1:00 p.m. to 3:00 p.m. Eastern to receive comments on Navigation (Inland and Coastal) provisions; March 23, 2021 from 1:00 p.m. to 3:00 p.m. Eastern to receive comments on Flood Risk and Coastal Risk Storm Damage provisions; March 30, 2021 from 1:00 to 3:00 p.m. Eastern to receive comments on Ecosystem Restoration and Nuisance Species provisions; April 6, 2021 from 1:00 to 3:00 p.m. Eastern to receive comments on Water Supply and Hydropower provisions; and April 13, 2021 from 1:00 to 3:00 p.m. Eastern to receive comments on any WRDA 2020 provisions. The public comment period will end on May 7, 2021. Comments must be received on or before that date to be considered during development of implementation guidance.

ADDRESSES: You may submit meeting requests or comments, identified by Docket ID No. COE–2021–0002, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov/. Follow the online instructions for submitting comments.

Email: WRDA2020@usace.army.mil. Include Docket ID No. COE–2021–0002 in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: Ms. Amy Frantz, CEW–P, U.S. Army Corps of Engineers, 3F91, 441 G St. NW, Washington, DC 20314.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: All requests for further information on the notice and the stakeholder sessions may be directed to Mr. Gib Owen, 571–274–1929 or *gib.a.owen.civ@mail.mil.* Mr. Owen may also be contacted by mail at Office of the Assistant Secretary of the Army for Civil Works, 108 Army Pentagon, Washington, DC 20310–0108.

SUPPLEMENTARY INFORMATION: This comment period is being conducted in accordance with Section 1105 of the Water Resources Development Act of 2018 (Pub. L. 115–270). The ASA–CW will hold focused stakeholder sessions using webinars/teleconferences by means of the web link *https://usace1.webex.com/meet/WRDA2020* and teleconference information at (844) 800–2712 Code 199 937 4287. See dates and times above. The final guidance will be available to the public on a publicly accessible website (*https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda_2020/*).

Vance F. Stewart, III,

Senior Official Performing the Duties of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 2021–04659 Filed 3–5–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0032]

Agency Information Collection Activities; Comment Request; Title I, Part A Accountability Waiver Requests for School Year 2020–2021

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new collection.

DATES: The Department has requested emergency processing from OMB for this information collection request by March 4, 2021; and therefore, the regular clearance process is hereby being initiated to provide the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before May 7, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0032. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melissa Siry, (202) 260–0926.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general

public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Title I, Part A Accountability Waiver Requests for School Year 2020–2021.

OMB Control Number: 1810–NEW.

Type of Review: New collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 53.

Total Estimated Number of Annual Burden Hours: 159.

Abstract: On February 22, 2021 the U.S. Department of Education (the Department) invited waivers for the 2020–2021 school year of accountability, school identification, and related reporting requirements under Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), pursuant to the Department's authority under section 8401 of the ESEA. The purpose for this new collection is collect waiver requests from each State education agency wishing to use the provided waiver template.

Additional Information: The Department is providing a streamlined process for SEA waiver requests that will speed the process for both the SEA and the Department and help ensure State and local staff are able to maintain focus on the pressing needs of students. Any additional delay will have a negative impact on schools and students. In order to reduce the burden on States, the Department has created an optional template for States to collect the information required under ESEA section 8401 to request waivers of accountability, school identification, and related reporting requirements. The optional template requests only information that is required under ESEA section 8401.

Dated: March 3, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–04703 Filed 3–5–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0189]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Impact Evaluation of Teacher Residency Programs

AGENCY: Institute of Educational Science, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before April 7, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Meredith Bachman, 202–245–7494.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Impact Evaluation of Teacher Residency Programs.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 467.

Total Estimated Number of Annual Burden Hours: 117.

Abstract: The U.S. Department of Education (ED)'s Institute of Education Sciences (IES) requests clearance for data collection activities to support a study of teacher residency programs. Teacher residency programs aim to better prepare new teachers by combining education coursework with extensive on-the-job training. Program participants complete a full-year apprenticeship, or ''residency,'' under the supervision of an experienced mentor teacher before they become teachers of record. The programs help meet the needs of their partner districts by preparing teachers to fill shortages in high-needs schools and subjects. They offer financial support for residents in exchange for a commitment to teach for at least three to five years in the district, in an effort to improve teacher retention. This financial support may also help expand the pool of teacher candidates by encouraging people to enter the profession who might be deterred by the cost of a traditional teacher preparation program. This request covers collection of classroom rosters from schools to randomly assign students to teachers and to monitor any movement between study classes during the school year. A future request will cover all remaining instruments and data collection activities.

Dated: March 3, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–04704 Filed 3–5–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—National Center for Students With Disabilities Who Require Intensive Intervention

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2021 for a National Center for Students with Disabilities Who Require Intensive Intervention, Assistance Listing Number 84.326Q. This notice relates to the approved information collection under OMB control number 1820–0028.

DATES:

Applications Available: March 8, 2021.

Deadline for Transmittal of Applications: April 22, 2021.

Deadline for Intergovernmental Review: June 21, 2021.

Pre-Application Webinar Information: No later than March 15, 2021, the Office of Special Education Programs (OSEP) will post pre-recorded informational webinars designed to provide technical assistance (TA) to interested applicants. The webinars may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Celia Rosenquist, U.S. Department of Education, 400 Maryland Avenue SW, Room 5158, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7373. Email: *Celia.Rosenquist@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

National Center for Students with Disabilities Who Require Intensive Intervention.

Background:

Across all disability categories, there is a group of students who do not make expected progress when standardized evidence-based interventions are implemented with fidelity and who, therefore, require intensive intervention. Intensive interventions are interventions and services provided under IDEA that are individually designed by systematically adjusting intervention components, such as duration, frequency, strength, alignment, and comprehensiveness, to address a student's unique, severe, and persistent learning or behavior, or both learning and behavior, difficulties. A significant challenge for State educational agencies (SEAs) and local educational agencies (LEAs) is supporting schools and educators in implementing interventions for students with disabilities who have severe and persistent learning or behavior difficulties who require intensive specialized instruction (''students who require intensive intervention'') to succeed in school and be prepared for postsecondary opportunities. Incorporating intensive intervention in systems of academic and behavioral instruction and intervention presents challenges due to the complexity of intensive intervention and the needed professional development and organizational resources to effectively support its implementation (*e.g.,* Berkeley et al., 2020; Briesch at al., 2019).

Addressing the complex needs of students who require intensive intervention has presented a significant challenge to SEAs and LEAs in several areas. An ongoing need of SEAs and LEAs has been identifying and implementing evidence-based interventions, especially intensive intervention. Academic data reveals long-standing significant achievement gaps for students with disabilities (*e.g.,* National Assessment of Educational Progress; see Sparks, 2018). In addition to the academic data, it has been well-documented that students with persistent learning or behavior difficulties are at increased risk of being suspended, expelled, or arrested as well as experience other challenges that can severely limit their academic success and postsecondary options (*e.g.,* Brobbey, 2018; Mitchell et al., 2019). Another area of challenge for SEAs and LEAs is that systems of academic and behavioral instruction and intervention are often developed and implemented in a parallel and non-integrated manner. For example, SEAs and LEAs may have adopted over time separate tiered frameworks to address academic or behavioral instruction and intervention which may have resulted in differing implementation approaches as well as varying levels of resources such as funding, professional development opportunities, prioritization by leadership, or hiring of personnel. Moreover, such an approach does not recognize that academic and behavioral needs often co-occur and influence one another and can limit the effectiveness of intensive intervention.

Compounding the concern of long-standing significant academic achievement gaps and behavioral challenges for students with disabilities is the impact of the novel coronavirus 2019 (COVID–19) pandemic, the long-term effects of which are unknown. Families, educators, administrators, and other stakeholders have voiced concerns that the disruption in typical instruction due to the COVID–19 pandemic will have a disproportionate negative impact on students who require intensive intervention (*e.g.,* Jones et al., 2020) as well as English learners (*e.g.,* U.S. Government Accountability Office,

2020), including those requiring intensive intervention. The COVID–19 pandemic has exacerbated, and will continue to exacerbate, the lack of availability and use of existing resources across all State and local jurisdictions for some time to come. The impact of periodic and more localized natural disasters such as hurricanes, fires, and floods will likewise place a strain on resources within and across States. TA and resources for SEAs and LEAs are now even more critical to ensure educators have professional development opportunities to implement intensive interventions, as the need is likely to exponentially increase to address the negative impacts of the disruption in typical instruction. SEAs and LEAs will also need support as they implement interventions aimed at reducing learning loss for students requiring intensive intervention, and as they systemically integrate intensive intervention into existing State initiatives to maximize use of limited resources, such as State Systemic Improvement Plans (SSIP).

Priority:

The purpose of this priority is to fund a cooperative agreement to establish and operate a National Center for Students with Disabilities Who Require Intensive Intervention (Center). This Center will provide TA to increase the capacity of SEAs and LEAs to support schools and educators to address the needs of students who require intensive intervention and disseminate resources and products.

The Center must achieve, at a minimum, the following expected outcomes:

(a) Increased capacity of SEAs and LEAs to support schools and educators to identify, implement, and sustain face-to-face and remote intensive intervention;

(b) Increased capacity of SEAs and LEAs to ensure professional development includes training on implementation of face-to-face and remote intensive intervention;

(c) Increased capacity of LEAs and schools to develop or refine and coordinate their system of instruction and intervention to implement and sustain contextually and culturally responsive intensive intervention;

(d) Increased capacity of SEAs to support the efforts of LEAs to incorporate intensive intervention in existing or new initiatives and policies;

(e) Increased capacity of SEAs, LEAs, and educators to use and coordinate existing national, regional, State, and local resources (*e.g.,* parent and family organizations, TA providers, mental health agencies and organizations, and institutions of higher education (IHEs)) to better implement and sustain intensive intervention;

(f) Increased capacity of SEAs and LEAs to address emerging issues related to the implementation and sustainability of intensive intervention, including those issues related to COVID–19 and future instances of learning loss, such as different approaches to mitigating learning loss and efficiently and effectively allocating resources for supporting students who require intensive intervention; and

(g) Increased dissemination of components of intensive intervention and lessons learned from implementing intensive intervention to inform SEA and LEA implementation efforts.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Address the current and emerging needs of SEAs and LEAs to support schools and educators in implementing and sustaining intensive intervention. To meet this requirement, the applicant must—

(i) Present applicable national, State, regional, or local research addressing the current capacity of SEAs and LEAs to support schools and educators in the implementation and sustainability of intensive intervention;

(ii) Demonstrate knowledge of current educational issues and policy initiatives relating to addressing the needs of students who require intensive intervention; and

(iii) Address the current and emerging needs of SEAs and LEAs related to the implementation and sustainability of intensive intervention, including those related to COVID–19; and

(2) Improve academic and behavioral outcomes for students who require intensive intervention, and indicate the likely magnitude or importance of the improvements.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model [1] by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals and how they will be measured, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework (and provide a copy in Appendix A) to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: The following websites provide more information on logic models and conceptual frameworks: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of evidence-based [2] practices (EBPs). To meet this requirement, the applicant must describe—

(i) The current research on the assessment of a coordinated system of instruction and intervention that builds capacity in SEAs and LEAs to implement and sustain intensive intervention and related EBPs;

(ii) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and EBPs in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this

[1] Logic model (34 CFR 77.1) (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

[2] For the purposes of this priority, ''evidence-based'' means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

requirement, the applicant must describe—

(i) How it proposes to identify or develop and expand the knowledge base on intensive intervention and how it can be integrated in systems of instruction and intervention;

(ii) Its proposed approach to universal, general TA,[3] which must identify the intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[4] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level; and

(iv) Its proposed approach to intensive, sustained TA,[5] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(B) Its proposed approach to measure the readiness of SEAs and LEAs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability of the SEAs and LEAs to build capacity at the local level;

(C) Its proposed plan for assisting SEAs and LEAs to build or enhance training systems that include professional development based on adult learning principles and coaching; and

(D) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, LEAs, other TA providers, parents and families) to ensure that there is communication between each level and that there are systems in place to support implementation of intensive intervention;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes; and

(7) Develop a dissemination plan that describes how the applicant will systematically distribute information, products, and services to varied intended audiences, using a variety of dissemination strategies, to promote awareness and use of the Center's products and services.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project as described in the following paragraphs. The evaluation plan must describe: Measures of progress in implementation, including the criteria for determining the extent to which the project's products and services have met the goals for reaching its target population; measures of intended outcomes or results of the project's activities in order to evaluate those activities; and how well the goals or objectives of the proposed project, as described in its logic model, have been met.

The applicant must provide an assurance that, in designing the evaluation plan, it will—

(1) Designate, with the approval of the OSEP project officer, a project liaison with sufficient dedicated time, experience in evaluation, and knowledge of the project to work in collaboration with the Center to Improve Program and Project Performance (CIPP),[6] the project director, and the OSEP project officer on the following tasks:

(i) Revise the logic model submitted in the application to provide for a more comprehensive measurement of implementation and outcomes and to reflect any changes or clarifications to the model discussed at the kick-off meeting;

(ii) Refine the evaluation design and instrumentation proposed in the application consistent with the revised logic model and using the most rigorous design suitable (*e.g.,* prepare evaluation questions about significant program processes and outcomes; develop quantitative or qualitative data collections that permit both the collection of progress data, including fidelity of implementation, as appropriate, and the assessment of project outcomes; and identify analytic strategies); and

(iii) Revise the evaluation plan submitted in the application such that it clearly—

(A) Specifies the evaluation questions, measures, and associated instruments or sources for data appropriate to answer these questions, suggests analytic strategies for those data, provides a timeline for conducting the evaluation, and includes staff assignments for completing the evaluation activities;

(B) Delineates the data expected to be available by the end of the second project year for use during the project's evaluation (3+2 review) for continued funding described under the heading *Fourth and Fifth Years of the Project;* and

(C) Can be used to assist the project director and the OSEP project officer, with the assistance of CIPP, as needed, to specify the project performance

[3] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[4] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[5] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

[6] The major tasks of CIPP are to guide, coordinate, and oversee the design of formative evaluations for every large discretionary investment (*i.e.,* those awarded $500,000 or more per year and required to participate in the 3+2 process) in OSEP's Technical Assistance and Dissemination; Personnel Development; Parent Training and Information Centers; and Educational Technology, Media, and Materials programs. The efforts of CIPP are expected to enhance individual project evaluation plans by providing expert and unbiased TA in designing the evaluations with due consideration of the project's budget. CIPP does not function as a third-party evaluator.

measures to be addressed in the project's annual performance report;

(2) Dedicate sufficient staff time and other resources during the first six months of the project to collaborate with CIPP staff, including regular meetings (*e.g.,* weekly, biweekly, or monthly) with CIPP and the OSEP project officer, in order to accomplish the tasks described in paragraph (c)(1) of this section; and

(3) Dedicate sufficient funds in each budget year to cover the costs of carrying out the tasks described in paragraphs (c)(1) and (2) of this section and revising and implementing the evaluation plan. Please note in your budget narrative the funds dedicated for this activity.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources and quality of project personnel,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting, either virtually or in Washington, DC, after receipt of the award, and an annual planning meeting either virtually or in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference either virtually or in Washington, DC, during each year of the project period;

(iii) Two annual two-day trips, either virtually or in Washington, DC, to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting either virtually or in Washington, DC, during the last half of the second year of the project period;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(5) Ensure that annual project progress toward meeting project goals is posted on the project website; and

(6) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to this new award period and at the end of this award period, as appropriate.

Fourth and Fifth Years of the Project:

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), including—

(a) The recommendations of a 3+2 review team consisting of experts who have experience and knowledge in providing TA to address the needs of students who require intensive intervention. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness with which, and how well, the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

Under 34 CFR 75.253, the Secretary may reduce continuation awards or discontinue awards in any year of the project period for excessive carryover balances or a failure to make substantial progress. The Department intends to closely monitor unobligated balances and substantial progress under this program and may reduce or discontinue funding accordingly.

References:

Berkeley, S., Scanlon, D., Bailey, T.R., Sutton, J.C., & Sacco, D.M. (2020). A Snapshot of RTI implementation a decade later: New picture, same story. *Journal of Learning Disabilities,* 53, 332–342.

Briesch, A.M., Chafouleas, S.M., Nissen, K., & Long, S. (2019). A review of state-level procedural guidance for implementing multitiered systems of support for behavior (MTSS–B). *Journal of Positive Behavior Interventions,* 1–14.

Brobbey, G. (2018). Punishing the vulnerable: Exploring suspension rates for students with learning disabilities. *Intervention in School and Clinic, 53,* 216–219.

Jones, N., Vaughn, S., & Fuchs, L. (2020). *Academic supports for students with disabilities.* Brown University, Annenberg Institute, EdResearch for Recovery website: *https://annenberg.brown.edu/sites/default/files/EdResearch_for_Recovery_Brief_2.pdf.*

Mitchell, B.S., Kern, L., & Conroy, M.A. (2019). Supporting students with emotional or behavioral disabilities: State of the field. *Behavioral Disorders, 44,* 70–84.

Sparks, S.D. (2018, April 10). Nation's report card: Achievement flattens as gap widens between high and low performers. *Education Week. www.edweek.org/leadership/nations-report-card-achievement-flattens-as-*

gaps-widen-between-high-and-low-performers/2018/04.

U.S. Government Accountability Office (2020, November). Distance learning: Challenges providing services to K–12 English learners and students with disabilities during COVID–19. (Publication No. GAO–21–43). *https://www.gao.gov/assets/720/710779.pdf.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $1,800,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2022 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding $1,800,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code; (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual; (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to the Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:*

a. Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

b. Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed below:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of project services (35 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(c) *Quality of the project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iv) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(d) *Adequacy of resources and quality of project personnel (15 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iv) The qualifications, including relevant training, experience, and independence, of the evaluator.

(v) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(vi) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(vii) The extent to which the budget is adequate to support the proposed project.

(viii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) *Quality of the management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the

Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions, and under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

6. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* For the purposes of the Government Performance and Results Act of 1993 (GPRA) and reporting under 34 CFR 75.110, we have established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program. These measures are:

- Program Performance Measure 1: The percentage of technical assistance and dissemination products and services deemed to be of high quality by an independent review panel of experts qualified to review the substantive content of the products and services.
- Program Performance Measure 2: The percentage of special education technical assistance and dissemination products and services deemed by an independent review panel of qualified experts to be of high relevance to educational and early intervention policy or practice.
- Program Performance Measure 3: The percentage of all special education technical assistance and dissemination products and services deemed by an independent review panel of qualified experts to be useful in improving educational or early intervention policy or practice.

• Program Performance Measure 4: The cost efficiency of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program includes the percentage of milestones achieved in the current annual performance report period and the percentage of funds spent during the current fiscal year.

• Long-term Program Performance Measure: The percentage of States receiving special education technical assistance and dissemination services regarding scientifically or evidence-based practices for infants, toddlers, children, and youth with disabilities that successfully promote the implementation of those practices in school districts and service agencies.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the Center meet needs identified by stakeholders and may require the Center to report on such alignment in their annual and final performance reports.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

David Cantrell,

Deputy Director, Office of Special Education Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2021–04665 Filed 3–5–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2020–FSA–0145]

Privacy Act of 1974; Matching Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of a New Matching Program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendments of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of the matching program between the Department of Education (ED or Department) (recipient agency) and the Social Security Administration (SSA) (source agency) to assist the Department in its obligation to ensure that applicants for student financial assistance under title IV of the Higher Education Act of 1965, as amended (HEA), satisfy eligibility requirements.

DATES: The period of this matching program is estimated to cover the 18-month period from April 11, 2021 through October 10, 2022. However, the computer matching agreement (CMA) will become applicable at the later of the following two dates: April 11, 2021, or 30 days after the publication of this notice, on March 8, 2021, unless comments have been received from interested members of the public requiring modification and republication of the notice. The matching program will continue for 18 months after the applicable date and may be extended for up to an additional 12 months, if the respective agency Data Integrity Boards (DIBs) determine that the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this new matching program, address them to: Gerard Duffey, Management and Program Analyst, Wanamaker Building, U.S. Department of Education, Federal Student Aid, 100 Penn Square East, Suite 509.B10, Philadelphia, PA 19107. Telephone: (215) 656–3249.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Gerard Duffey, Management and Program Analyst, Wanamaker Building, U.S. Department of Education, Federal Student Aid, 100 Penn Square East, Suite 509.B10, Philadelphia, PA 19107. Telephone: (215) 656–3249.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act; OMB

Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, published in the **Federal Register** on June 19, 1989 (54 FR 25818); and OMB Circular No. A–108, notice is hereby provided of the re-establishment of the matching program between SSA and ED to assist ED in the verification of Social Security numbers (SSNs) and confirmation of citizenship status as recorded in SSA records in order to verify the eligibility of applicants for student financial assistance under title IV of the HEA.

Participating Agencies

ED and SSA.

Authority for Conducting the Matching Program

ED is authorized to participate in the matching program under sections 428B(f) (20 U.S.C. 1078–2(f)), 483(a)(12) (20 U.S.C. 1090(a)(12)), 484(g) (20 U.S.C. 1091(g)), and 484(p) (20 U.S.C. 1091(p)) of the HEA.

SSA is authorized to participate in the matching program under section 1106 of the Social Security Act (42 U.S.C. 1306)) and the regulations promulgated pursuant to that section (20 CFR part 401). Section 7213 of the Intelligence Reform and Terrorism Prevention Act of 2004 provides SSA authority to add a death indicator to verification routines that SSA determines to be appropriate.

The legal authority for ED and SSA to disclose information under the matching program also includes subsection (b)(3) of the Privacy Act ((5 U.S.C. 552a(b)(3)).

Purpose(s)

The purpose of this matching program between ED and SSA is to assist the Secretary of Education with verification of immigration status and SSNs under 20 U.S.C. 1091(g) and (p). SSA will verify the issuance of an SSN and a date of death (if applicable) to students and the parent(s) of dependent students, and will confirm the citizenship status of those students applying for financial assistance programs authorized under title IV of the HEA. Verification of this information by SSA will help ED satisfy its obligation to ensure that individuals applying for financial assistance meet eligibility requirements of the HEA.

Verification by this matching program effectuates the purpose of the HEA because it provides an efficient and comprehensive method of verifying the accuracy of each individual's SSN, date of death if applicable, and claim to a citizenship status that permits that individual to qualify for title IV, HEA assistance.

Categories of Individuals

ED's systems of records involved in the matching program maintain information on individuals who apply for Federal student financial assistance through the Free Application for Federal Student Aid (FAFSA) and on individuals who apply to receive Person Authentication Service (PAS) Credentials, a user ID, and a password to electronically access their FAFSA record.

SSA's system of records involved in the matching program maintains records about each individual who has applied for, and obtained, an SSN.

Categories of Records

ED's systems of records involved in the matching program contain (1) the information to determine an applicant's eligibility for Federal student financial assistance, and (2) the applicant's information to receive PAS Credentials, a user ID, and a password. The specific data elements that ED will transmit to SSA are: students' and parent(s) of dependent students' SSN, first name, last name, and date of birth (DOB).

SSA's system of records involved in the matching program maintains information required to apply for, and obtain, an SSN. The specific data elements that SSA will send back to ED include: SSN, first name, last name, DOB, and an SSA verification code on each record to indicate the match results. The verification codes are: 1 = No match on SSN, 3 = SSN match, name match, no match on DOB, 5 = SSN match, no match on name, DOB not checked, 6 = SSN not verified, Blank = SSN match, name match, DOB match. SSA will also send a date of death if one is present on SSA's database for the record. Records returned from SSA also will include a citizenship status code as follows: A = U.S. citizen, B = legal alien, eligible to work, C = legal alien, not eligible to work, D = other, E = alien, student restricted, F = conditionally legalized alien, * = foreign born, Blank = domestic born (U.S. citizen), N = unable to verify citizenship due to no match on name, DOB, or SSN.

System(s) of Records

There are two ED systems of records involved in the disclosure of information from ED to SSA in this matching program. The first is entitled, ''Federal Student Aid Application File'' (18–11–01), last published in the **Federal Register** on October 29, 2019 (84 FR 57856). (*See https://www2.ed.gov/notices/ed-pia.html#fsa*) (Note: the ED Central Processing System (CPS) is the ED information system that processes data from the Federal Student Aid Application File). The second is entitled, ''Person Authentication Service (PAS)'' (18–11–12) published in the **Federal Register** on March 20, 2015 (80 FR 14981). In addition, ED will maintain the information that it receives back from SSA in the foregoing ED systems of records and in the Common Origination and Disbursement (COD) system of records (18–11–02), which was last published in the **Federal Register** on August 16, 2019 (84 FR 41979). (See *https://www.federalregister.gov/documents/2019/08/16/2019-17615/privacy-act-of-1974-system-of-records.*)

SSA's system of records involved in this matching program is entitled, ''Master Files of Social Security Number (SSN) Holders and SSN Applications'' (Enumeration System) 60–0058, last published in the **Federal Register** on December 29, 2010 (75 FR 82121), July 5, 2013 (78 FR 40542), February 13, 2014 (79 FR 8780), July 3, 2018 (83 FR 31250), and November 1, 2018 (83 FR 54969).

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, or audiotape) by contacting the contact person listed in the preceding paragraph.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Brown,

Chief Operating Officer Federal Student Aid.

[FR Doc. 2021–04710 Filed 3–5–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2020–FSA–0180]

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Rescindment of systems of records notices.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the U.S. Department of Education (Department) publishes this rescindment for six systems of records from its existing inventory of systems of records subject to the Privacy Act.

The notices addressed in this rescindment of systems of records notice are rescinded because they have been superseded by more recent notices published by the Department.

DATES: Submit your comments on these rescinded systems of records notice on or before April 7, 2021. Each rescinded system of records will become applicable March 8, 2021, unless it needs to be changed as a result of public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID and at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this Rescindment of Systems of Records Notice, address them to: Director, Program Delivery Services Group, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 64A3, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: LaShae Jones, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 64A3, Washington, DC 20202. Telephone: (202) 377–3121. Email: *LaShae.Jones@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department rescinds the following six systems of records from its inventory of systems of records subject to the Privacy Act. The rescindments are not within the purview of subsection (r) of the Privacy Act, which requires submission of a report to the Office of Management and Budget and the committees of jurisdiction in Congress on a new or significantly modified system of records.

The system of records titled ''Student Financial Assistance Validation File'' (18–11–03) relates to records used to determine program eligibility and benefits for Federal student financial assistance under the programs authorized by under title IV of the Higher Education Act of 1965, as amended (HEA), enforce the conditions and terms of a title IV of the HEA loan or grant, counsel an individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse. The Department rescinds this system of records because the records previously maintained in the system are now maintained within the system of records titled ''National Student Loan Data System (NSLDS)'' (18–11–06), which was last published in the **Federal Register** on September 9, 2019 (84 FR 47265).

The system of records titled ''Student Account Manager'' (18–11–08) relates to records maintained for various purposes relating to students and borrowers. This includes determining student/borrower eligibility for Federal student financial assistance under the programs authorized by title IV of the HEA, to assist institutions of higher education in participating in and administering the title IV of the HEA programs by verifying the eligibility of borrowers and tracking loans, and to assist the Department's oversight and administration of the title IV of the HEA programs, including evaluating their effectiveness. The Department rescinds this system of records because the records previously maintained within this system are now maintained in the systems of records titled ''Federal Student Aid Application File'' (18–11–01), which was last published in the **Federal Register** on October 29, 2019 (84 FR 57856), and ''Common Origination and Disbursement (COD) System'' (18–11–02), which was last published in the **Federal Register** on August 16, 2019 (84 FR 41979).

The Department rescinds the system of records titled ''Student Authentication Network Audit File'' (18–11–13). The records in this system contain information on individuals who have had, or attempted to have, their identity authenticated for the purpose of electronically completing and signing promissory notes and other documents under the Student Financial Assistance Program authorized by title IV of the HEA. The Department rescinds this system of records because the records previously maintained in the system are now maintained in the system of records titled ''Person Authentication Service (PAS)'' (18–11–12), which was published in the **Federal Register** on March 20, 2015 (80 FR 14981).

The system of records titled ''FSA Students Portal'' (18–11–14) was required because Federal Student Aid (FSA) modified the existing FSA Students Portal to bring together into one, simple website all the information and productivity tools relevant to FSA's customers. The Department rescinds this system of records because it has been discontinued. The records previously maintained in this system are now maintained within the ''Common Origination and Disbursement (COD) System'' (18–11–02), which was last published in the **Federal Register** on August 16, 2019 (84 FR 41979).

The system of records titled ''Return of Title IV Funds on the Web'' (18–11–15) was a web-based product provided for postsecondary institutions to calculate the earned and unearned portions of student aid distributed under title IV of the HEA, when a student withdraws from a postsecondary institution without completing the period for which funds were awarded. The Department rescinds

this system of records because the ''Return of Title IV Funds on the Web'' website has been discontinued. The records previously maintained in the system are now contained within the ''Common Origination and Disbursement (COD) System'' (18–11–02), which was last published in the **Federal Register** on August 16, 2019 (84 FR 41979).

The Department rescinds the system of records titled ''School Participation Division—Complaint Tracking System (SPD–CTS)'' (18–11–19) because the system has been discontinued. The records previously maintained in the system are now contained in the system of records titled ''Customer Engagement Management System (CEMS)'' (18–11–11), which was published in the **Federal Register** on June 13, 2018 (83 FR 27587).

SYSTEM NAME AND NUMBER:

1. Student Financial Assistance Validation File (18–11–03).
2. Student Account Manager (18–11–08).
3. Student Authentication Network Audit File (18–11–13).
4. FSA Students Portal (18–11–14).
5. Return of Title IV Funds on the Web (18–11–15).
6. School Participation Division—Complaint Tracking System (SPD–CTS) (18–11–19).

HISTORY:

1. The system of records titled ''Student Financial Assistance Validation File'' was published in the **Federal Register** at 64 FR 30162–30163 (June 4, 1999) and corrected at 64 FR 72405, 72407 (December 27, 1999).
2. The system of records titled ''Student Account Manager'' was published in the **Federal Register** at 64 FR 30169–30171 (June 4, 1999) and corrected at 64 FR 72405, 72407 (December 27, 1999).
3. The system of records titled ''Student Authentication Network Audit File'' was published in the **Federal Register** at 66 FR 29420–29422 (May 30, 2001) and corrected at 66 FR 45669 (August 29, 2001).
4. The system of records titled ''FSA Students Portal'' was published in the **Federal Register** at 68 FR 23113–23117 (April 30, 2003).
5. The system of records titled ''Return of Title IV Funds on the Web'' was published in the **Federal Register** at 69 FR 44521–44524 (July 26, 2004).
6. The system of records titled ''School Participation Division—Complaint Tracking System (SPD–CTS)'' was published in the **Federal Register** at 78 FR 12298–12302 (February 22, 2013).

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFROMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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Mark A. Brown,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2021–04711 Filed 3–5–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of Open Virtual Meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Thursday, April 1, 2021; 5:30 p.m.–7:00 p.m.

ADDRESSES: Online Virtual Meeting. To attend, please send an email to the Federal Coordinator, Greg Simonton, at *greg.simonton@pppo.gov* by no later than 5:00 p.m. EST on Thursday, April 1, 2021.

TO SUBMIT PUBLIC COMMENTS: Public comments will be accepted via email prior to and after the meeting. Comments received by no later than 5:00 p.m. EST on Monday, March 29, 2021 will be read aloud during the virtual meeting. Comments will also be accepted after the meeting, by no later than 5:00 p.m. EST on Friday, April 9, 2021. Please submit comments to *greg.simonton@pppo.gov.*

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Federal Coordinator, by Phone: (740) 897–3737 or Email: *greg.simonton@pppo.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of March 2020 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board

Public Participation: The online virtual meeting is open to the public. Written statements may be filed with the Board either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Greg Simonton, Federal Coordinator, U.S. Department of Energy, Portsmouth/Paducah Project Office, P.O. Box 700, Piketon, OH 45661; Phone: (740) 897–3737. Minutes will also be available at the following website: *https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials.*

Signed in Washington, DC, on March 3, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–04778 Filed 3–5–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Disposition of Fast Critical Assembly Plutonium

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Amended record of decision.

SUMMARY: The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy (DOE), is amending its prior decision to disposition up to 350 kilograms (kg) of foreign Gap Material Plutonium from preparation for emplacement in the Waste Isolation Pilot Plant (WIPP) to disposition using an electrolytic dissolver in H-Canyon, vitrification with high level radioactive waste (HLW) at the Defense Waste Processing Facility (DWPF), and storage at Savannah River Site (SRS) until a geologic repository is available. NNSA has determined through feasibility and process technology studies that this disposition path could be performed at a substantially lower cost than preparation for disposal at WIPP. NNSA has prepared a Supplement Analysis (SA) to inform this amended decision and has determined that no additional National Environmental Policy Act (NEPA) review is necessary.

FOR FURTHER INFORMATION CONTACT: For further information on this Amended Record of Decision (ROD) or the Fast Critical Assembly (FCA) SA, or to receive related NEPA documents, please contact: Ms. Amy Miller, NEPA Compliance Officer, National Nuclear Security Administration, Office of General Counsel, (505) 845–5090; or by email to *amy.miller@nnsa.doe.gov.* This Amended ROD and the FCA SA (DOE/EIS–0283–S2–SA–02, Supplement Analysis for the Disposition of Fast Critical Assembly Plutonium, January 2021) will be available on the internet at *http://energy.gov/nepa.* For further information on FCA disposition, contact Ms. Lisa McGuire, Office of Material Management and Minimization, National Nuclear Security Administration, (803) 952–6921 or email at *lisa.mcguire@nnsa.srs.gov.*

SUPPLEMENTARY INFORMATION:

Background

In the Surplus Plutonium Disposition Supplemental Environmental Impact Statement (SPD Supplemental EIS) (DOE/EIS–0283–S2, April 2015), NNSA evaluated disposition options for 13.1 metric tons (MT) of surplus plutonium consisting of 6 MT of non-pit material and 7.1 MT of pit material. The 6 MT of surplus non-pit plutonium included 0.9 MT (900 kg) of excess capacity to allow for the possibility that the NNSA might identify additional quantities of surplus plutonium that could be processed for disposition using the facilities and capabilities analyzed in the SPD Supplemental EIS.

NNSA assessed the impacts of shipment, receipt, treatment, storage, and disposition of up to 900 kilograms (kg) of foreign Gap Material Plutonium, of which the FCA fuel is a subset, in an Environmental Assessment (EA) for Gap Material Plutonium—Transport, Receipt, and Processing (DOE/EA–2024, December 2015), with a subsequent Finding of No Significant Impact (FONSI). In the 2015 EA, NNSA noted that up to 375 kg of the Gap Material Plutonium may require stabilization prior to disposition. NNSA further stated that interim storage and disposition of the Gap Material Plutonium would be in accordance with decisions made for disposition of U.S. surplus plutonium in the SPD Supplemental EIS.

In a 2016 ROD (81 FR 19588, April 5, 2016), NNSA announced its decision to implement the preferred alternative, the Waste Isolation Pilot Plant (WIPP) (Dilute and Dispose) Alternative, for disposition of 6 MT of surplus, weapons-usable, non-pit plutonium. In the 2016 ROD, NNSA refers specifically to the 2015 Gap Material Plutonium EA. In the SPD Supplemental EIS, NNSA evaluated five alternatives for disposition of 6 MT of plutonium, which includes the 900 kg of Gap Material Plutonium, including the H-Canyon/HB-Line to DWPF Alternative and WIPP (Dilute and Dispose) Alternative.

Based on an international agreement, the Japan Atomic Energy Agency (JAEA) is providing funding to NNSA to disposition the FCA plutonium (FCA fuel), a subset of the Gap Material Plutonium. The United States received the FCA fuel from Japan for nonproliferation purposes to disposition it safely and securely, and it is currently stored at SRS awaiting further processing for final disposition.

The FCA fuel is different from the rest of the 6 MT because it is clad in stainless steel, whereas the majority of the 6 MT is not clad in stainless steel. The stainless-steel cladding must be removed prior to processing the plutonium. As described in the 2015 Gap Material Plutonium EA, NNSA intended to separate the FCA fuel from its stainless-steel cladding and convert it to an oxide form [1] for dilution at SRS to meet the waste acceptance criteria for disposal at WIPP near Carlsbad, New Mexico. Because of the high cost to install and operate a decladding and oxide conversion process, NNSA initiated an evaluation of alternative processing technologies. Based on these feasibility and process technology studies, NNSA determined that electrolytic dissolution could be performed at SRS at a substantially lower cost than the mechanical decladding and oxidation process.

Based on results of studies and experiments conducted by Savannah River Nuclear Solutions in 2017 and 2018, NNSA is changing the disposition path for up to 350 kg of FCA fuel. Instead of using the WIPP Alternative, NNSA will employ the H-Canyon/HB-Line Alternative, using a dissolver in H-Canyon, vitrification with HLW at the Defense Waste Processing Facility (DWPF), and storage at SRS until a geologic repository is available, as described in the SPD Supplemental EIS. However, NNSA will use an electrolytic dissolver rather than a chemical dissolver in H-Canyon to dissolve the FCA fuel to prepare it for transfer to DWPF.

Disposition Process

The material will be dissolved using an electrolytic dissolver in H-Canyon. The DOE Office of Environmental Management (DOE/EM) categorically excluded replacement of a failed electrolytic dissolution unit in H-Canyon with a spare electrolytic dissolution unit. (OBU–H–2019–0006, January 14, 2019, available at *https://www.energy.gov/nepa/downloads/cx-019585-electrolytic-dissolution-fast-critical-assembly-material*).

The FCA fuel will be transported to H-Canyon where containers of the FCA fuel will be removed from the shipping packages and placed in or attached to a charging device for transport to the dissolver. After preparing the electrolytic dissolver with a cold chemical solution of nitric acid, the cans will be charged to (placed in) the dissolver. Electrical power will be applied to the dissolver resulting in the dissolution of the FCA cladding and fuel. The only difference between the H-Canyon process used to dissolve the FCA fuel with an electrolytic dissolver rather than a chemical dissolver is the

[1] The majority of FCA fuel is stainless-steel clad alloy and requires conversion to an oxide prior to dilution. A small portion of the FCA fuel is stainless-steel clad oxide and, therefore, would not require conversion prior to dilution. This AROD applies to both the stainless-steel clad alloy and the stainless-steel clad oxide.

application of the electrical current. NNSA estimates that dissolution will be complete in less than 24 hours per charge. After each dissolution cycle is complete, solution samples will be obtained to ensure complete dissolution of the FCA fuel. If necessary, a subsequent heating step will be performed to complete the dissolution process. NNSA estimates that 18 batches would be required to complete processing of the FCA fuel. After completion of each batch, the material will be transferred to an accountability tank in H-Canyon and then to a canyon vessel for storage and eventual transfer to the H-Tank Farm. Immobilization and storage of the material will occur at DWPF pending disposal in a geologic repository. NNSA estimates that vitrification of the FCA fuel along with HLW at DWPF will result in three waste canisters.

The electrolytic dissolution process is very similar to the chemical dissolution process as described in Appendix B, section B.1.3, of the SPD Supplemental EIS. Dissolved FCA fuel solutions will be very similar to those resulting from chemical dissolution, and compatible with transfer to the H-Area Tank Farm pending immobilization in DWPF. FCA dissolution operations would be scheduled in conjunction with other H-Canyon operations and coordinated with tank farm and DWPF operations.

In the SPD Supplemental EIS, NNSA evaluated disposition of 6 MT of plutonium using both the H-Canyon/HB-Line to DWPF Alternative and the WIPP Alternative. The impact assessment of both alternatives includes up to 350 kg of FCA fuel. In the Supplement Analysis for Disposition of FCA Plutonium, NNSA compared the impacts of processing 350 kg of FCA fuel using both alternatives.

Differences in doses and potential latent cancer fatalities to workers and the public between the WIPP Alternative and the H-Canyon/HB-Line Alternative are minor. In the case of electrolytic dissolution, worker dose would be lower than the H-Canyon/HB-Line chemical dissolution and WIPP alternatives. Both would require handling and de-cladding of the fuel prior to processing. In the SPD Supplemental EIS (Tables 4–3 and 4–4), NNSA estimated radiation doses and impacts, in terms of latent cancer fatalities (LCFs), from operations for the H-Canyon/HB-Line Alternative (including the material evaluated in the SA) to workers and the public. Worker doses were estimated to be less than the SRS administrative limit of 500 millirem (mrem) per year, resulting in no LCFs on an annual basis. Over the life of the H-Canyon/HB-Line to DWPF Alternative (13 years), NNSA estimated that operations could result in an estimated 2 LCFs to involved workers and none to members of the public or the maximally exposed individual. The proposed action was included in the estimates for the H-Canyon/HB-Line Alternative. No LCFs in addition to those NNSA previously estimated would result from implementation of the proposed action.

Vitrification of the FCA fuel in DWPF would result in an estimated three HLW glass canisters. Less CH–TRU waste would be generated using the H-Canyon/HB-Line Alternative because WIPP alternative processing results in TRU waste for disposal at WIPP. Other differences in waste generation are minor.

To ensure safe and secure operations, NNSA, in conjunction with DOE/EM, which owns the facilities, would review and revise, as needed, safety basis documents for all involved facilities at SRS.

Basis for Decision

To disposition the FCA fuel the H-Canyon/HB-Line Alternative can be implemented at a substantially lower cost than the WIPP Alternative. The SRS H-Canyon has used electrolytic dissolution in the past. The process is well known and can be implemented with little technology maturation. The impacts from activities related to the disposition of FCA fuel have been evaluated in the SPD Supplemental EIS. There are no substantial differences in environmental impacts between using the electrolytic dissolver and the standard H-Canyon dissolver for this amount of material (up to 350 kg). All processes downstream of the dissolver are the same as those analyzed in the H-Canyon/HB-Line to DWPF Alternative. The FCA fuel would be prepared for disposition and safely stored at SRS in existing facilities pending the availability of a geologic repository.

Amended Decision

NNSA has decided to change the disposition pathway for up to 350 kg FCA fuel from the WIPP Disposal Alternative to the H-Canyon/HB-Line to DWPF Alternative, as described and evaluated in the SPD Supplemental EIS. NNSA will use electrolytic dissolution instead of chemical dissolution because the FCA fuel is clad in stainless steel.

FCA fuel comprises less than half of the 0.9 MT of gap material plutonium evaluated in DOE/EA–2024, and less than 6 percent of the 6 MT NNSA decided to disposition using the WIPP Disposal Alternative. NNSA remains committed to dispositioning 6 MT of surplus plutonium using the WIPP Disposal Alternative, as NNSA previously decided (81 FR 19588, April 5, 2016).

Signing Authority

This document of the Department of Energy was signed on March 1, 2021, by Charles P. Verdon, Acting Under Secretary for Nuclear Security and Administrator, NNSA, 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 March 3, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–04707 Filed 3–5–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–554–009; CP15–555–007]

Atlantic Coast Pipeline, LLC, Eastern Gas Transmission and Storage, Inc.; Notice of Amendment of Certificates and Opening of Scoping Period

Take notice that on January 4, 2021, Atlantic Coast Pipeline, LLC (ACP), 120 Tredegar Street, Richmond, VA 23219, filed its Atlantic Coast Project Disposition and Restoration Plan, and on November 20, 2020, Eastern Gas Transmission and Storage, Inc. (EGTS),[1] 6603 West Broad Street, Richmond, Virginia 23230, filed the Supply Header Project Restoration Plan.[2] On July 5, 2020, Dominion Energy Transmission,

[1] On November 1, 2020, Dominion Energy sold certain companies including Dominion Energy Transmission, Inc., the Supply Header Project developer, to Berkshire Hathaway Energy Company and Dominion Energy Transmission, Inc. changed its name to Eastern Gas Transmission and Storage, Inc.

[2] Both plans were submitted in response to Commission staff's October 27, 2020 Data Request.

Inc. and Duke Energy issued a press release announcing the cancellation of the Atlantic Coast Project, which the Commission authorized on October 13, 2017.[3] The Restoration Plans describe ACP's and EGTS's plans for the disposition of Atlantic Coast and Supply Header Projects, including proposed restoration activities which would modify their original authorizations to such an extent that it is appropriate to treat the plans as amendments to the certificates of public convenience and necessity issued for the projects. The two plans are on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Sharon L. Burr, Chief Deputy Counsel, Atlantic Coast Pipeline, LLC, 120 Tredegar Street, Richmond, VA 23219, or by phone at 804–624–0988, or email at *sharon.l.burr@dominionenergy.com;* or Matthew R. Bley, Director, Gas Transmission Certificates Eastern Gas Transmission and Storage, Inc., 6603 West Broad Street, Richmond, Virginia 23230; or by phone at 804–771–4399, or email at *matthew.r.bley@dominionenergy.com.*

ACP and EGTS are directed to provide this notice to all affected landowners and towns, communities, and local, state and federal governments and agencies involved in the project within 10 business days of its publication in the **Federal Register**.

This notice also announces the opening of a scoping period the Commission will use to gather input from the public and interested agencies regarding the proposed restoration activities associated with the disposition of the Atlantic Coast and Supply Header Projects. By this notice, the Commission requests public comments on the scope of issues to address in the environmental document.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[4] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of the companies' proposals: You can file comments on the proposals, 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 April 16, 2021.

Comments

Any person wishing to comment on the proposals may do so. Comments may include statements of support or objections to the proposals as a whole or specific aspects of the proposal. 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 April 16, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers CP15–554–009 and/or CP15–555–007 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 CP15–554–009 and/or CP15–555–007.

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, and provide their mailing address, 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

All intervenors in the previous proceedings for the projects (CP15–554–000; CP15–554–001; CP15–555–000) will be considered intervenors in this amendment proceeding and do not need to file a new motion to intervene.

[3] *Atlantic Coast Pipeline, LLC & Dominion Energy Transmission, Inc.* 161 FERC ¶ 61,042 (2017) (Certificate Order), *reh'g denied,* 164 FERC ¶ 61,100 (2018).

[4] 18 CFR (Code of Federal Regulations) 157.9.

Any other person, which includes individuals, organizations, businesses, municipalities, and other entities,[5] 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[6] and the regulations under the NGA[7] by the intervention deadline for the project, which is April 16, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as 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 CP15–554–009 and/or CP15–555–007 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 CP15–554–009 and/CP15–555–007.

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: Sharon L. Burr, Chief Deputy Counsel, Atlantic Coast Pipeline, LLC, 120 Tredegar Street, Richmond, VA 23219; *sharon.l.burr@dominionenergy.com;* or Matthew R. Bley, Director, Gas Transmission Certificates Eastern Gas Transmission and Storage, Inc., 6603 West Broad Street, Richmond, Virginia 23230; *matthew.r.bley@dominionenergy.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[8] motions to intervene are automatically granted by operation of Rule 214(c)(1).[9] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[10] 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 and Scoping Comments Deadline: 5:00 p.m. Eastern Time on April 16, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04746 Filed 3–5–21; 8:45 am]

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[5] 18 CFR 385.102(d).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

[8] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[9] 18 CFR 385.214(c)(1).

[10] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–552–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: TGP 2021 Fuel Tracker Filing to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5029.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–553–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 3–1–2021) to be effective 3/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5060.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–554–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 3–1–2021 to be effective 3/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5061.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–555–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Destin Pipeline—Negotiated Rate Agreement Filing to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5062.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–556–000.
Applicants: BBT Midla, LLC.
Description: Compliance filing BBT Midla, LLC Annual Fuel Filing.

Filed Date: 3/1/21.
Accession Number: 20210301–5063.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–557–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–21 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5064.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–558–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–21 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5065.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–559–000.
Applicants: Southwest Gas Storage Company.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–21 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5066.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–560–000.
Applicants: Trunkline Gas Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–21 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5068.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–561–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: EPCA 2021 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5069.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–562–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—3/1/2021 to be effective 3/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5070.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–563–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5071.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–564–000.
Applicants: High Island Offshore System, L.L.C.
Description: § 4(d) Rate Filing: Implement Storm Damage Surcharge to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5073.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–565–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TCRA 2021 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5077.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–566–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing Annual Report on Operational Transactions 2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5081.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–567–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: Compliance filing Annual Report on Operational Transactions 2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5082.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–568–000.
Applicants: Crossroads Pipeline Company.
Description: § 4(d) Rate Filing: TRA 2021 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5093.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–569–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: 2021 Annual Transco Fuel Tracker to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5094.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–570–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Updates to Priority of Service to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5114.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–571–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Marathon 51753, 51754 to Spire 53687, 53689) to be effective 3/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5115.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–572–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation 53637 to Exelon 53691) to be effective 3/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5117.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–573–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: § 4(d) Rate Filing: TRA 2021 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5143.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–574–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2021 Annual Fuel & Electric Power Reimbursement to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5145.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–575–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2021 Non-Conforming and Negotiated Rate Service Agreement—ONEOK FT–1664 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5150.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–577–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: Venture Global NC/NR Agreement to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5196.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–578–000.
Applicants: KPC Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Reimbursement Adjustment to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5204.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–579–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Annual Electric Power Tracker Filing effective April 1, 2021 to be effective 4/1/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5214.
Comments Due: 5 p.m. ET 3/15/21.
Docket Numbers: RP21–580–000.
Applicants: High Point Gas Transmission, LLC.
Description: Compliance filing Hight Point Gas Transmission Annual LAUF Filing.
Filed Date: 3/1/21.
Accession Number: 20210301–5223.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–581–000.

Applicants: Cheniere Corpus Christi Pipeline, LP.

Description: § 4(d) Rate Filing: Transportation Retainage Adjustment & Tariff Waiver Req Effective April 1, 2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5228.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–582–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: RAM 2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5231.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–583–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20210301 Negotiated Rate to be effective 3/2/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5239.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–584–000.

Applicants: ETC Tiger Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—Chesapeake to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5241.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–585–000.

Applicants: Rockies Express Pipeline LLC.

Description: Compliance filing REX 2021–03–01 Fuel and L&U Reimbursement Percentages and Power Cost Charges.

Filed Date: 3/1/21.

Accession Number: 20210301–5367.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–586–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 3–1–21 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5355.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–587–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: AVC Storage Loss Retainage Factor Update—2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5345.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–588–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: ANR Fuel Filing 2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5362.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–589–000.

Applicants: KO Transmission Company.

Description: § 4(d) Rate Filing: 2021 Transportation Retainage Adjustment to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5359.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–590–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Releases eff 3–1–2021 to be effective 3/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5334.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–591–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Update Initial Retainage Rate 4–1–2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5369.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–592–000.

Applicants: UGI Sunbury, LLC.

Description: § 4(d) Rate Filing: Annual Retainage Adjustment 2021 to be effective 4/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5336.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–593–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases 3–1–2021 to be effective 3/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5340.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–594–000.

Applicants: UGI Mt. Bethel Pipeline Company, LLC.

Description: Annual Retainage Adjustment of UGI Mt. Bethel Pipeline Company, LLC.

Filed Date: 3/1/21.

Accession Number: 20210301–5415.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–595–000.

Applicants: Adelphia Gateway, LLC.

Description: Annual Transporter?s Use and System Balancing Adjustment of Adelphia Gateway, LLC.

Filed Date: 3/1/21.

Accession Number: 20210301–5416.

Comments Due: 5 p.m. ET 3/15/21.

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: March 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04753 Filed 3–5–21; 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: ER17–1394–003; ER16–2019–004; ER17–1607–003; ER17–1608–003; ER20–27–003.

Applicants: 83WI 8me, LLC, Five Points Solar Park LLC, Sunray Energy 2, LLC, Sunray Energy 3 LLC, Wright Solar Park LLC.

Description: Notice of Change in Status of 83WI 8me, LLC, et al.

Filed Date: 3/1/21.

Accession Number: 20210301–5421.

Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER20–1996–001.

Applicants: Assembly Solar I, LLC.

Description: Notice of Change in Status of Assembly Solar I, LLC.

Filed Date: 3/1/21.

Accession Number: 20210301–5423.

Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–278–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: ELCC Response to Deficiency Letter to be effective 5/1/2021.

Filed Date: 3/1/21.

Accession Number: 20210301–5343.

Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1237–000.

Applicants: Assembly Solar I, LLC.

Description: § 205(d) Rate Filing: Normal docket update to be effective 3/2/2021.

Filed Date: 3/1/21.
Accession Number: 20210301–5242.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1238–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement No. 387—White Wing Ranch E&P Agreement to be effective 2/19/2021.
Filed Date: 3/1/21.
Accession Number: 20210301–5247.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1239–000.
Applicants: Gulf Power Company.
Description: § 205(d) Rate Filing: Updated Distribution Facilities Charge for NITSA to be effective 5/1/2020.
Filed Date: 3/1/21.
Accession Number: 20210301–5354.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1241–000.
Applicants: ISO New England Inc., New England Power Company.
Description: Compliance filing: New England Power Company; Supplemental Order No. 864 Compliance Filing to be effective 1/1/2020.
Filed Date: 3/1/21.
Accession Number: 20210301–5356.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1243–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendments to Price Responsive Demand Rules to be effective 11/2/2020.
Filed Date: 3/1/21.
Accession Number: 20210301–5348.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER21–1244–000.
Applicants: Sustaining Power Solutions LLC.
Description: Emergency Request for One-Time, Limited Waiver of Tariff Provisions of Sustaining Power Solutions LLC.
Filed Date: 3/1/21.
Accession Number: 20210301–5413.
Comments Due: 5 p.m. ET 3/2/21.

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: March 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04750 Filed 3–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–59–000.
Applicants: Trent River Solar, LLC, PGR Lessee P, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Trent River Solar, LLC, et al.
Filed Date: 3/2/21.
Accession Number: 20210302–5078.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: EC21–60–000.
Applicants: Flat Water Wind Farm, LLC, TPW Petersburg, LLC, Roth Rock Wind Farm, LLC, Roth Rock North Wind Farm, LLC, Persimmon Creek Wind Farm 1, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Flat Water Wind Farm, LLC, et al.
Filed Date: 3/2/21.
Accession Number: 20210302–5102.
Comments Due: 5 p.m. ET 3/23/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2960–012; ER19–2231–004; ER19–2232–004; ER10–1595–015; ER18–2418–004; ER10–1598–015; ER10–1616–015; ER10–1618–015; ER18–1821–007.
Applicants: Astoria Generating Company, L.P., Chief Conemaugh Power, LLC, Chief Conemaugh Power II, LLC, Chief Keystone Power, LLC, Chief Keystone Power II, LLC, Crete Energy Venture, LLC, Great River Hydro, LLC, Lincoln Generating Facility, LLC, New Covert Generating Company, LLC, Walleye Power, LLC, Rolling Hills Generating, L.L.C.
Description: Response to January 29, 2021 Deficiency Letter of Astoria Generating Company, L.P. et al.
Filed Date: 3/1/21.
Accession Number: 20210301–5426.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER15–356–014; ER15–357–014.
Applicants: Chief Conemaugh Power, LLC, Chief Keystone Power, LLC.
Description: Response to January 29, 2021 Deficiency Letter of Astoria Generating Company, L.P. et al.
Filed Date: 3/1/21.
Accession Number: 20210301–5425.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER19–2462–004; ER18–2264–007; ER10–2630–003; ER16–1914–003.
Applicants: Macquarie Energy LLC, Macquarie Energy Trading LLC, NGP Blue Mountain I LLC, Patua Acquisition Company, LLC.
Description: Notice of Non-Material Change in Status of Macquarie Energy LLC, et al.
Filed Date: 3/1/21.
Accession Number: 20210301–5427.
Comments Due: 5 p.m. ET 3/22/21.

Docket Numbers: ER20–2444–001.
Applicants: Millican Solar Energy LLC.
Description: Notice of Change in Status of Millican Solar Energy LLC.
Filed Date: 3/2/21.
Accession Number: 20210302–5075.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–445–000.
Applicants: Hill Top Energy Center LLC.
Description: Response to February 23, 2021 Deficiency Letter of Hill Top Energy Center LLC.
Filed Date: 2/26/21.
Accession Number: 20210226–5098.
Comments Due: 5 p.m. ET 3/8/21.

Docket Numbers: ER21–1247–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2198R29 Kansas Power Pool NITSA NOA to be effective 2/1/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5052.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1249–000.
Applicants: Vineyard Reliability LLC.
Description: Baseline eTariff Filing: Vineyard_Rel_MBRA_App to be effective 3/5/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5090.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1250–000.
Applicants: Tumbleweed Solar, LLC.
Description: Baseline eTariff Filing: Certificates of Concurrence and Request for Waivers and Blanket Approvals to be effective 3/3/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5105.

Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1251–000.

Applicants: Bighorn Solar 1, LLC.

Description: Baseline eTariff Filing: MBR Application with Request for Waivers & Expediting to be effective 4/1/2021.

Filed Date: 3/2/21.

Accession Number: 20210302–5130.

Comments Due: 5 p.m. ET 3/23/21.

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: March 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04752 Filed 3–5–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–48–000]

Tucson Electric Power Company; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On March 1, 2021, the Commission issued an order in Docket No. EL21–48–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Tucson Electric Power Company's (Tucson Electric) proposed market-based rates in the Tucson Electric balancing authority area are unjust and unreasonable. *Tucson Electric Power Company,* 174 FERC ¶ 61,165 (2021).

The refund effective date in Docket No. Docket No. EL21–48–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL21–48–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2020), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* 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.

Dated: March 2, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04751 Filed 3–5–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–10019–47]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of diuron, famoxadone, fluometuron, indaziflam, inorganic chlorates, mancozeb, napropamide, nicarbazin, peroxy compounds, propiconazole, tetraconazole, and zinc pyrithione. In addition, the preliminary work plan for indaziflam is also being published for public comment at this time.

DATES: Comments must be received on or before May 7, 2021.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, 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 *http://www.epa.gov/dockets/contacts.html.*

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

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room are closed to public 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: For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

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 *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table and opens a 60-day public comment period on the risk assessments.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Diuron, Case 0046	EPA–HQ–OPP–2015–0077	Theodore Varns, *varns.theodore@epa.gov*, (703) 347–8589.
Famoxadone, Case 7038	EPA–HQ–OPP–2015–0094	Christina Scheltema, *scheltema.christina@epa.gov*, (703) 308–2201.
Fluometuron, Case 0049	EPA–HQ–OPP–2015–0746	Ana Pinto, *pinto.ana@epa.gov*, (703) 347–8421.
Indaziflam, Case 7288	EPA–HQ–OPP–2020–0587	Kent Fothergill, *fothergill.kent@epa.gov*, (703) 347–8299.
Inorganic Chlorates, Case 4049	EPA–HQ–OPP–2016–0080	Christian Bongard, *bongard.christian@epa.gov*, (703) 347–0337.
Mancozeb, Case 0643	EPA–HQ–OPP–2015–0291	Alex Hazlehurst, *hazlehurst.alexander@epa.gov*, (703) 347–0221.
Napropamide, Case 2450	EPA–HQ–OPP–2016–0019	Carolyn Smith, *smith.carolyn@epa.gov*, (703) 347–8325.
Nicarbazin, Case 7628	EPA–HQ–OPP–2015–0101	Samantha Thomas, *thomas.samantha@epa.gov*, (703) 347–0514.
Peroxy Compounds, Case 6059	EPA–HQ–OPP–2009–0546	Joseph Mabon, *mabon.joseph@epa.gov*, (703) 347–0177.
Propiconazole, Case 3125	EPA–HQ–OPP–2015–0459	Anna Romanovsky, *romanovsky.anna@epa.gov*, (703) 347–0203.
Tetraconazole, Case 7043	EPA–HQ–OPP–2015–0061	Veronica Dutch, *dutch.veronica@epa.gov*, (703) 308–8585.
Zinc Pyrithione, Case 2480	EPA–HQ–OPP–2014–0158	Michael McCarroll, *mccarroll.michael@epa.gov*, (703) 347–0147.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information

in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 2, 2021.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–04706 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10020–80–Region 5]

Public Meeting for Great Lakes Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting for Great Lakes Advisory Board.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) is announcing a public meeting of the Great Lakes Advisory Board on March 30th, 2021 from 1:00 p.m. to 4:00 p.m. Central Standard Time and March 31st from 9:00 a.m. to 12:00 p.m. Central Standard Time with remote participation only.

DATES: This virtual public meeting will be held on March 30th, 2021 from 1:00 p.m. to 4:00 p.m. Central Standard Time and March 31st from 9:00 a.m. to 12:00 p.m. Central Standard Time. Members of the public seeking to view the meeting (but not provide oral comments) must register by 3:00 p.m. Central Standard Time on March 26th, 2021. Members of the public seeking to make oral comments during the virtual meeting must register and indicate their request to make public comments by contacting the Designated Federal Officer (DFO) directly by 3:00 p.m. Central Standard Time on March 21st, 2021 to be placed on a list of registered commenters and receive special instructions for participation. For information on how to register, please see [How do I participate in the meeting] below.

FOR FURTHER INFORMATION CONTACT: Edlynzia Barnes, Designated Federal Officer (DFO), at *barnes.Edlynzia@epa.gov* or 312–886–6249.

SUPPLEMENTARY INFORMATION:

I. General Information

The GLAB is chartered in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix 2, as amended) and 41 CFR 102–3.50(d). The Advisory Board provides advice and recommendations on matters related to the Great Lakes Restoration Initiative. The Advisory Board also advises on domestic matters related to implementation of the Great Lakes Water Quality Agreement between the U.S. and Canada. The major objectives are to provide advice and recommendations on: Great Lakes protection and restoration activities; long-term goals, objectives, and priorities for Great Lakes protection and restoration; and other issues identified by the Great Lakes Interagency Task Force/Regional Working Group.

II. How do I participate in the remote public meeting?

A. Remote Meeting

This meeting will be conducted as a virtual meeting on March 30th, 2021 from 1:00 p.m. to 4:00 p.m. Central Standard Time and March 31st from 9:00 a.m. to 12:00 p.m. Central Standard Time. You must register by 3:00 p.m. Central Standard Time on March 26th, 2021 to receive information on how to participate. You may also submit written or oral comments for the committee by contacting the DFO directly per the processes outlined below.

B. Registration

To register and receive information on how to attend this virtual meeting, please send an email to the DFO at *barnes.edlynzia@epa.gov* with the SUBJECT line of ''Request to Register for March 2021 GLAB Meeting'' and include the following information: Name, Title, Organization, Email, and Phone Number. Attendees must register by 3:00 p.m. Central Standard Time on March 26th, 2021 to receive instructions for participation.

C. Procedures for Providing Public Comments

Oral Statements: In general, oral comments at this virtual conference will be limited to the Public Comments portions of the meeting agenda. Members of the public may provide oral comments limited to up to three minutes per individual or group and submit further information in written comments. Persons interested in providing oral statements should contact the DFO directly at *barnes.edlyzia@epa.gov* by 3:00 p.m. Central Standard Time on March 21st, 2021 with the SUBJECT line of ''Request to Register for March 2021 GLAB Meeting—Provide Oral Statement'' to be placed on the list of registered speakers and receive special instructions for participation. The following information should be included in the email: Name, Title, Organization, Email, and Phone Number. Oral commenters will be provided an opportunity to speak in the order in which their request was received by the DFO and to the extent permitted by the number of comments and the scheduled length of the meeting. Persons not able to provide oral comments during the meeting, will be given an opportunity to provide written comments after the meeting.

Written Statements: Persons interested in providing written statements pertaining to this committee meeting may email them to the DFO prior to 3:00 p.m. Central Standard Time on March 21st, 2021 with the SUBJECT line of ''Request to Register for March 2021 GLAB Meeting—Provide A Written Statement''. The following information should be included in the email: Name, Title, Organization, Email, and Phone Number.

D. Availability of Meeting Materials

The meeting agenda and other materials for the virtual conference will be posted on the GLAB website at *www.glri.us/glab.*

E. Accessibility

Persons with disabilities who wish to request reasonable accommodations to participate in this event may contact the DFO at *barnes.edlynzia@epa.gov* or 312–886–6249 by 3:00 p.m. Central Standard Time on March 21st, 2021. All final meeting materials will be posted to the GLAB website in an accessible format following the meeting, as well as a written summary of this meeting.

Cheryl Newton,

Acting Regional Administrator, Great Lakes National Program Manager.

[FR Doc. 2021–04748 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2018–0065; FRL–10019–36–OMS]

Proposed Information Collection Request; Comment Request; Drug Testing for Contractor Employees (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Drug Testing for Contractor Employees (Renewal)'' (EPA ICR No. 2183.08, OMB Control No. 2030–0044) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2021. 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 May 7, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OARM–2018–0065 online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy Training and Oversight Division, Office of Acquisition Solutions (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460; telephone number: (202) 564–4522; email address: *valentino.thomas@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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501 *et seq.*), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. 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, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR applies to a contractor who performs response services at sensitive sites with serious security concerns where the Agency and public interest would best be protected through drug testing of contractor employees. It requires the contractor to test employees for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), and any other controlled substances. Only contractor employees who have been tested within the previous 90 calendar days and have passing drug test results may be directly engaged in on-site response work and/or on-site related activities at designated sites with significant security concerns. The Agency may request contractors responding to any of these types of incidents to conduct drug testing and apply Government-established suitability criteria in title 5 CFR 731.104, *Appointments subject to investigation,* 732.201, *Sensitivity level designations and investigative requirements,* and 736.102, *Notice to investigative sources,* when determining whether employees are acceptable to perform on given sites or on specific projects.

Form Numbers: None.

Respondents/affected entities: Private contractors.

Respondent's obligation to respond: Required to obtain a benefit per title 5 CFR 731.104, *Appointments subject to investigation,* 732.201, *Sensitivity level designations and investigative requirements,* and 736.102, *Notice to investigative sources.*

Estimated number of respondents: 500 (total).

Frequency of response: Annual.

Total estimated burden: 1,125 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $133,010 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Kimberly Patrick,

Director, Office of Acquisition Solutions.

[FR Doc. 2021–04802 Filed 3–5–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0174; FRS 17534]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal

Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 7, 2021.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0174.

Title: Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; Individuals or households.

Number of Respondents and Responses: 22,900 respondents and 1,877,000 responses.

Estimated Time per Response: .0011 to .2011 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 249,043 hours.

Total Annual Cost: $34,623.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 4(i), 317 and 507 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: The FCC is preparing a system of records, FCC/MB–2, ''Broadcast Station Public Inspection Files,'' to cover the personally identifiable information (PII) that may be included in the broadcast station public inspection files. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Privacy Impact Assessment(s): The FCC is preparing a PIA.

Needs and Uses: The information collection requirements that are approved under this collection are as follows:

47 CFR 73.1212 requires a broadcast station to identify at the time of broadcast the sponsor of any matter for which consideration is provided. For advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of ''want ads'' sponsored by an individual but the licensee shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

47 CFR 73.1212(e) states that, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter in its public file. Pursuant to the changes contained in 47 CFR 73.1212(e) and 47 CFR 73.3526(e)(19), this list, which could contain personally identifiable information, would be located in a public inspection file to be located on the Commission's website instead of being maintained in the public file at the station. Burden estimates for this change are included in OMB Control Number 3060–0214.

47 CFR 76.1615 states that, when a cable operator engaged in origination cablecasting presents any matter for which money, service or other valuable consideration is provided to such cable television system operator, the cable television system operator, at the time of the telecast, shall identify the sponsor. Under this rule section, when advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product is sufficient when it is clear that the mention of the name of the product

constitutes a sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds.

47 CFR 76.1715 state that, with respect to sponsorship announcements that are waived when the broadcast/origination cablecast of ''want ads'' sponsored by an individual, the licensee/operator shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04773 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1035; FRS 17532]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 7, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: OMB Control No.: 3060–1035.

Title: Part 73, Subpart F International Broadcast Stations.

Form No.: FCC Forms 309, 310 and 311.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 225 respondents; 225 responses.

Estimated Time per Response: 2–720 hours.

Frequency of Response: Recordkeeping requirement; On occasion, semi-annual, weekly and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307, 334, 336 and 554.

Total Annual Burden: 20,096 hours.

Annual Cost Burden: $100,415.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approve a three-year extension of the information collection titled ''Part 73, Subpart F International Broadcast Stations'' under OMB Control No. 3060–1035. This information collection is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations and to determine if interference or adverse propagation conditions exist that may impact the operation of such stations. The Commission collects this information pursuant to 47 CFR part 73, subpart F. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. Therefore, the information collection requirements are as follows:

FCC Form 309—Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station—The FCC Form 309 is filed on occasion when the applicant is requesting authority to construct or make modifications to the international broadcast station.

FCC Form 310—Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License—The FCC Form 310 is filed on occasion when the applicant is submitting an application for a new international broadcast station.

FCC Form 311—Application for Renewal of an International or Experimental Broadcast Station License—The FCC Form 311 is filed by applicants who are requesting renewal of their international broadcast station licenses.

47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission in triplicate, indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).

47 CFR 73.702(b) states that two months before the start of each season, the licensee or permittee must inform the Commission in writing as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.

47 CFR 73.702(c) permits entities to file requests for changes to their original request for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license

authorization, requests for changes need to be filed by entities on occasion.

47 CFR 73.702 (note) states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in triplicate not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.

47 CFR 73.702(e) states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.

47 CFR 73.782 requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.

47 CFR 73.759(d) states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.

47 CFR 73.762(b) requires that licensees notify the Commission in writing of any limitation or discontinuance of operation of not more than 10 days.

47 CFR 73.762(c) states that the licensee or permittee must request and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances.

47 CFR 1.1301–1.1319 cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–04772 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 17538]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of re-establishment of four matching programs.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces the establishment of computer matching programs the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the State of Missouri's Department of Social Services (MDSS); North Carolina's Department of Health and Human Services (NCDHHS); Pennsylvania's Department of Human Services (PDHS); and Tennessee's Department of Human Services (TDHS). (''Agencies''). The purpose of these four matching programs is to verify the eligibility of applicants to and subscribers of the Universal Service Fund (USF) Lifeline program, which is administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before April 7, 2021. This computer matching program will commence on April 7, 2021, and will conclude 18 months later.

ADDRESSES: Send comments to Margaret Drake, FCC, 45 L Street NE, Washington, DC 20554, or *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Margaret Drake at 202–418–1707 or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, and/or various Tribal-specific federal assistance programs. In a Report and Order adopted on March 31, 2016, the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program. The purpose of these particular matching programs is to verify Lifeline eligibility by establishing that applicants or subscribers in Missouri, North Carolina, Pennsylvania and Tennessee are enrolled in the SNAP and/or Medicaid programs.

Participating Non–Federal Agencies

- Missouri Department of Social Services (MDSS);
- North Carolina Department of Health and Human Services (NCDHHS);
- Pennsylvania Department of Human Services (PDHS); and
- Tennessee Department of Human Services (TDHS).

Authority for Conducting the Matching Program

47 U.S.C. 254; 47 CFR 54.400 *et seq.;* Lifeline and Link Up Reform and Modernization, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4006–21, paras. 126–66 (2016) (2016 Lifeline Modernization Order).

Purpose(s)

In the 2016 Lifeline Modernization Order, the FCC required USAC to develop and operate the National Verifier to improve efficiency and reduce waste, fraud, and abuse in the Lifeline program. The stated purpose of the National Verifier is ''to increase the integrity and improve the performance of the Lifeline program for the benefit of a variety of Lifeline participants, including Lifeline providers, subscribers, states, community-based organizations, USAC, and the Commission.'' 31 FCC Rcd 3962, 4006, para. 126. To help determine whether Lifeline applicants and subscribers are eligible for Lifeline benefits, the Order contemplates that the USAC-operated LED will communicate with information systems and databases operated by other Federal and State agencies. Id. at 4011–2, paras. 135–7.

Categories of Individuals

The categories of individuals whose information is involved in the four matching programs include, but are not limited to, those individuals (residing in a single household) who have applied for Lifeline benefits; are currently receiving Lifeline benefits; are individuals who enable another individual in their household to qualify for Lifeline benefits; are minors whose status qualifies a parent or guardian for Lifeline benefits; are individuals who have received Lifeline benefits; or are individuals acting on behalf of an eligible telecommunications carrier (ETC) who have enrolled individuals in the Lifeline program.

Categories of Records

The categories of records involved in the four matching programs include, but are not limited to, the last four digits of the Lifeline applicant's Social Security Number, date of birth, and first name and last name. The National Verifier will transfer these data elements to the Missouri DSS; North Carolina DHHS; Pennsylvania DHS and the Tennessee DHS which will respond either ''yes'' or ''no'' that the individual is enrolled in a Lifeline-qualifying assistance program: State of Missouri's SNAP and Medicaid; State of North Carolina's SNAP; State of Pennsylvania's SNAP and Medicaid; and State of Tennessee's SNAP.

System(s) of Records

The USAC records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline Program, a notice of which the FCC published at 86 FR 11526 (Feb. 25, 2021).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–04683 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1210, FRS 17536]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 7, 2021.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1210.

Title: Wireless E911 Location Accuracy Requirements (PS Docket No. 07–114).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, State, Local or Tribal Government, and Federal Government.

Number of Respondents and Responses: 4,567 respondents; 35,531 responses.

Estimated Time per Response: 2–10 hours.

Frequency of Response: Recordkeeping, on occasion; one-time; quarterly and semi-annual reporting requirements, and third-party disclosure requirements.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 2, 4(i), 7, 10, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 139,461 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is requesting that respondents submit confidential information to the Commission in the context of the test bed. Nationwide Commercial Mobile Radio Service (CMRS) providers must make data from the test bed available to small and regional CMRS providers so that the smaller providers can deploy technology throughout their networks that is consistent with a deployment that was successfully tested in the test bed. CMRS providers also may request confidential treatment of live 911 call data reports, but the Commission reserves the right to release aggregate or anonymized data on a limited basis to facilitate compliance with its rules.

Needs and Uses: This notice pertains to multiple information collections relating to the Commission's wireless E911 indoor location accuracy regulations. As described below, OMB previously approved the information collections associated with OMB Control No 3060–1210. This notice

seeks comment on proposed modifications to those information collections pursuant to the *Sixth Report and Order and Order on Reconsideration* in this proceeding, PS Docket 07–114.

New or Modified Collections

Section 9.10(i)(4)(iv) requires all CMRS providers to certify ''that neither they nor any third party they rely on to obtain dispatchable location information will use dispatchable location information or associated data for any non-911 purpose, except with prior express consent or as otherwise required by law.'' In addition, ''[t]he certification must state that CMRS providers and any third party they rely on to obtain dispatchable location information will implement measures sufficient to safeguard the privacy and security of dispatchable location information.'' Under 47 CFR 9.10(i)(4)(v), all CMRS providers must certify ''that neither they nor any third party they rely on to obtain z-axis information will use z-axis information or associated data for any non-911 purpose, except with prior express consent or as otherwise required by law.'' Further, ''[t]he certification must state that CMRS providers and any third party they rely on to obtain z-axis information will implement measures sufficient to safeguard the privacy and security of z-axis location information.'' The Commission obtained OMB approval for the information collections contained in these certifications after adopting the Fourth Report and Order and Fifth Report and Order under OMB Control No. 3060–1210. The Sixth Report and Order modified these information collections slightly by deleting references to the National Emergency Address Database (NEAD), which has been discontinued and will not be available to CMRS providers. The Commission does not expect these changes to the certification requirements to result in any increase or decrease in the burden estimates for these collections as previously approved by OMB.

Section 9.10(i)(3)(ii) requires CMRS providers that serve any of the six Test Cities identified by ATIS (Atlanta, Denver/Front Range, San Francisco, Philadelphia, Chicago, and Manhattan Borough of New York City) or portions thereof to collect and report aggregate data on the location technologies used for live 911 calls. As discussed below, in 2018, the Commission developed a reporting template to assist CMRS providers in collecting, formatting, and submitting aggregate live 911 call data in accordance with the requirements in the rules. After adopting the Fifth Report and Order, the Commission indicated that it would modify the live call template to include vertical location. We now propose to modify the form to include z-axis (vertical) location information from live calls in addition to horizontal location information. Specifically, we propose to revise the template to include fields for reporting the percentage of total 911 calls that result in dispatchable location or z-axis location information by morphology and position technology and for reporting z-axis deployment options used for 911 calls.

Section 9.10(j)(4) requires CMRS providers to supply confidence and uncertainty (C/U) information with wireless E911 calls that have dispatchable location or z-axis information and to do so in accordance with the timelines for vertical location accuracy compliance. As noted below, OMB previously approved and renewed a C/U data requirement for horizontal location information under OMB Control No. 3060–1204. (See also OMB Control No. 3060–1147.) The Fifth Report and Order extended the C/U requirements to include vertical location information, and OMB approved that modification. The Sixth Report and Order revised 47 CFR 9.10(j)(4) to add a requirement that where floor-level information is available to CMRS providers, they must provide C/U data for the z-axis (vertical) information included with such floor-level information.

Under Section 9.10(k), CMRS providers must record information on all live 911 calls, including the C/U data that they provide to PSAPs under Section 9.10(j) of the rules. In addition, Section 9.10(k) requires CMRS providers to make this information available to PSAPs upon request and to retain it for a period of two years. The Commission obtained OMB approval for the information collections contained in Section 9.10(k) after adopting the Fourth Report and Order. The Sixth Report and Order amended Section 9.10(k) to make explicit that the requirements in the rule extend to C/U data for dispatchable location and floor-level information, as well as for z-axis information. This eliminated a potential gap in the rule, which previously referred only to z-axis information.

Section 9.10(i)(2)(ii)(J)(*4*) provides that a CMRS provider will be deemed to have met its z-axis technology deployment obligation so long as it either pre-installs or affirmatively pushes the location technology to end users so that they receive a prompt or other notice informing them that the application or service is available and what they need to do to download and enable the technology on their phone. A CMRS provider will be deemed in compliance with its z-axis deployment obligation if it makes the technology available to the end user in this manner even if the end user declines to use the technology or subsequently disables it. This is a new collection adopted by the Commission in the Sixth Report and Order.

Previously Approved Collections

Section 9.10(i)(2)(ii)(A) requires that within three years of the effective date of the rule, CMRS providers shall deliver uncompensated barometric pressure data from any device capable of delivering such data to PSAPs. This requirement is necessary to ensure that PSAPs are receiving all location information possible to be used for dispatch. This requirement is also necessary to ensure that CMRS providers implement a vertical location solution in the event that the proposed ''dispatchable location'' solution does not function as intended by the three-year mark and beyond.

Section 9.10(i)(2)(ii)(B) requires that the four nationwide providers submit to the Commission for review and approval a reasonable metric for z-axis (vertical) location accuracy no later than 3 years from the effective date of rules. This requirement is critical to ensure that the vertical location framework adopted in the Fourth Report and Order is effectively implemented.

Section 9.10(i)(2)(iii) requires CMRS providers to certify compliance with the Commission's rules at various benchmarks throughout implementation of improved location accuracy. This requirement is necessary to ensure that CMRS providers remain ''on track'' to reach the location accuracy benchmarks. Section 9.10(i)(2)(iv) provides that PSAPs may seek Commission enforcement of the location accuracy requirements within their geographic service area, but only so long as they have implemented policies that are designed to obtain all location information made available by CMRS providers when initiating and delivering 911 calls to the PSAP. Prior to seeking Commission enforcement, a PSAP must provide the CMRS provider with 30 days written notice, and the CMRS provider shall have an opportunity to address the issue informally. If the issue has not been addressed to the PSAP's satisfaction within 90 days, the PSAP may seek enforcement relief.

Section 9.10(i)(3)(i) requires that within 12 months of the effective date, the four nationwide CMRS providers

must establish the test bed described in the Fourth Report and Order, which will validate technologies intended for indoor location. The test bed is necessary for the compliance certification framework adopted in the Fourth Report and Order.

Section 9.10(i)(3)(ii) requires that beginning 18 months from the effective date of the rules, CMRS providers providing service in any of the six Test Cities identified by ATIS (Atlanta, Denver/Front Range, San Francisco, Philadelphia, Chicago, and Manhattan Borough of New York City) or portions thereof must collect and report aggregate data on the location technologies used for live 911 calls. Nationwide CMRS providers must submit call data on a quarterly basis; non-nationwide CMRS providers need only submit this data every six months. Non-nationwide providers that do not provide service in any of the Test Cities may satisfy this requirement by collecting and reporting data based on the largest county within the carrier's footprint. This reporting requirement is necessary to validate and verify the compliance certifications made by CMRS providers.

The Commission developed a reporting template to assist CMRS providers in collecting, formatting, and submitting aggregate live 911 call data in accordance with the requirements in the rules. The template will also assist the Commission in evaluating the progress CMRS providers have made toward meeting the 911 location accuracy benchmarks. The template is an Excel spreadsheet and will be available for downloading on the Commission's website. The Commission may also develop an online filing mechanism for these reports in the future.

Section 9.10(i)(3)(iii) requires CMRS providers to retain testing and live call data gathered pursuant to this section for a period of 2 years.

Section 9.10(i)(4)(i) provides that no later than 18 months from the effective date of the adoption of the rule, nationwide CMRS providers shall report to the Commission their initial plans for meeting the indoor location accuracy requirements of paragraph (i)(2) of Section 9.10. Non-nationwide CMRS providers will have an additional 6 months to submit their implementation plan.

Section 9.10(i)(4)(ii) requires that no later than 18 months from the effective date, each CMRS provider shall submit to the Commission a report on its progress toward implementing improved indoor location accuracy. Non-nationwide CMRS providers will have an additional 6 months to submit their progress reports. All CMRS providers shall provide an additional progress report no later than 36 months from the effective date of the adoption of this rule. The 36-month reports shall indicate what progress the provider has made consistent with its implementation plan.

Section 9.10(i)(4)(iii) requires that prior to activation of the NEAD but no later than 18 months from the effective date of the adoption of this rule, the nationwide CMRS providers shall file with the Commission and request approval for a security and privacy plan for the administration and operation of the NEAD.

Section 9.10(i)(4)(iv) requires CMRS providers to certify ''that neither they nor any third party they rely on to obtain dispatchable location information will use dispatchable location information or associated data for any non-911 purpose, except with prior express consent or as otherwise required by law.'' In addition, ''[t]he certification must state that CMRS providers and any third party they rely on to obtain dispatchable location information will implement measures sufficient to safeguard the privacy and security of dispatchable location information.'' As noted above, the Commission is revising this requirement to account for the fact that the NEAD has been discontinued.

Section 9.10(i)(4)(v) requires that prior to use of z-axis information to meet the Commission's location accuracy requirements, CMRS providers must certify ''that neither they nor any third party they rely on to obtain z-axis information will use z-axis information or associated data for any non-911 purpose, except with prior express consent or as otherwise required by law.'' Further, ''[t]he certification must state that CMRS providers and any third party they rely on to obtain z-axis information will implement measures sufficient to safeguard the privacy and security of z-axis location information.'' This requirement is necessary to ensure the privacy and security of any personally identifiable information that may be collected by the CMRS provider. As noted above, the Commission is revising this requirement to account for the fact that the NEAD has been discontinued.

Section 9.10(j) requires CMRS providers to provide standardized confidence and uncertainty (C/U) data for all wireless 911 calls, whether from outdoor or indoor locations, on a per-call basis upon the request of a PSAP. This requirement makes the use of C/U data easier for PSAPs.

Section 9.10(j)(4) also requires that upon meeting the timeframes pursuant to paragraphs (i)(2)(ii)(C) and (D) of this section, CMRS providers shall provide with wireless 911 calls that have dispatchable location or z-axis (vertical) information the C/U data required under paragraph (j)(1) of this section. Where available to the CMRS provider, floor level information must be provided with associated C/U data in addition to z-axis location information.

Section 9.10(k) requires CMRS providers to record information on all live 911 calls, including but not limited to the positioning source method used to provide a location fix associated with the call, as well as confidence and uncertainty data. This information must be made available to PSAPs upon request, as a measure to promote transparency and accountability for this set of rules.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04771 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0647, OMB 3060–0986; FRS 17539]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that

does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 7, 2021.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the SUPPLEMENTARY INFORMATION below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0647.

Title: Biennial Survey of Cable Industry Prices, FCC Form 333.

Form Number: FCC Form 333.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or Tribal Government.

Number of Respondents and Responses: 70 respondents and 524 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: Biennial reporting requirement.

Total Annual Burden: 1,834 hours.

Total Annual Cost: None.

Obligation to Respond: Mandatory. The statutory authority for this information collection is in Sections 4(i) and 623(k) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: If individual respondents to this survey wish to request confidential treatment of any data provided in connection with this survey, they can do so upon written request, in accordance with Sections 0.457 and 0.459 of the Commission's rules. To request confidential treatment of their data, respondents must describe the specific information they wish to protect and provide an explanation of why such confidential treatment is appropriate. If a respondent submits a request for confidentiality, the Commission will review it and make a determination.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Cable Television Consumer Protection and Competition Act of 1992 (''Cable Act'') requires the Commission to publish biennially a report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators subject to effective competition and those that are not subject to effective competition. The Biennial Cable Industry Price Survey is intended to collect the data needed to prepare that report. The data from these questions are needed to complete this report.

OMB Control Number: 3060–0986.

Title: High-Cost Universal Service Support.

Form Number: FCC Form 481 and FCC Form 525.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 2,049 respondents; 14,358 responses.

Estimated Time per Response: 0.1–15 hours.

Frequency of Response: On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 53,955 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission notes that the Universal Service Administrative Company (USAC) must preserve the confidentiality of all data obtained from respondents and contributors to the universal service support program mechanism; must not use the data except for purposes of administering the universal service program; must not use the data except for purposes of administering the universal support program; and must not disclose data in company-specific form unless directed to do so by the Commission. Parties may submit confidential information in relation pursuant to a protective order. Also, respondents may request materials or information submitted to the Commission or to the Administrator believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission is requesting the Office of Management and Budget (OMB) approval for this revised information collection. On November 18, 2011, the Commission adopted an order reforming its high-cost universal service support mechanisms. *Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund,* WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51;

CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), and the Commission and Wireline Competition Bureau have since adopted a number of orders that implement the *USF/ICC Transformation Order; see also Connect America Fund et al.,* WC Docket No. 10–90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Order, 27 FCC Rcd 605 (Wireline Comp. Bur. 2012); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Order, 28 FCC Rcd 2051 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Order, 28 FCC Rcd 7227 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7766 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7211 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 10488 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016); *Connect America Fund et al.,* WC Docket Nos. 10–90, 16–271; WT Docket No. 10–208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016); *Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90, 14–58, Order, 32 FCC Rcd 968 (2017); *Connect America Fund et al.,* WC Docket No. 10–90 et al., Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 33 FCC Rcd 11893 (2018); *Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90, 14–58, Report and Order, 32 FCC Rcd 5944 (2017). The Commission has received OMB approval for most of the information collections required by these orders.

Through several orders, the Commission has recently changed or modified reporting obligations for high-cost support.

In September 2019, the Commission adopted the *Puerto Rico/U.S. Virgin Islands Stage 2 Order,* which allocated nearly a billion additional dollars to United States territories that had suffered extensive infrastructure damage due to Hurricanes Irma and Maria. *The Uniendo a Puerto Rico Fund and the Connect USVI Fund, et al.,* WC Docket No. 18–143, et al., Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (2019) (*Puerto Rico and USVI Stage 2 Order).* The Commission adopted similar accountability measures for recipients of this support as required of other high-cost support recipients to ensure that providers receive support ''only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.'' *Puerto Rico and USVI Stage 2 Order,* 34 FCC Rcd at 9149, para. 72.

In the *2019 Supply Chain Order,* the Commission adopted a rule prohibiting the use of USF support to purchase or obtain any equipment or services produced or provided by a covered company posing a national security threat to the integrity of communications networks or the communications supply chain. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs,* WC Docket No. 18–89, Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 11423, 11433, para. 26. *See also* 47 CFR 54.9. In June 2020, the Public Safety and Homeland Security Bureau issued final designations of Huawei Technologies Company (Huawei) and ZTE Corp. (ZTE) as covered companies for the purposes of this rule. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs—Huawei Designation,* WC Docket No. 19–351, Order, 35 FCC Rcd 6604 (PSHSB June 30, 2020) (*Huawei Designation Order*); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs—ZTE Designation,* WC Docket No. 19–352, Order, 35 FCC Rcd 6633 (PSHSB June 30, 2020) (*ZTE Designation Order*). Accordingly, USF recipients may not use USF funds to purchase, obtain, maintain, improve, modify, manage, or otherwise support Huawei or ZTE equipment or services in any way, including upgrades to existing Huawei or ZTE equipment and services. *Huawei Designation Order,* 35 FCC Rcd at 6608, para. 10; *ZTE Designation Order,* 35 FCC Rcd at 6637, para. 10. Moreover, USF recipients must certify that they are in compliance with this rule. *2019 Supply Chain Order,* 34 FCC Rcd at 11454, para. 79; *see also* 47 CFR 54.9.

In the *CAF Phase II Auction Order,* in addition to rules requiring Connect America Phase II auction support recipients to report regarding support used for capital expenditures, certify regarding available funds, and certify that the Phase II-funded network meets performance requirements, the Commission also adopted rules requiring that Phase II auction support recipients must report information on served community anchor institutions and certify regarding bidding on FCC Form 470 postings for eligible schools and libraries in census blocks where the carrier receives auction support. *Connect America Fund, et al.,* WC Docket No. 10–90, et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) (*CAF Phase II Auction Order*). Recipients of Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 support must also observe these requirements in addition to the general requirements for high-cost support recipients and requirements specific to the Uniendo a Puerto Rico Fund and Connect USVI Fund programs. *See Puerto Rico and USVI Stage 2 Order,* 34 FCC Rcd at 9150, para. 74.

We therefore propose to revise this information collection, as well as Form 481 and its accompanying instructions, to reflect these new and revised requirements. We also eliminate one requirement that is associated with obligations no longer in effect for certain carriers. Finally, we propose to increase the burdens associated with existing reporting requirements to account for additional carriers that will be subject to those requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04774 Filed 3–5–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal

Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 7, 2021.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *SVB Financial Group, Santa Clara, California;* to merge with Boston Private Financial Holdings, Inc., and thereby indirectly acquire Boston Private Bank & Trust Company; both of Boston, Massachusetts.

Board of Governors of the Federal Reserve System, March 3, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04779 Filed 3–5–21; 8:45 am]

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FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping Provisions Associated with Stress Testing Guidance (FR 4202; OMB No. 7100–0348). The Board is seeking an extension without revision of the FR 4202 to ensure compliance with the Paperwork Reduction Act (PRA). However, whether and how any changes should be made to the guidance in light of recent amendments made by the Board to its stress testing rules [1] is under consideration. The Board will publish any proposed changes to the FR 4202 via a separate notice for comment.

DATES: Comments must be submitted on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by FR 4202 by any of the following methods:

- Agency website: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* .
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal.

Proposal under OMB Delegated Authority to Extend for Three Years, Without Revision, the Following Information Collection:

Report title: Recordkeeping Provisions Associated with Stress Testing Guidance.

Agency form number: FR 4202.

OMB control number: 7100–0348.

Frequency: As needed.

Respondents: Banking organizations.

Estimated number of respondents: 100.

[1] See, *e.g.,* Prudential Standards for Large Bank Holding Companies, Savings and Loan Holding Companies, and Foreign Banking Organizations, 84 FR 59032 (Nov. 1, 2019).

Estimated average hours per response: 180.

Estimated annual burden hours: 18,000.

General description of report: On May 17, 2012, the Board published the Supervisory Guidance on Stress Testing for Banking Organizations With More Than $10 Billion in Total Consolidated Assets (Stress Testing Guidance) in the **Federal Register**.[2] The Stress Testing Guidance outlines high-level principles for stress testing practices applicable to all Board-supervised banking organizations with more than $10 billion in total consolidated assets.[3]

The Stress Testing Guidance recommends that banking organizations (i) have a stress testing framework that includes clearly defined objectives, well-designed scenarios tailored to the banking organization's business and risks, well-documented assumptions, conceptually sound methodologies to assess potential impact on the banking organization's financial condition, informative management reports, and recommended actions based on stress test results; and (ii) have policies and procedures for a stress testing framework. These recordkeeping activities are collections of information under the PRA.

An organization should have written policies, approved and annually reviewed by the board, that direct and govern the implementation of the stress testing framework in a comprehensive manner. Policies, along with procedures to implement them, should

- describe the overall purpose of stress testing activities;
- articulate consistent and sufficiently rigorous stress testing practices across the entire organization;
- indicate stress testing roles and responsibilities, including controls over external resources used for any part of stress testing (such as vendors and data providers);
- describe the frequency and priority with which stress testing activities should be conducted;
- indicate how stress test results are used and by whom, and
- be reviewed and updated as necessary to ensure that stress testing practices remain appropriate and keep up to date with changes in market conditions, organization products and strategies, organization exposures and activities, the organization's established risk appetite, and industry stress testing practices.

Legal authorization and confidentiality: This voluntary information collection is authorized pursuant to section 11 of the Federal Reserve Act, 12 U.S.C. 248 (state member banks); sections 25 and 25A of the Federal Reserve Act, 12 U.S.C. 602 and 625 (Edge and Agreement corporations); section 5 of the Bank Holding Company Act of 1956, 12 U.S.C. 1844 (bank holding companies) and, in conjunction with section 8 of the International Banking Act, 12 U.S.C. 3106 (foreign banking organizations); section 7(c) of the International Banking Act of 1978, 12 U.S.C. 3105(c) (branches and agencies of foreign banks); section 10 of the Home Owners' Loan Act, 12 U.S.C. 1467a, (savings and loan holding companies), and section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5365 (nonbank financial companies supervised by the Board).

Because the collections of information associated with the FR 4202 do not involve the submission of information to the Board, no issues of confidentiality would normally arise. To the extent that the Board collects such information during an examination of the banking organization, confidential treatment may be afforded to that information under exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)), which protects information collected as part of the Board's supervisory process. Additionally, individual respondents may request confidential treatment of information pursuant to exemption 4 of the FOIA (5 U.S.C. 552(b)(4)), which protects ''trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.'' The Board will treat such information as confidential to the extent permitted by law, including the FOIA.

Board of Governors of the Federal Reserve System, March 3, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04762 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

[2] 77 FR 29458. The Stress Testing Guidance was issued jointly by the Board, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency.

[3] Board-supervised banking organizations include state member banks, bank holding companies, savings and loan holding companies, and all other institutions for which the Board is the primary federal supervisor.

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Government-Administered, General-Use Prepaid Card Surveys (FR 3063; OMB No. 7100–0343). The revisions are applicable as of the data collection administered during the first half of 2021.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection:

Report title: Government-Administered, General-Use Prepaid Card Surveys.

Agency form number: FR 3063.

OMB control number: 7100–0343.

Effective Date: As of the data collection administered during the first half of 2021.

Frequency: Annually.

Respondents: Depository institutions that administer general-use prepaid cards.

Estimated number of respondents: 15.

Estimated average hours per response: 10.

Estimated annual burden hours: 150.

General description of report: The issuer survey (FR 3063a) collects data

from issuers of government-administered, general-use prepaid cards including information on the pre-paid card program, the number of cards outstanding, card funding, ATM transactions, purchase transactions, fees paid by issuers to third parties, interchange fees, and cardholder fees. The issuer survey (FR 3063a) is mandatory. The government survey (FR 3063b), which is being discontinued, was designed to collect data from state governments, the District of Columbia, and U.S. territories (collectively ''state governments''), and municipal government offices located within the United States (local government offices) that administer general-use prepaid card payment programs.[1] It was intended that the FR 3063b survey would collect similar information from state governments and local government offices to supplement the information collected from card issuers in the FR 3063a survey on the usage of general-use prepaid cards in federal, state or local government-administered payment programs. However, the FR 3063b was voluntary, and the Board has not issued this survey to state governments or local government offices in the past three years because relevant information on the use of prepaid cards was obtained from the FR 3063a survey.

The Board uses data from the FR 3063a survey to support an annual report to Congress on the prevalence of use of general-use prepaid cards in federal, state, and local government-administered payment programs and on the interchange and cardholder fees charged with respect to such use of such cards.

Legal authorization and confidentiality: The issuer survey is authorized by subsection 920(a)(7) of the Electronic Fund Transfer Act, 15 U.S.C. 1693o–2(a)(7), which was added by section 1075(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This subsection requires the Board to submit an annual report to Congress on the prevalence of the use of general-use prepaid cards in federal, state, or local government-administered payment programs and the interchange transaction fees and card-holder fees charged with respect to the use of such general-use prepaid cards (15 U.S.C. 1693o–2(a)(7)(D)). It also provides the Board with authority to require issuers to provide information to enable the Board to carry out the provisions of the subsection (15 U.S.C. 1693o–2(a)(3)(B)). The obligation of issuers to respond to the issuer survey is mandatory. The Board generally regards the information collected from each individual issuer on the FR 3063a survey as confidential commercial and financial information, which may be protected by exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)). The Board, however, may publicly release aggregate or summary information in a way that does not reveal the individual issuer.

Current actions: On November 19, 2020, the Board published a notice in the **Federal Register** (*85* FR *73708*) requesting public comment for 60 days on the extension, with revision, of the Government-Administered, General-Use Prepaid Card Surveys. The Board proposed to revise and streamline the FR 3063a reporting structure to reduce burden on respondents by deleting various questions, which are no longer necessary to support the Board's annual report. In addition, the Board proposed to discontinue the FR 3063b. The comment period for this notice expired on January 19, 2021. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, March 2, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04689 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

[1] The government survey may be distributed to federal government agencies in addition to state and local governments and U.S. territories, but collections of information from federal government agencies are not subject to the Paperwork Reduction Act and, thus, are not included in this discussion. U.S. territories include American Samoa, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands.

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping Requirements Associated with Regulation GG (FR GG; OMB No. 7100–0317).

DATES: Comments must be submitted on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by *FR GG,* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at

https://www.reginfo.gov/public/do/PRAMain, if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Recordkeeping Requirements Associated with Regulation GG.

Agency form number: FR GG.

OMB control number: 7100–0317.

Frequency: Annually.

Respondents: Depository institutions, credit unions, card system operators, and money transmitting business operators.

Estimated number of respondents: Depository institutions: 2,331; credit unions: 2,575; card system operators: 7; money transmitting business operators: 62; and new or de novo institutions: 3.

Estimated average hours per response: Ongoing annual burden of 8 hours per recordkeeper for depository institutions, credit unions, card system operators, and money transmitting business operators. Onetime burden of 100 hours for new or de novo institutions.

Estimated annual burden hours: Ongoing burden: 39,800; one-time burden: 300.

General description of report: Section 5 of Regulation GG, Prohibition on Funding of Unlawful internet Gambling, requires all non-exempt participants in the designated payment systems to establish and implement policies and procedures reasonably designed to identify and block, or otherwise prevent or prohibit, transactions restricted by the Unlawful internet Gambling Enforcement Act of 2006.[1] In addition, section 5 states that a participant in a designated payment system may rely on policies and procedures established by the designated payment system if the system's policies and procedures otherwise comply with the requirements of the regulation.[2]

Section 6 of Regulation GG sets out non-exclusive examples of policies and procedures for each designated payment system that the Board and the Department of the Treasury believe are reasonably designed to prevent or prohibit restricted transactions for non-exempt participants in the system.[3]

The internal agency tracking number previously assigned by the Board to this information collection was ''FR 4026.'' The Board is changing the internal agency tracking number to ''FR GG'' for the purpose of consistency.

Legal authorization and confidentiality: FR GG is authorized by section 802 of the Unlawful internet Gambling Enforcement Act, which permits the Board to prescribe regulations requiring designated payment systems and participants therein to establish policies and procedures to identify and block or otherwise prevent and prohibit restricted transactions (31 U.S.C. 5364(a)). The obligation to respond is mandatory.

The policies and procedures required by Regulation GG are not required to be submitted to the Board. To the extent such policies and procedures are obtained by the Board through the examination process, they may be kept confidential under exemption 8 of the Freedom of Information Act, which protects information contained in or related to an examination of a financial institution (5 U.S.C. 552(b)(8)).

Consultation outside the agency: The Board has consulted with the Department of the Treasury regarding this information collection renewal.

[1] 12 CFR 233.5(a).

[2] 12 CFR 233.5(b).

[3] *See* 12 CFR 233.6.

Board of Governors of the Federal Reserve System, March 1, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04660 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Application for a Foreign Organization to Acquire a U.S. Bank or Bank Holding Company (FR Y–3F; OMB No. 7100–0119).

DATES: Comments must be submitted on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by *FR Y–3F,* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security

screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority to Extend for Three Years, Without Revision, the Following Information Collection:

Report title: Application for a Foreign Organization to Acquire a U.S. Bank or Bank Holding Company.

Agency form number: FR Y–3F.

OMB Control Number: 7100–0119.

Frequency: On occasion.

Respondents: Any company organized under the laws of a foreign country that seeks to acquire a U.S. bank or bank holding company.

Estimated number of respondents: 6.

Estimated average hours per response: Reporting: Initial application: 90; Subsequent application: 70; Disclosure: 1.

Estimated annual burden hours: Reporting: Initial application: 90; Subsequent application: 350; Disclosure: 6.

General description of report: Under the Bank Holding Company Act (BHC Act), any company, including a company organized under the laws of a foreign country, that seeks to acquire a U.S. bank or bank holding company must receive prior approval from the Board to do so. The Federal Reserve uses the information collected by the FR Y–3F to determine whether to approve the application and, subsequently, to carry out its supervisory responsibilities with respect to the foreign banking organization's operations in the United States.

Legal authorization and confidentiality: Section 3(a) of the BHC Act [1] requires prior approval by the Board for any company, including a foreign company, to acquire a U.S. bank or bank holding company, and section 3(c) of the BHC Act [2] sets forth the factors that the Board must consider in approving such an application. Sections 5(a) through 5(c) of the BHC Act [3] authorize the Board to require the registration of bank holding companies, issue regulations and orders to carry out its supervisory responsibilities thereunder, and examine and require reports to be submitted by bank holding companies, respectively. Together, these sections of the BHC Act provide the legal authorization for the FR Y–3F. The FR Y–3F is required to obtain a benefit.

To the extent a respondent submits nonpublic commercial or financial information in connection with the FR Y–3F, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA).[4] To the extent a respondent submits personal, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.[5] If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. The entity should separately designate any such information as ''confidential commercial information'' or ''confidential financial information'' and the Board will treat such designated information as confidential to the extent permitted by law, including the FOIA. To the extent a respondent submits information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a financial supervisory agency, the information may be treated as confidential pursuant to exemption 8 of the FOIA.[6]

Board of Governors of the Federal Reserve System, March 1, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04663 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 1842(a).

[2] 12 U.S.C. 1842(c).

[3] 12 U.S.C. 1844(a)–(c).

[4] 5 U.S.C. 552(b)(4).

[5] 5 U.S.C. 552(b)(6).

[6] 5 U.S.C. 552(b)(8).

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the International Applications and Prior Notifications under Subpart B of Regulation K (FR K–2; OMB No. 7100–0284).

DATES: Comments must be submitted on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by *FR K–2,* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at *https://www.reginfo.gov/public/do/PRAMain,* if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority to Extend for Three Years, Without Revision, the Following Information Collection:

Report title: The International Applications and Prior Notifications under Subpart B of Regulation K.

Agency form number: FR K–2.

OMB control number: 7100–0284.

Frequency: On occasion.

Respondents: Foreign banks.

Estimated number of respondents: 13.

Estimated average hours per response: Reporting: 35; Disclosure: 1.

Estimated annual burden hours: Reporting: 455; Disclosure: 13.

General description of report: Under the International Banking Act of 1978 (IBA), foreign banks are required to obtain the prior approval of the Board to establish a branch, agency, or representative office in the United States; to establish or acquire ownership or control of a commercial lending company in the United States; or to change the status of an agency or limited branch to a branch in the United States. The Board uses the information from the FR K–2 in connection with these applications and to supervise foreign banks with offices [1] in the United States.

Legal authorization and confidentiality: The FR K–2 is authorized pursuant to sections 7, 10, and 13 of the International Banking Act.[2] The applications and notifications comprising FR K–2 are required to obtain a benefit.

The Board does not routinely publicly release information collected through the FR K–2. To the extent a respondent submits nonpublic commercial or financial information in connection with the FR K–2, which is both customarily and actually treated as private by the respondent, the respondent may request confidential treatment pursuant to exemption 4 of the Freedom of Information Act (FOIA).[3] To the extent a respondent submits personal, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy, the respondent may request confidential treatment pursuant to exemption 6 of the FOIA.[4] If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. The entity should separately designate any such information as ''confidential commercial information'' or ''confidential financial information'' and the Board will treat such designated information as confidential to the extent permitted by law, including the FOIA. To the extent a respondent submits information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a financial supervisory agency, the information may be treated as confidential pursuant to exemption 8 of the FOIA.[5]

[1] The term ''office'' means any branch, agency, or representative office, or a commercial lending company subsidiary.

[2] 12 U.S.C. 3105, 3107, and 3108.

[3] 5 U.S.C. 552(b)(4).

[4] 5 U.S.C. 552(b)(6).

[5] 5 U.S.C. 552(b)(8).

Board of Governors of the Federal Reserve System, March 1, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04664 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation O (FR O; OMB No. 7100–0382). FR O received a temporary six-month clearance on November 10, 2020. This action is to extend that clearance for three years.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Recordkeeping and Disclosure Requirements Associated with Regulation O.

Agency form number: FR O.

OMB control number: 7100–0382.

Frequency: As needed.

Respondents: Member banks.

Estimated number of respondents: Recordkeeping: 1,570; disclosure: 1,570.

Estimated average hours per response: Recordkeeping: 4; disclosure; 2.

Estimated annual burden hours: Recordkeeping: 6,280; disclosure: 3,140.

General description of report: The Board's Regulation O—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks (12 CFR part 215) governs any extension of credit made by a member bank to an executive officer, director, or principal shareholder of the member bank, of any company of which the member bank is a subsidiary, and of any other subsidiary of that company. It prohibits such extensions of credit unless they are made on substantially the same terms (including interest rates and collateral) as those prevailing at the time for comparable transactions by the bank with other persons who are not employed by the bank and do not involve more than the normal risk of repayment or present other unfavorable features. Sections 215.8 and 215.9 of Regulation O contain recordkeeping and disclosure requirements on member banks.

Pursuant to section 215.8 of Regulation O, respondents must maintain records necessary for compliance with the requirements of Regulation O. Any recordkeeping method adopted by a respondent shall identify, through an annual survey, all insiders of the respondent and maintain records of all extensions of credit to insiders of the respondent, including the amount and terms of each such extension of credit. Additionally, any recordkeeping method adopted by a respondent shall maintain records of extensions of credit to insiders of the respondent's affiliates by using either the survey method or borrower inquiry method, as set forth in Regulation O, or a different recordkeeping method if the appropriate federal banking agency determines that the respondent's method is at least as effective as the listed methods.

Pursuant to section 215.9 of Regulation O, upon receipt of a written request from the public, a respondent must make available the names of each of its executive officers and each of its principal shareholders to whom, or to whose related interests, the member bank had outstanding as of the end of the latest previous quarter of the year, an extension of credit that, when aggregated with all other outstanding extensions of credit at such time from the member bank to such person and to all related interests of such person, equaled or exceeded 5 percent of the member bank's capital and unimpaired surplus or $500,000, whichever amount is less. Respondents are not required to disclose the specific amounts of individual extensions of credit. Additionally, each respondent must maintain records of all requests for the information described above and the disposition of such requests. These records may be disposed of after two years from the date of the request.

Legal authorization and confidentiality: The FR O is authorized by section 7 of the Federal Deposit Insurance Act (section 7)[1] and section 22(6) of the Federal Reserve Act (section 22(h)).[2] Section 7 authorizes the Board to require state member banks to report and publicly disclose information concerning extensions of credit by the state member bank to its executive officers, principal shareholders, or related interests of those persons. Section 22(h) authorizes the Board to prescribe rules related to extensions of credit to executive officers, directors, and principal shareholders.[3]

The obligation to respond is mandatory. The information disclosed under the disclosure requirements of Regulation O is not confidential. The information that is subject to the recordkeeping requirements of Regulation O would be maintained at each state member bank. For this information, the Freedom of Information Act (''FOIA'') would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in ''examination, operating, or condition reports'' obtained in the bank supervisory process.[4] In addition, in these cases, the information may also be

[1] 12 U.S.C. 1817(k).

[2] 12 U.S.C. 375b. The Board also has the authority to require reports from state member banks (12 U.S.C. 248(a) and 324).

[3] Section 306(o) of the Federal Deposit Insurance Corporation Improvement Act of 1991 contains a similar authorization.

[4] 5 U.S.C. 552(b)(8).

kept confidential under exemption 4 for the FOIA, which protects commercial or financial information obtained from a person that is privileged or confidential.[5] Finally, this information may be kept confidential under exemption 6, which protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.'' [6]

Current actions: On April 22, 2020, the Board published an interim final rule in the **Federal Register** (85 FR 22348) requesting public comment for 60 days on the extension for three years of the FR O. The Board did not receive any comments relevant to the PRA.

Board of Governors of the Federal Reserve System, March 2, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04690 Filed 3–5–21; 8:45 am]

BILLING CODE 6210–01–P

[5] 5 U.S.C. 552(b)(4).

[6] 5 U.S.C. 552(b)(6).

FEDERAL TRADE COMMISSION

[File No. 202 3122]

Gennex Media LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement; Request for Comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 5, 2021.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Gennex Media LLC; File No. 202 3122'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Julia Solomon Ensor (202–326–2377), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 5, 2021. Write ''Gennex Media LLC; File No. 202 3122'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Due to the COVID–19 public health emergency and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Gennex Media LLC; File No. 202 3122'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), 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 D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include 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 your comment does not include 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 on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, 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.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing the proposed settlement. 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 5, 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.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Gennex Media LLC and Akil Kurji (''Respondents'').

The proposed consent order has been placed on the public record for thirty days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves Respondents' use of ''Made in USA'' claims to advertise and sell customizable promotional products to consumers. According to the FTC's complaint, Respondents represented that the customizable promotional products they offer are all or virtually all made in the United States. In fact, in numerous instances, Respondents' customizable promotional products are wholly imported from China. Indeed, in some instances the products ship directly to consumers from China without passing through Respondents' U.S. facility. According to the complaint, Kurji, Gennex's sole officer and shareholder, formulated or approved marketing materials with U.S.-origin claims despite knowing numerous products advertised are imported. Based on the foregoing, the complaint alleges that Respondents engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The proposed consent order contains provisions designed to prevent Respondents from engaging in similar acts and practices in the future. Consistent with the FTC's Enforcement Policy Statement on U.S. Origin Claims, Part I prohibits Respondents from making U.S.-origin claims for their products unless either: (1) The final assembly or processing of the product occurs in the United States, all significant processing that goes into the product occurs in the United States, and all or virtually all ingredients or components of the product are made and sourced in the United States; (2) a clear and conspicuous qualification appears immediately adjacent to the representation that accurately conveys the extent to which the product contains foreign parts, ingredients or components, and/or processing; or (3) for a claim that a product is assembled in the United States, the product is last substantially transformed in the United States, the product's principal assembly takes place in the United States, and United States assembly operations are substantial. Part II prohibits Respondents from making any country-of-origin claim about a product or service unless the claim is true, not misleading, and Respondents have a reasonable basis substantiating the representation.

Parts III through V are monetary provisions. Part III imposes a judgment of $146,249.24. Part IV includes additional monetary provisions relating to collections. Part V requires Respondents to provide sufficient customer information to enable the Commission to administer consumer redress, if appropriate.

Parts VI through IX are reporting and compliance provisions. Part VI requires Respondents to acknowledge receipt of the order, to provide a copy of the order to certain current and future principals, officers, directors, and employees, and to obtain an acknowledgement from each such person that they have received a copy of the order. Part VII requires Respondents to file a compliance report within one year after the order becomes final and to notify the Commission within 14 days of certain changes that would affect compliance with the order. Part VIII requires Respondents to maintain certain records, including records necessary to demonstrate compliance with the order. Part IX requires Respondents to submit additional compliance reports when requested by the Commission and to permit the Commission or its representatives to interview Respondents' personnel.

Finally, Part X is a ''sunset'' provision terminating the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2021–04650 Filed 3–5–21; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2021–01; Docket No. 2021–0002; Sequence No. 2]

Notice of Availability and Announcement of Meeting for the Chet Holifield Federal Building Final Environmental Impact Statement, Laguna Niguel, California

AGENCY: Public Buildings Service (PBS), General Services Administration (GSA).

ACTION: Notice of Availability; Announcement of Meeting.

SUMMARY: This notice announces the availability of the Final Environmental Impact Statement (FEIS), which examines the potential impacts of a proposal by the General Services Administration (GSA) to address long-term housing for the tenants of the Chet Holifield Federal Building (CHFB) either through lease relocation or a combination of new construction and lease relocation; as well as the disposal of the CHFB out of federal ownership. The CHFB is owned and managed by GSA and is home to various federal agency tenants, with the United States Citizenship and Immigration Services (USCIS) serving as the largest tenant. The FEIS describes the reason for the project; alternatives considered; potential environmental impacts; avoidance, minimization, and mitigation measures; includes responses to comments received on the Draft Environmental Impact Statement; and identifies the Preferred Alternative. GSA is serving as the lead agency in this undertaking, and acting on behalf of its tenants at this facility.

DATES: GSA will hold a virtual public meeting for the FEIS on Tuesday, March 16th, 2021 from 4:30 p.m. to 6:30 p.m., Pacific Time (PT). Interested parties are encouraged to join and provide comments on the FEIS. The public comment period for the FEIS ends Sunday, April 4th, 2021. After this date, GSA may prepare and sign the Record of Decision (ROD), which would provide project approval; undertake additional studies; or abandon the project.

ADDRESSES: GSA will host a virtual public meeting during the public comment period as listed under **DATES** to solicit public comment. The purpose of the meeting is to collect public comments on the FEIS. The virtual public meeting will begin with presentations on the National Environmental Policy Act (NEPA) process and the proposed project. A copy of the presentation slideshow will

be made available prior to the meeting at *https://www.gsa.gov/ChetHNEPA.*

Following the presentations, there will be a moderated session during which members of the public can provide oral comments on the FEIS. Commenters will be allowed 3 minutes to provide comments. Comments will be recorded. Refer to the end of this notice for instructions on how to access the online public meeting.

Comments will be accepted during the meeting, by mail, and by email. Questions or comments concerning the FEIS should be directed to:

- *Email: osmahn.kadri@gsa.gov.*
- *Postal Mail/Commercial Delivery:* Potomac-Hudson Engineering, Inc., ATTN: CHFB Final EIS, 77 Upper Rock Circle Suite 302, Rockville, MD 20850

All comments received written or oral will become public and part of the Administrative Record.

Further information, including an electronic copy of the FEIS, may be found online on the following website: *https://www.gsa.gov/ChetHNEPA.*

FOR FURTHER INFORMATION CONTACT: Osmahn A. Kadri, Regional Environmental Quality Advisor/NEPA Project Manager, GSA, at 415–522–3617. Please also call this number if special assistance is needed to attend and participate in the public meeting.

SUPPLEMENTARY INFORMATION:

Virtual Public Meeting Information

Members of the public may join the FEIS public meeting by entering the following information—Meeting ID: 960 8174 4705; Password: CHFBEIS, using any of the below methods. Note that the meeting is best viewed through the Zoom app, and attendees are encouraged to download the app at the Zoom website (*https://zoom.us*) or on their mobile device, and test their connection prior to the meeting to ensure best results.

- From their personal computer by launching the Zoom app (if already installed), and clicking 'Join a Meeting' and entering the above Meeting ID and Password. Attendees should follow the prompts to input their name and email address to access the meeting.
- From their personal computer, by going to the Zoom website at *http://zoom.us/join,* entering the Meeting ID and Password, and following the prompts to download and install the Zoom app.
- From their mobile device through the Zoom mobile app, by entering the above Meeting ID and Password.
- For attendees who do not have the Zoom app or do not wish to download the app, visit *http://zoom.us/join* using your computer's browser, enter the Meeting ID, and click the 'Join from your browser' link that is displayed on the landing page. Then, follow the prompts to enter your name and the meeting Password.

Whether joining through the Zoom app or web browser, attendees should follow the prompts to connect their computer audio. Attendees are encouraged to connect through the 'Computer Audio' tab and click 'Join Audio by Computer' under the 'Join Audio' button on the bottom of their screen. Users who do not have a computer microphone and wish to provide public comment during the meeting may connect by following the prompts under the 'Phone Call' tab under the 'Join Audio' button.

For members of the public who do not have access to a personal computer, they may join the meeting audio by dialing the following number: 669–900–9128. When prompted, enter the following information: Meeting ID—960 8174 4705, followed by the pound (#) key; press pound (#) again when prompted for a participant ID; then enter Password—4068423 followed by the pound (#) key. Note, dialing in to the meeting is only necessary if you are not accessing the meeting through your computer or mobile app, or if you would like to provide oral comments during the meeting but do not have a computer microphone.

The public meeting will be recorded, and all comments provided will become part of the formal record.

Russell Larson,

Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.

[FR Doc. 2021–04781 Filed 3–5–21; 8:45 am]

BILLING CODE 6820–YF–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–21–1161]

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 Evaluation of Enhancing HIV Prevention Communication and Mobilization Efforts through Strategic Partnerships, 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 15, 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

Evaluation of Enhancing HIV Prevention Communication and Mobilization Efforts through Strategic Partnerships (OMB Control No. 0920–1161)—Reinstatement without change—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention

(NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Let's Stop HIV Together (Together) campaign is a multifaceted national communication initiative that supports reduction of HIV incidence in the United States through multiple, concurrent communication and education campaigns for a variety of audiences, including the general public, populations most affected by HIV and health care providers. All components of the campaign support the comprehensive HIV prevention efforts of CDC and the Ending the HIV Epidemic initiative.

Within this context, the Centers for Disease Control and Prevention's Division of HIV/AIDS Prevention (DHAP) is implementing various partnership activities to increase HIV awareness among the general public, reduce new HIV infections among disproportionately impacted populations, and improve health outcomes for people with HIV in United States and its territories. For example, DHAP is funding the ''Enhancing HIV Prevention Communication and Mobilization Efforts through Strategic Partnerships'' program. Partners funded under the partnership program will (1) support the dissemination of Together campaign materials, messaging, and other CDC resources that support HIV prevention and (2) implement national engagement efforts focusing on HIV prevention and awareness. Partners represent civil, media, and LGBT-focused organizations.

In addition, DHAP will continue to support ongoing activities to engage and support the private sector in promoting HIV education, awareness, and policies in the workplace and community. Overall, partnership efforts serve to increase HIV awareness among the general public, reduce new HIV infections among disproportionately impacted populations, and improve health outcomes for people with HIV in the United States and its territories.

The project will evaluate the extent to which activities implemented by partners meet the initiative's goals for disseminating, communicating, and engaging the public in HIV prevention and education activities. We will collect information from partners on their activities for disseminating HIV messages through materials distribution at national and local events, media and advertising, HIV testing facilitation, and formation and coordination of strategic partnerships; barriers and facilitators to implementation of these activities, and factors that may help contextualize their progress towards meeting the initiative's goals; and their involvement in promoting HIV education, awareness, and policies in their organization. We will collect this information through these five sources: (a) Metrics Database: Partners will be required to report quarterly data to CDC and CDC's evaluation contractor through a metrics database. (b) Biannual key informant interviews: The point of contacts (POCs) from some partner organizations will be interviewed twice yearly via telephone. (c) Interim Progress Reports: Partners will complete a standardized progress report on a biannual basis via a user-friendly electronic form. The progress reports will gather information on key successes, facilitators and barriers, and major achievements. (d) Partner Survey: Partners will complete a brief online survey to assess their involvement in promoting HIV education, awareness, and policies in their organization. (e) Partnerships Activities Form: Partners may be asked to complete a brief electronic form to provide information on each partner activity that they complete. The form will collect information on information such as the type of event, the audience, and key highlights; the number of HIV tests administered (if any) and the number of preliminary positives; the number and type of materials distributed. This information will allow CDC to know what partners are doing to advance HIV prevention and education, and how CDC can alter their partnership efforts to facilitate HIV prevention and education in the future. The organization (and not the individual) will be the unit of analysis. As such, no personally individually identifiable information will be collected.

There is no cost to participants other than their time. The total estimated annualized burden hours are 4,411.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Partner Organization	Metrics Database	44	4	18
Partner Organization	Key Informant Interview Guide	25	2	1
Partner Organization	Interim Progress Report	10	2	8
Partner Organization	Partner Survey & Screener	300	1	40/60
Partner Organization	Partnership Activities Form	499	4	25/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04675 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–21–1182; Docket No. CDC–2021–0016]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a reinstatement of a currently approved data collection titled ''Formative

Research to Develop HIV Social Marketing Campaigns for Healthcare Providers.'' The purpose of this data collection is to understand healthcare providers' interpretation and understanding of existing and emergent HIV prevention science; understand how providers use guidance or evidence-based approaches in their practices generally and with populations that have been largely overlooked (*e.g.,* transgender individuals, people who inject drugs (PWID)); and to inform the development and/or revision of messages, concepts and materials for healthcare providers designed to support patient-provider communication about HIV testing, prevention, and care in support of the U.S. Department of Health and Human Services' Ending the HIV Epidemic.

DATES: CDC must receive written comments on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0016 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.
5. Assess information collection costs.

Proposed Project

Formative Research to Develop HIV Social Marketing Campaigns for Healthcare Providers (OMB Control No. 0920–1182)—Reinstatement without Change—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To address the HIV epidemic in the U.S., the Department of Health and Human Services launched Ending the HIV Epidemic: A Plan for America, which is a cross-agency initiative aiming to reduce new HIV infections in the U.S. by 90% by 2030 (CDC, 2019a). CDC's Let's Stop HIV Together campaign (formerly known as Act Against AIDS) is part of the national Ending the HIV Epidemic initiative and includes resources aimed at reducing HIV stigma and promoting testing, prevention, and treatment across the HIV care continuum.

Within this context, CDC's Division of HIV/AIDS Prevention (DHAP) has, and will continue implementing various communication initiatives to increase healthcare providers' awareness of HIV testing-, prevention- and treatment-related topics; reduce new HIV infections among disproportionately impacted populations; and improve health outcomes for people living with HIV/AIDS in the US and its territories. Specifically, the initiatives target healthcare providers, including primary care, and relevant specialties such as HIV medicine and infectious disease, physicians, physician assistants, and nurses.

The rounds of data collection include exploratory, message testing, concept testing, and materials testing. Information collected by DHAP will be used to assess healthcare providers' informational needs about topics related to HIV testing, prevention, and treatment; pre-test campaign-related messages, concepts, and materials; and evaluate the extent to which the communication initiatives are reaching the target audiences and providing them with trusted HIV-related information. Data collections will include in-depth interviews and brief surveys.

The data gathered under this request will be summarized in reports prepared for CDC by its contractor, such as quarterly and annual reports and topline reports that summarize results from each data collection. It is possible that data from this project will be published in peer-reviewed manuscripts or presented at conferences; the manuscripts and conference presentations may appear on the internet. The total estimated annualized burden hours are 902.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Healthcare providers	Study screener	1,138	1	10/60	190
	Web-based survey	569	1	15/60	142
	Exploratory Guide—Prevention with Positives In-depth Interview.	95	1	1	95

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
	Exploratory Guide—Transgender Health In-depth Interview.	95	1	1	95
	Exploratory Guide—HIV Prevention In-depth Interview.	95	1	1	95
	Message Testing In-depth Interview Guide	95	1	1	95
	Concept Testing In-depth Interview Guide ..	95	1	1	95
	Materials Testing In-depth Interview	95	1	1	95
Total	.....	.....	.....	.....	902

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04674 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–FY–2021; Docket No. CDC–2021–0019]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on Contact Investigation Outcome Reporting Forms, a collection that facilitates CDC working with state and local health departments, and maritime vessels, in conducting contact investigations of individuals exposed to a communicable illnesses during travel.

DATES: CDC must receive written comments on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0019 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, of the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.
5. Assess information collection costs.

Proposed Project

Contact Investigation Outcome Reporting Forms (OMB Control No. 0920–0900 Exp. 05/31/2021)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC proposes to collect passenger-level, epidemiologic, demographic, and health status data from state/local Health Departments and maritime operators at the conclusion of contact investigations of individuals believed to have been exposed to a communicable disease during travel. The information requested by CDC would be obtained by the health departments or maritime operators while conducting the contact investigation according to their established policies and procedures, and would be reported to CDC on a voluntary basis. This information will assist CDC in fulfilling its regulatory responsibility to prevent the importation of communicable diseases from foreign countries (42 CFR part 71) and interstate control of communicable diseases in humans (42 CFR part 70).

CDC provides state and local health departments and maritime conveyance

operators with information to notify and contact individuals and further investigate this exposure by contacting others who may have been potentially exposed to disease. However, there currently is no standardized tool or form to collect pertinent information regarding the outcome of such investigations. To address the need to inform CDC of additional actions that may be needed to further protect public health based on the outcome of the contact investigations, CDC has developed forms to assist health departments and maritime conveyance operators in reporting back to CDC. The forms are specific to the nature of the investigation; Tuberculosis (TB), Measles, and Rubella, or the General form to for other diseases of public health concern. The purpose of the forms is the same: to collect information to help CDC quarantine officials to fully understand the extent of disease spread and transmission during travel and to inform the development and or refinement of investigative protocols, aimed at reducing the spread of communicable disease.

Respondents are state and local health departments and maritime conveyance operators. Respondents may use these standardized forms to submit data voluntarily to CDC for each individual contacted via a secure means of their choice, (*e.g.,* web-based application, fax or email). Additional respondents are Cruise Ship Medical Staff/Cargo Ship Managers and State/local health department staff. There is no cost to respondents other than their time to complete the form and submit the data to CDC.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
Cruise Ship Physicians/Cargo Ship Managers.	Clinically Active TB Contact Investigation Outcome Reporting Form—Maritime.	15	1	20/60	5
Cruise Ship Physicians/Cargo Ship Managers.	Varicella Investigation Outcome Reporting Form.	29	1	20/60	10
Cruise Ship Physicians/Cargo Ship Managers.	Influenza Like Illness Investigation Outcome Reporting Form.	45	1	20/60	15
State/Local public health staff	General Contact Investigation Outcome Reporting Form—Air.	36,000	1	5/60	3,000
State/Local public health staff	TB Contact Investigation Outcome Reporting Form—Air.	100	1	5/60	8
State/Local public health staff	Measles Contact Investigation Outcome Reporting Form—Air.	189	1	5/60	16
State/Local public health staff	Rubella Contact Investigation Outcome Reporting Form—Air.	38	1	5/60	3
State/Local public health staff	General Contact Investigation Outcome Reporting Form—Land.	15	1	5/60	1
Total					3,058

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04673 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–21–21DJ Docket No. CDC–2021–0020]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''American Academy of Pediatrics (AAP) Resident Training Program on Children with Fetal Alcohol Spectrum Disorders (FASD)''. This project will collect data to evaluate the efficacy of a newly developed pediatric resident training curriculum regarding identification, referral and care of children with fetal alcohol spectrum disorders (FASD) and their families.

DATES: CDC must receive written comments on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0020 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies

must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.
5. Assess information collection costs.

Proposed Project

American Academy of Pediatrics (AAP) Resident Training on Children with Fetal Alcohol Spectrum Disorders (FASD)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Prenatal exposure to alcohol and other teratogens can have serious neurodevelopmental impact including Fetal Alcohol Spectrum Disorders (FASD). FASD is an umbrella term that encompasses several, more specific, diagnoses. These conditions are associated with lifelong physical and neurodevelopmental abnormalities, including growth problems and prenatal brain damage. This brain damage may lead to developmental, behavioral and neurocognitive impairments. Infants with a FASD are rarely recognized at birth by hospital staff. Further, at later ages, these children may be overlooked or misdiagnosed. While there is no cure for FASDs, early identification and intervention can mitigate adverse effects.

In *Bright Futures,* the American Academy of Pediatrics (AAP) suggest routinely obtaining prenatal alcohol exposure history for all pediatric patients. The AAP also recommends developmental monitoring and screening for all patients for behavioral and neurodevelopmental issues. Pediatricians are critical in the process of early identification, referral and ongoing care of children with FASDs. Through regular well-child appointments, addressing parental concerns, and managing a family's pediatric medical home, pediatricians are in a key position to obtain (and document) prenatal exposure history to alcohol and other drugs. Relatedly, their role in monitoring development enables them to identify issues early that in turn facilitates timely treatment, especially early intervention. It is important for pediatricians to learn these skills early in their clinical training to make them routine throughout their clinical practice careers.

To facilitate and strengthen pediatricians' role, with CDC funding, the American Academy of Pediatrics (AAP) has developed a curriculum and program to provide first year pediatric resident trainees with strategies, tools and resources necessary for; (1) obtaining prenatal history of exposure to alcohol and other drugs for all their patients, (2) recognizing clinical manifestation of FASD in pediatric primary care settings to expedite diagnostic evaluation referrals, and (3) caring for affected children and their families in the pediatric medical home. This program builds upon a pilot effort that was approved under GenIC Clearance for CDC/ATSDR Formative Research and Tool Development title: American Academy of Pediatrics Resident Training in Developmental Continuity Clinics with OMB Control Number 0920–1154.

The curriculum is presented in two phases. Phase One is a one-day, in-person, train-the-trainers session for attending physicians who oversee medical resident training in pediatrics. Training will be provided by experts in identification, diagnosis and care of children with FASD. For Phase Two, the trainer attending physicians will implement a curriculum of continuing medical education activities with their first year pediatric residents. The curriculum contains both required and option activities that residents complete with support and facilitation from attending physicians. Evaluations are conducted only for required activities. It is estimated that 10 clinics will participate in the project which could include up to 10 attending physicians and an average of 25 pediatric residents per clinic (~260 respondents/year). Participant clinics are selected by a brief application to the AAP. All participation is voluntary. CDC requests approval for an estimated 32 annual burden hours. 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	Burden per response (hours)	Burden in hours
Pediatricians	Attending physicians Screening & Diagnosis Pretest.	10	1	10/60	2
Pediatricians	Attending physicians Screening & Diagnosis Posttest.	10	1	10/60	2
Pediatricians	Attending physicians Treatment Across Lifespan Pretest.	10	1	10/60	2
Pediatricians	Attending physicians Treatment Across Lifespan Posttest.	10	1	10/60	2
Pediatricians	Attending physicians Overcoming Social Attitudes Pretest.	10	1	10/60	2
Pediatricians	Attending physicians Overcoming Social Attitudes Posttest.	10	1	10/60	2

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses	Burden per response (hours)	Burden in hours
Pediatricians	Attending physicians Educational Care Pretest	10	1	10/60	2
Pediatricians	Attending physicians Educational Care Posttest	10	1	10/60	2
Pediatricians	Attending physicians Training Program Evaluation.	10	1	15/60	3
Pediatricians	Resident Overall Effects & Prevalence Video Pretest.	25	1	15/60	3
Pediatricians	Resident Overall Effects & Prevalence Video Posttest.	25	1	15/60	3
Pediatricians	Resident Overall Program Evaluation	25	1	15/60	3
Pediatricians	Attending physicians Overall Program Evaluation.	10	1	20/60	4
Total		175			32

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04670 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–21–21DI; Docket No. CDC–2021–0018]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled CryptoNet Case Report Form. The CryptoNet Case Report Form will be used by federal, state, and local public health officials responsible for conducting interviews with reported cases of cryptosporidiosis in their jurisdiction in order to systematically assess core exposure elements and risk factors among cases of cryptosporidiosis.

DATES: CDC must receive written comments on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0018 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.
5. Assess information collection costs.

Proposed Project

CryptoNet Case Report Form—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Waterborne Disease Prevention Branch (WDPB) in the Division of Foodborne, Waterborne, and Environmental Diseases (DFWED) works to prevent domestic and global water, sanitation, and hygiene (WASH) related disease. The WDPB is comprised of four teams, including the Domestic WASH Epidemiology Team, which focuses on the prevention and control of waterborne and WASH-related disease and outbreaks in the United States. One of the diseases included in the team's

work is cryptosporidiosis, an acute diarrheal disease caused by infection with Cryptosporidium parasites.

The Case Surveillance node is a sub-unit within the Domestic WASH Epidemiology Team which focuses on the data collection and management activities of six waterborne diseases, including cryptosporidiosis, in the United States. The Case Surveillance node's current scope of work includes modernizing data collection and management, enabling data connections, and improving public data access to aid public health action.

CryptoNet is the first molecular tracking system for Cryptosporidium in the United States. To meet the needs of the CryptoNet, the Case Surveillance node, and the needs of local officials, the CryptoNet case report form (CRF) was developed. The CRF includes a set of data elements that can be used to identify exposure trends in outbreak- and non-outbreak-associated Cryptosporidium cases, to generate hypotheses about the source(s) of infection in clusters or outbreaks, and to identify strategies to prevent and control Cryptosporidium cases, clusters, or outbreaks.

Data from the CRF will be used by federal, state, and local public health officials responsible for conducting interviews with reported cases of cryptosporidiosis in their jurisdiction in order to systematically assess core exposure elements and risk factors among cases of cryptosporidiosis. Collected data will be used by CDC staff to inform cryptosporidiosis sporadic case and cluster and outbreak prevention and control strategies. CRF data elements and the CRF form were designed for administration via telephone interviews with individuals ill with cryptosporidiosis, or their designated proxy.

CDC requests OMB approval for an estimated 125 annual burden hours. Providing information is voluntary, and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Individuals ill with cryptosporidiosis, or their designated proxy.	CryptoNet Case Report Form.	500	1	15/60	125
Total					125

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04669 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0307 Docket No. CDC–2021–0017]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Gonococcal Isolate Surveillance Project (GISP)''. The purpose of GISP is to monitor trends in antimicrobial resistance in *N. gonorrhoeae* strains in the United States in order to establish a scientific basis for the selection of gonococcal therapies and to allow proactive changes to treatment guidelines before widespread resistance and failures of treatment occur.

DATES: CDC must receive written comments on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0017 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; 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 submissions of responses.

5. Assess information collection costs.

Proposed Project

Gonococcal Isolate Surveillance Project (OMB Control No. 0920–0307, Exp. 8/31/2021)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Gonococcal Isolate Surveillance Project (GISP) was created in 1986 to monitor trends in antimicrobial susceptibilities of *Neisseria gonorrhoeae* strains in the United States. GISP continues to be a collaboration between different branches of the CDC's Division of STD Prevention, selected regional laboratories and selected state/local public health departments and their associated STD specialty care clinics in the United States. National organizations, local jurisdictions and individuals use data collected in GISP to understand, monitor, and prevent further transmission of antibiotic resistant strains of *N. gonorrhoeae.* Data from GISP are used to establish a scientific basis for the selection of gonococcal therapies and to allow pro-active changes to treatment guidelines before widespread resistance and failures of treatment occur. To increase capacity to detect and monitor resistant gonorrhea and to improve the specificity of GISP, this revision is being submitted to include collection of remnant nucleic acid amplification test (NAAT) specimens and updated data element options for treatment received based on the 2020 updated gonorrhea treatment recommendations.

GISP core surveillance activities sample <4% of reported male gonorrhea cases in the United States and are limited to urethral infections only. In 2018, enhanced GISP (eGISP) began sampling female genital (endocervical and vaginal) and male and female extragenital (pharyngeal and rectal) anatomic sites, in addition to the male genital site already sampled in GISP core surveillance. Including isolates from the pharynx and other anatomic sites, as well as from women, expands on GISP's public health efforts to detect and respond to resistance more quickly. GISP surveillance was also strengthened with the addition of eGISP by identifying isolates that are culture positive for *N. gonorrhoeae,* but negative by NAAT, which is a more specific diagnostic test. This helped to ensure that non-gonococcal bacteria are excluded from gonococcal data, strengthening the accuracy and usefulness of GISP data, especially when clinical syndromes with other *Neisseria species* are indistinguishable from gonorrhea.

To further improve and strengthen GISP surveillance, an additional enhanced surveillance activity in the form of molecular surveillance has been added to this revision. Participating sites already locally performing NAATs would retain the leftover gonorrhea-positive samples (remnant) after diagnostic results have been determined and reported as part of standard care. The gonorrhea-positive remnant NAAT sample would be frozen, stored and then shipped directly to CDC on a monthly basis for molecular characterization of known resistance-conferring gene mutations. Remnant NAAT specimens from any anatomic site (including from the urethra, pharynx, rectum, vagina and cervix) of gonorrhea positive persons will be accepted. We anticipate that 10 sites will participate in this molecular surveillance activity and we anticipate up to ~70 positive remnant NAAT specimens per month will be sent by each of these 10 sites to CDC for testing.

To maintain accurate collection of GISP data elements, this revision also includes the updated weight-based dosing of ceftriaxone and cefixime. In December 2020, CDC released the Update to CDC's Treatment Guidelines for Gonococcal Infection. These new treatment recommendations increased the dose of the recommended regimen and the dose for an alternative regimen (ceftriaxone and cefixime, respectively). These values, collected and recorded under the received treatment data element, are being added to allow for the collection of treatment data consistent with these updated recommendations.

Under this revision, the data collection and processes for all GISP activities are unchanged. The increased dosages for ceftriaxone and cefixime treatments allow for new data element options, but not a change in the number of data elements or the current work demand to collect them. All demographic/clinical data from the sentinel sites will be submitted electronically directly from the sentinel sites to the GISP data manager at CDC through; (1) a secure data portal, or (2) through the CDC Secure Access Management Services partner portal. To minimize burden, comma-separated values (csv) files that provide standardized structure of the electronic data are provided to sentinel sites and laboratories. Additionally, to further minimize burden, the regional laboratories will be able to extract electronic data directly from electronic laboratory information systems instead of hand entering data. Laboratories are not required to report control strain testing results.

This project will not collect name, social security number, or date of birth. A Patient ID, a unique patient identifier assigned by the site that allows for linking of multiple isolates from a single person at a single clinic visit and across multiple clinic visits, is requested and will be provided to CDC for purposes of enhanced surveillance. Sensitive information such as sex of sex partners, HIV status, sex work exposure, and injection drug use are collected. Patient data are obtained through review of medical records by the clinic staff and included in collection reporting of demographic/clinical information. All personally identifiable information (PII) is retained by the STD clinics that treated the patient and is not recorded with data sent to CDC or regional laboratories. The electronic GISP database is stored on the CDC mainframe computer and only approved Division of STD Prevention (DSTDP) staff have access rights to the data. As part of the revision, we will continue to systematically identify the risks and potential effects of collecting, maintaining, and disseminating PII and to examine and evaluate alternative processes for handling that information to mitigate potential privacy risks and risks to confidentiality.

The CDC has designated *N. gonorrhoeae* as one of five ''urgent'' antibiotic resistance threats in the United States. The CDC is requesting a three-year OMB approval for this revision, which directly responds to the National Strategy for Combating Antibiotic Resistant Bacteria by improving and strengthening surveillance of antimicrobial resistance through GISP. GISP data can help monitor and evaluate the effectiveness of public health interventions conducted to support the National Strategy for Combating Antibiotic Resistant Bacteria. 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)	Total burden hours
Sentinel site conducting culture-based core surveillance.	Demographic/Clinical Data (Attachment 3a1).	20	240	11/60	880
Sentinel site conducting culture-based enhanced surveillance.	Demographic/Clinical Data (Attachment 3a2).	10	840	12/60	1,680
Sentinel site conducting molecular enhanced surveillance.	Demographic/Clinical Data (Attachment 3a2).	10	840	12/60	1,680
Regional laboratory	Antimicrobial Susceptibility Testing Results (Attachment 3b).	4	3,300	40/60	8,800
	Control Strain Susceptibility Testing		48	5/60	16
Total		44			13,056

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–04671 Filed 3–5–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Family Violence Prevention and Services Program (OMB #0970–0280)

AGENCY: Family and Youth Services Bureau; Administration on Children, Youth and Families; Administration for Children and Families (ACF); HHS.

ACTION: Request for public comment.

SUMMARY: The Administration on Children, Youth and Families, Family and Youth Services Bureau plans to extend data collection for the Family Violence Prevention and Services Program (OMB #0970–0280; Expiration Date: March 31, 2021). No changes are proposed to the existing information collection.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: *Description:* The Family Violence Prevention and Services Act (FVPSA) Program has a legislative requirement for grantees to report on activities carried out throughout their grant period and provide an evaluation on the effectiveness of the activities in achieving the purposes of the grant. Grantees must collect unduplicated data and only share non-personally identifying information, in the aggregate, regarding services to their clients in order to comply with federal, state, or tribal reporting, evaluation, or data collection requirements, 42 U.S.C. 10406(c)(5)(D). Client-level data shall not be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release as described in 42 U.S.C. 10406(c)(5).

Respondents: FVPSA-funded grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
FVPSA State Grants Funding Opportunity Announcement	52	1	10	520	173
FVPSA Tribes/Tribal Organizations Grants Funding Opportunity Announcement	150	1	10	1,500	500
FVPSA State Domestic Violence Coalitions Grants Funding Opportunity Announcement	56	1	10	560	187
State FVPSA Grant Performance Progress Report	52	3	10	1,560	520
Tribal FVPSA Grant Performance Progress Report	150	3	10	4,500	1,500
State Domestic Violence Coalition Performance Progress Report	56	3	10	1,680	560

Estimated Total Annual Burden Hours: 3,440.

Authority: The Family Violence Prevention and Services Act, 42 U.S.C. 10401.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–04776 Filed 3–5–21; 8:45 am]

BILLING CODE 4184–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Career Development (Ks) and Conference support (R13) Review.

Date: March 18, 2021.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John P. Holden, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 920, Bethesda, MD 20892, (301) 496–8775, *john.holden@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: March 2, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04695 Filed 3–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Elucidation of mechanisms underlying complex morbidities of SUD and other mental Illnesses in people living with HIV/AIDS (R01 Clinical Trial Optional).

Date: April 7, 2021.

Time: 2:00 p.m. to 4:00 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: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 594–9460, *Soyoun.cho@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 2, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04694 Filed 3–5–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[21X.LLAZ921000.L14400000.BJ0000.LXSSA2250000.241A]

Notice of Filing of Plats of Survey; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed 30 days after the date of this publication in the Bureau of Land Management (BLM), Arizona State Office, Phoenix, Arizona. The surveys announced in this notice are necessary for the management of lands administered by the agency indicated.

ADDRESSES: These plats will be available for inspection in the Arizona State Office, Bureau of Land Management, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427. Protests of any of these surveys should be sent to the Arizona State Director at the above address.

FOR FURTHER INFORMATION CONTACT: Mark Morberg, Chief Cadastral Surveyor of Arizona; (602) 417–9558; *mmorberg@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

The Gila and Salt River Meridian, Arizona

The plat, in four sheets, representing the dependent resurvey of a portion of the Gila and Salt River Meridian (east boundary), portions of the west and north boundaries and a portion of the subdivisional lines, the subdivision of certain sections, and a metes-and-bounds survey of a portion of the Luke Air Force Base boundary, Township 2 North, Range 1 West, accepted January 13, 2021, for Group 1194, Arizona.

This plat was prepared at the request of the United States Air Force.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of sections 32 and 33, and a metes-and-bounds survey of a portion of the Luke Air Force Base boundary, Township 3 North, Range 1 West, accepted January 13, 2021, for Group 1194, Arizona.

This plat was prepared at the request of the United States Air Force.

A person or party who wishes to protest against any of these surveys must file a written notice of protest within 30 calendar days from the date of this publication with the Arizona State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within 30 days after the protest is filed.

Before including your address, or other personal information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Mark D. Morberg,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 2021–04691 Filed 3–5–21; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0009; DS63644000 DRT000000.CH7000 212D1113RT; OMB Control Number 1012–0008]

Agency Information Collection Activities; Collection of Monies Due to the Federal Government; and Processing Refund Requests Related to Overpayments Made to ONRR

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Natural Resources Revenue (ONRR) is proposing to renew an information collection with revisions. Through this Information Collection Request (ICR), ONRR seeks authority to collect information related to the paperwork requirements covering cross-lease netting in the calculation of late-payment interest; a lessee's designation of designee for payment obligations; tribal permission for recoupment on Indian oil and gas leases; and refund requests for overpayments made to ONRR.

DATES: Interested persons are invited to submit comments on or before April 7, 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.* You may find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Mr. Luis Aguilar, Regulatory Specialist, by email to *Luis.Aguilar@onrr.gov.* Please reference OMB Control Number 1012–0008 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Christopher Davis, Financial Management, ONRR by email at *Christopher.Davis@onrr.gov* or by telephone at (303) 231–3977. To inquire about form ONRR–4425, please contact Ms. April Lockler, Reference & Reporting Management, ONRR by email at *April.Lockler@onrr.gov* or by telephone at (303) 231–3105. To inquire about refund requests, please contact Jennifer Dougherty, Revenue, Reporting, and Compliance Management, ONRR by email at *Jennifer.Dougherty@onrr.gov* or by telephone at (303) 231–3563.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. ONRR may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of its continuing effort to reduce paperwork and respondent burdens, ONRR is inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps ONRR to assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand ONRR's information collection requirements and provide the requested data in the desired format.

ONRR is especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of ONRR's estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (for example, permitting electronic submission of response).

ONRR published a notice, with a 60-day public comment period soliciting comments on this collection of information, in the **Federal Register** on October 15, 2020 (85 FR 65395). ONRR received the following six comments from companies regarding the published 60-day **Federal Register** notice:

Public Commenter 1—''We have read the content of the 60-day notice and agree to its content with no further comments.''

Public Commenter 2—''I have read the ICR 1012–0008 and agree to the time needed, as cited below, to provide the appropriate information to ONRR in order to process applicable refunds.''

Public Commenter 3—''I/We have read the content of the 60-day notice and agree to its content with no further comments.''

Public Commenter 4—''We have read over these documents and agree with their contents with no further comments.''

Public Commenter 5—''Cross-lease netting and recoupment between tribal leases are infrequent, but I believe ONRR's burden hour estimates are appropriate.''

Public Commenter 6—''We have read the content of the 60-day notice and agree to its content with no further comments.''

Comments that you submit in response to this 30-day notice are a matter of public record. ONRR will include or summarize each comment in its request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask ONRR in your comment to withhold your personal identifying information from public review, ONRR cannot guarantee that it will be able to do so.

Abstract: The Secretary of the United States Department of the Interior is responsible for mineral resource

development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibilities include maintaining a comprehensive inspection, collection, and fiscal and production accounting and auditing system that provides the capability to: (1) Accurately determine mineral royalties, interest, and other payments owed, (2) collect and account for such amounts in a timely manner, and (3) disburse the funds collected. ONRR performs these mineral revenue management functions for the Secretary.

Laws pertaining to mineral leases on Federal and Indian lands are posted at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

(a) *General Information:* ONRR collects, audits, and disburses royalties, interest, and other payments owed by lessees on minerals produced from Federal and Indian lands. If a lessee overpays the amount due on minerals produced from Federal lands, it may request a refund from ONRR. If a lessee overpays the amount due on minerals produced from tribal lands, it may, with the tribe's permission, recoup the overpayment against other royalties or other revenues owed in that month under other leases for which that tribe is the lessor. If a lessee fails to pay or underpays an amount it owes on Federal or Indian mineral production, it generally must pay interest on the underpayment from the date the payment was due. For royalties and other amounts owed on oil and gas produced from Federal lands, the Federal Oil and Gas Royalty Management Act (FOGRMA, 30 U.S.C. 1701 *et seq.*) permits a lessee to designate a designee for its payment obligations.

(b) *Information Collections:* This ICR covers certain information required pursuant to FOGRMA and 30 CFR 1218 for (1) cross-lease netting in the calculation of late-payment interest; (2) a lessee's designation of designee for payment obligations; (3) tribal permission for recoupment on Indian oil and gas leases; and (4) refund requests for overpayments made to ONRR.

(1) *Cross-Lease Netting in the Calculation of Late-Payment Interest:* Pursuant to 30 CFR 1218.42(b), if certain conditions are met, ''[r]oyalties attributed to production from a lease or leases which should have been attributed to production from a different lease or leases may be offset to determine whether and to what extent an underpayment exists on which interest is due . . . .'' ONRR calls this process cross-lease netting. To determine whether a lessee is entitled to cross-lease netting, ONRR must collect lease, production, payor, recipient, and other information specified in 30 CFR 1218.42(b). This information is necessary for ONRR to calculate the correct interest amount.

(2) Designation of Designee for Payment Obligations: FOGRMA allows a lessee to notify the Secretary in writing of its designation of ''a person to make all or part of the payments due under a lease on the lessee's behalf . . . in which event said designated person may, in its own name, pay, offset or credit monies, make adjustments, request and receive refunds and submit reports with respect to payments required by the lessee.'' *See* 30 U.S.C. 1712(a). ONRR created form ONRR–4425, Designation Form for Royalty Payment Responsibility, for lessees to notify it of such designation. ONRR requires the information required in this form to ensure proper mineral revenue collection.

(3) Tribal Permission for Recoupment on Indian Oil and Gas Leases: Pursuant to 30 CFR 1218.53(b), a payor may, with written permission authorized by tribal statute or resolution, recoup an overpayment against royalties or other revenues owed under other leases for which that tribe is the lessor. *See* 30 CFR 1218.53(b). The payor must provide ONRR with a copy of the tribe's written permission. *Id.*

(4) Processing Refund Requests: FORGMA authorizes a Federal oil and gas lessee to request a refund for an overpayment in certain situations. *See* 30 U.S.C. 1721a(b). The lessee must supply information to support its refund request. *Id.* ONRR collects banking information from the refund recipient in order to disburse the overpaid amount to the correct account.

Title: Collection of Monies Due to the Federal Government; and Processing Refund Requests Related to Overpayments Made to ONRR.

OMB Control Number: 1012–0008.

Bureau Form Number: Form ONRR–4425.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Federal and Indian lessees.

Total Estimated Number of Annual Respondents: 170.

Total Estimated Number of Annual Responses: 170.

Total Estimated Number of Annual Burden Hours: 93 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: ONRR did not identify any ''non-hour cost'' burden associated with this collection of information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA.

Kimbra G. Davis,

Director for Office of Natural Resources Revenue.

[FR Doc. 2021–04684 Filed 3–5–21; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1253]

Certain LTE-Compliant Cellular Communication Devices; Notice of 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 February 1, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Evolved Wireless, LLC of Austin, Texas. Supplements to the complaint were filed on February 22 and 23, 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 LTE-compliant cellular communication devices by reason of infringement of certain claims of U.S. Patent No. RE46,679 (''the '679 Patent''); U.S. Patent No. RE48,326 (''the '326 Patent''); and U.S. Patent No. 10,517,120 (''the '120 Patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests 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: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

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 March 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 6 and 8 of the '679 patent; claims 18–20 of the '326 patent; claims 12 and 16–18 of the '120 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 ''LTE-compliant cellular phones, tablets, and smartwatches'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) 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 complainant is: Evolved Wireless, LLC, 900 S Capital of Texas Highway, Suite 150, Austin, TX 78746.

(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, Samseong-Ro, Yoeongtong-Gu, Suwon-Si, Gyeonngi-Do 16677, Republic of Korea

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660–2118

Motorola Mobility LLC, 222 W Merchandise Mart Plaza, Suite 1800, Chicago, Illinois 60654

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

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 complainant 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.

Issued: March 2, 2021.

By order of the Commission.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–04651 Filed 3–5–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1472 (Final)]

Difluoromethane (R–32) From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of difluoromethane (R–32) from China, provided for in subheadings 2903.39.20 and 3824.78.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission instituted this investigation effective January 23, 2020, following receipt of a petition filed with the Commission and Commerce by Arkema, Inc., King of Prussia, Pennsylvania. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of R–32 from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 9, 2020 (85 FR 55688). Subsequently, the Commission cancelled its previously scheduled hearing following the withdrawal of petitioners' request to appear at the hearing (86 FR 6670, January 22, 2021).

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on March 2, 2021. The views of the Commission are contained in USITC Publication 5165 (March 2021), entitled *Difluoromethane (R–32) from China: Investigation No. 731–TA–1472 (Final).*

By order of the Commission.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 86 FR 5136 (January 19, 2021).

Issued: March 2, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–04696 Filed 3–5–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Generic Clearance for Formative Data Collections for Research and Evaluation, New Collection

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the Department of Labor is soliciting comments concerning the collection of data for formative data collections for research and evaluations. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 7, 2021.

ADDRESSES: You may submit comments by either one of the following methods:

Email: ChiefEvaluationOffice@dol.gov; Mail or Courier: Chayun Yi, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Chayun Yi by email at *ChiefEvaluationOffice@dol.gov* or by phone at (202) 693–5084.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Chief Evaluation Office (CEO) of the U.S. Department of Labor (DOL) intends to design and conduct evaluations of DOL-funded programs. Under this generic clearance, DOL would engage in a variety of formative data collections with researchers, practitioners, TA providers, service providers and potential participants throughout the field to fulfill the following goals: (1) Inform the development of CEO research, (2) maintain a research agenda that is rigorous and relevant, (3) ensure that research products are as current as possible and (4) inform the provision of technical assistance. CEO envisions using a variety of techniques including semi-structured discussions, focus groups, surveys, and telephone or in-person interviews, in order to reach these goals. Following standard OMB requirements, DOL will submit a change request for each individual data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. OMB should review requests within 10 days of submission.

Type of Review: New information collection request.

OMB Control Number: 1290–0NEW.

Affected Public: The populations to be studied include key stakeholder groups involved in DOL projects and programs, state or local government officials, service providers, participants in DOL programs or similar comparison groups, experts in fields pertaining to DOL research and programs, or others involved in conducting DOL research or evaluation projects.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

ESTIMATED ANNUAL BURDEN HOURS

Type of instrument (form/activity)	Number of respondents	Number of responses per respondent	Total number of responses	Average burden time per response (hours)	Estimated burden hours
Semi-structured discussions and focus groups	3,000	1	3,000	1	3,000
Interviews	1,500	1	1,500	1	1,500
Questionnaires/surveys	1,000	1	1,000	1	1,000
Total	5,500		5,500		5,500

Christina Yancey,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2021–04685 Filed 3–5–21; 8:45 am]

BILLING CODE 4510–HX–P

NATIONAL SCIENCE FOUNDATION

Request for Information: Science, Technology, Engineering, Art, and Mathematics at the Poles

AGENCY: National Science Foundation.

ACTION: Request for information.

SUMMARY: The National Science Foundation's (NSF) Office of Polar Programs (OPP) and the Education and Human Resources (EHR) Directorate request input from interested parties on the goals, values, and approaches for managing the Antarctic Artist and Writers (AAW) Program and possibly expanding that program to include the Arctic. In addition, OPP and EHR request input into whether the NSF program which selects and sends educators to the Poles should be under a common management structure. This RFI will help inform NSF as it considers potential avenues for managing and

enhancing education and outreach efforts related to polar science.

DATES: Interested persons are invited to submit comments on or before April 7, 2021.

ADDRESSES: Submit comments to Valentine H. Kass, *polarsteam@nsf.gov.*

Submissions should include ''RFI Response: Polar STEAM?'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Instructions: Response to this RFI is voluntary. Each individual or institution is requested to submit only one response. Responses should include the name of the person(s) or organization(s) filing the comment. Please include the number of the question or questions to which you are responding. Please limit your response to no more than six pages.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Responders are solely responsible for all expenses associated with responding to this RFI.

Background Information: The Office of Polar Programs (OPP) promotes creative and innovative scientific research, engineering, and education in and about the polar regions, catalyzing fundamental discovery and understanding of polar systems and their global interactions to inform the nation and advance the welfare of all people. OPP supports world-class Arctic and Antarctic science through grants to researchers across the U.S. OPP also provides polar facilities and logistical support for that research. *https://www.nsf.gov/div/index.jsp?div=OPP.*

The mission of the Education and Human Resources Directorate (EHR) is to achieve excellence in U.S. science, technology, engineering, and mathematics (STEM) education at all levels and in all settings (both formal and informal) in order to support the development of a diverse and well-prepared workforce of scientists, technicians, engineers, mathematicians and educators and a well-informed citizenry that have access to the ideas and tools of science and engineering. *https://www.nsf.gov/dir/index.jsp?org=EHR.*

Given their respective missions, OPP and EHR collaborate to enhance both formal and informal polar education. Incorporating Art into STEM learning experiences (commonly referred to as STEAM, *e.g.,* Science, Technology, Engineering, Arts, Mathematics) allows students of all ages to access science concepts from different vantage points, promotes creative thinking, speaks to a broader swath of learners, and enhances engagement and understanding. (Findings in the emerging field of theory, research and practice of STEAM can be found at The Integration of the Humanities and Arts with Sciences Engineering and Medicine in Higher Education | National Academies, and at *www.informalscience.org.*)

For decades, OPP managed the Antarctic Artists and Writers (AAW) program to support writing and artistic projects specifically designed to increase the public's understanding and appreciation of the Antarctic and the human endeavors on the southernmost continent, with priority given to projects that focus on interpreting and representing the scientific activities being conducted in the unique Antarctic region. The AAW program was paused in 2020, in order to assess the best way to move the program forward. *https://www.nsf.gov/pubs/2019/nsf19568/nsf19568.htm.*

In addition to AAW, OPP has supported sending educators, both informal and formal, to both the Antarctic and Arctic to work collaboratively with researchers. This program provides a unique professional development opportunity that benefits not only the individual educators but the diverse communities they serve. In addition, the Polar Artists and Writers and polar educators programs provide unique avenues for NSF-funded researchers to enhance the Broader Impact of their work.

This RFI is part of NSF's effort to think more broadly about enhancing and sustaining polar education as we deliberate about the most effective way forward for the AAW program. Specifically, OPP and EHR are seeking input to:

(1) Identify organizations with the capacity to manage programs that are: (a) Solely focused on the AAW program, (b) focused on both artists and educators, or (c) other options identified thru this RFI.

(2) Investigate the opportunities and constraints for expanding the Antarctic Artists and Writers program to include the Arctic, *i.e.,* creating a Polar Artists and Writers program.

(3) Evaluate the possibility of co-managing the polar educators program and Polar Artists and Writers program.

Information Requested: Responders are asked to answer one or more of the following questions in responses to the RFI:

1. Please describe the opportunities and constraints of managing the Antarctic Artists and Writers (AAW) program as a stand-alone program versus creating a management structure that also includes the program which selects formal and informal educators to work collaboratively with researchers in the Antarctic and Arctic.

2. Please describe the opportunities and constraints of expanding the AAW program to include the Arctic, understanding that logistic issues are unique to each region and that the Arctic is home to Indigenous and local peoples.

3. Please identify one or more organizations that have the capabilities to manage and promote national competitions for (1) artists and writers, (2) educators (formal and informal), or (3) both artists and writers and educators.

What are the unique or special characteristics of each of these organizations? Please describe the extent these named organizations have connections, if any, to:

(i) The scientific community, especially Arctic and Antarctic polar research.

(ii) Artists and Writers organizations

(iii) Educator organizations

How would such organization(s) further the impact of the program with respect to:

(i) Broadening inclusiveness and diversity within the program as well as through its outreach efforts;

(ii) enhancing the publics' understanding of the polar regions and engagement with polar scientific research;

(iii) widely distributing and promoting the program's outcomes and educational efforts over time;

(iv) evaluating the program's effectiveness over time?

Dated: March 2, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–04697 Filed 3–5–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Advisory Committee for Geosciences (1755).

DATE AND TIME: April 14, 2021; 11:00 a.m.–4:30 p.m. EDT; April 15, 2021; 11:00 a.m.–4:30 p.m. EDT.

PLACE: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 | Virtual Connection information will be made available on the AC GEO website at least two weeks prior to the meeting: (*https://www.nsf.gov/geo/advisory.jsp*).

TYPE OF MEETING: Open.

CONTACT PERSON: Melissa Lane, National Science Foundation, Room C 8000, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Phone 703–292–8500.

MINUTES: May be obtained from the contact person listed above.

PURPOSE OF MEETING: To provide advice, recommendations, and oversight on support for geoscience research and education including atmospheric, geo-space, earth, ocean, and polar sciences.

Agenda

April 14, 2021

- Directorate and NSF activities and plans
- Discussion of the COVID–19 Impacts on the Science Community and NSF Research and Support Mechanisms
- Discussion of Final Draft Report on 21st Century Geosciences
- Update on NASEM Earth System Science Study
- Meeting with the NSF Director and Chief Operating Officer

April 15, 2021

- Report outs from Division Meetings and AC OPP Fall Meeting
- Joint Session with AC BIO
- Report on the AGS Committee of Visitors Meeting
- Update on EAR AC Subcommittee 2020–2021 Geodesy and Seismology Instrumentation Portfolio Review
- Action Items/Planning for Spring 2021 Meeting

Dated: March 3, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–04709 Filed 3–5–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 8, 15, 22, 29, April 5, 12, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of March 8, 2021

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.

Week of March 22, 2021—Tentative

There are no meetings scheduled for the week of March 22, 2021.

Week of March 29, 2021—Tentative

There are no meetings scheduled for the week of March 29, 2021.

Week of April 5, 2021

There are no meetings scheduled for the week of April 5, 2021.

Week of April 12, 2021—Tentative

Tuesday, April 13, 2021

9 a.m. Briefing on Advanced Reactor Preparedness Through Regulatory Engagement and Research Cooperation (Public Meeting) (Contact: Marilyn Diaz Maldonado: 301–415–7110).

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/*.

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: March 4, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–04894 Filed 3–4–21; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2021–71; Docket No. CP2021–74]

Competitive Product Prices, Priority Mail Contracts, Priority Mail Contract 688; Competitive Product Prices, Priority Mail Contract 688 (MC2021–71), Negotiated Service Agreements; Notice Initiating Docket(S) for Recent Postal Service Negotiated Service Agreement Filings

Issued March 3, 2021.

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://*

www.prc.gov). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2021–71 and CP2021–74; *Filing Title:* USPS Request to Add Priority Mail Contract 688 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 2, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* March 10, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–04714 Filed 3–5–21; 8:45 am]

BILLING CODE;P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91238; File No. SR-Phlx-2021–10]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Option Series Program on the Invesco QQQ Trust℠ Series (''QQQ'') ETF Trust

March 2, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act,'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 22, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to permit Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series Program on the Invesco QQQ Trust℠ Series (''QQQ'') ETF Trust.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Phlx Options 4, Section 5 at Commentary .11 to allow Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series Program (''Program'') on QQQ.

A Short Term Option Series means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Wednesday or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration.[3] The Exchange is proposing to amend Phlx Options 4, Section 5 at Commentary .11 to permit the listing of options series that expire on Mondays and Wednesdays in QQQ.

Monday Expirations

As proposed, with respect to Monday QQQ Expirations within Commentary .11 to Options 4, Section 5, the Exchange may open for trading on any Friday or Monday that is a business day series of options on QQQ to expire on any Monday of the month that is a business day and is not a Monday in which Quarterly Options Series on the same class expire (''Monday QQQ Expirations''), provided that Monday QQQ Expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration. The Exchange may list up to five consecutive Monday QQQ Expirations at one time; the Exchange may have no more than a total of five Monday QQQ Expirations.

Wednesday Expirations

As proposed, with respect to Wednesday QQQ Expirations within Commentary .11 to Options 4, Section 5, the Exchange may open for trading on any Tuesday or Wednesday that is a business day series of options on QQQ to expire on any Wednesday of the month that is a business day and is not a Wednesday in which Quarterly Options Series on the same class expire (''Wednesday QQQ Expirations''). The Exchange may list up to five consecutive Wednesday QQQ Expirations at one time; the Exchange may have no more than a total of five Wednesday QQQ Expirations and a total of five Wednesday QQQ Expirations will be subject to the provisions of this Rule.

Monday and Wednesday Expirations

The interval between strike prices for the proposed Monday and Wednesday QQQ Expirations will be the same as

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[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options 1, Section 1(b)(53) provides the term ''Short Term Option Series'' [sic] a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Monday, Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the Monday, Wednesday or Friday of the next business week, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration. If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday.

those for the current Short Term Option Series for Wednesday and Friday expirations applicable to the Program.[4] Specifically, the Monday and Wednesday QQQ Expirations will have a $0.50 strike interval minimum.[5] As is the case with other equity options series listed pursuant to the Program, the Monday and Wednesday QQQ Expiration series will be P.M.-settled.

Pursuant to Options 1, Section 1(b)(53), with respect to the Program, if Monday is not a business day the series shall expire on the first business day immediately following that Monday. This procedure differs from the expiration date of Wednesday expiration series that are scheduled to expire on a holiday. Pursuant to Options 1, Section 1(b)(53) a Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week, if the Wednesday is not a business day. For purposes of QQQ, however, the Exchange believes that it is preferable to require Monday expiration series in this scenario to expire on the Tuesday of that week rather than the previous business day, *e.g.,* the previous Friday, since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. Monday SPY expirations are treated in this manner today.[6] Cboe Exchange, Inc. (''Cboe'') uses the same procedure for options on the S&P 500 index (''SPX'') with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.[7] Also, Nasdaq Phlx LLC (''Phlx'')[8] and Nasdaq ISE, LLC (''ISE'')[9] use the same procedure for options on the Nasdaq-100® (''NDX'') with Monday expirations that are listed pursuant to its [sic] Nonstandard Expirations Pilot Programs, respectively.

Currently, for each option class eligible for participation in the Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[10] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges.[11] This thirty (30) series restriction would apply to Monday and Wednesday QQQ Expiration series as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list QQQ options expiring on Mondays and Wednesdays.

Finally, the Exchange is amending Commentary .11(b) to Options 4, Section 5, which addresses the listing of Short Term Options Series that expire in the same week as monthly or quarterly options series. Currently, that rule states that no Short Term Option Series may expire in the same week in which monthly option series on the same class expire (with the exception of Monday and Wednesday SPY Expirations) or, in the case of Quarterly Options Series, on an expiration that coincides with an expiration of Quarterly Option Series on the same class.[12] As with Monday and Wednesday SPY Expirations, the Exchange is proposing to permit Monday and Wednesday QQQ Expirations to expire in the same week as monthly options series on the same class. The Exchange believes that it is reasonable to extend this exemption to Monday and Wednesday QQQ Expirations because Monday and Wednesday QQQ Expirations and standard monthly options will not expire on the same trading day, as standard monthly options expire on Fridays. Additionally, the Exchange believes that not listing Monday and Wednesday QQQ Expirations for one week every month because there was a monthly QQQ expiration on the Friday of that week would create investor confusion.

The Exchange does not believe that any market disruptions will be encountered with the introduction of P.M.-settled Monday and Wednesday QQQ expirations. The Exchange has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday and Wednesday QQQ Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire Monday and Wednesday for SPY and has not experienced any market disruptions nor issues with capacity. Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday and Wednesday for SPY.

Similar to SPY, the introduction of QQQ Monday and Wednesday expirations will, among other things, expand hedging tools available to market participants and continue the reduction of the premium cost of buying protection. The Exchange believes that Monday and Wednesday QQQ expirations will allow market participants to purchase QQQ based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

Implementation

The Exchange intends to begin implementation of the proposed rule change in Q2 2021. The Exchange will issue an Options Trader Alert to Participants with the date of implementation.

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, in that it is designed 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 by providing the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in QQQ options, thus allowing them to better manage their risk exposure.

In particular, the Exchange believes the Program has been successful to date and that Monday and Wednesday QQQ Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Program has expanded the landscape of hedging. Similarly, the Exchange believes Monday and Wednesday QQQ Expirations should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. Phlx currently lists Monday and Wednesday SPY Expirations.[15] Also, Cboe[16] currently permits Monday and Wednesday expirations for other options with a weekly expiration, such

[4] *See* Commentary .11(e) to Options 4, Section 5.

[5] *See* Commentary .11(e) to Options 4, Section 5.

[6] *See* Commentary .11 at Options 4, Section 5.

[7] *See* Cboe Rule 4.13(e)(1) ''. . . If the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day. If the Exchange is not open for business on a respective Wednesday or Friday, the normally Wednesday or Friday expiring Weekly Expirations will expire on the previous business day.''

[8] *See* Phlx Options 4A, Section 12(b)(5).

[9] *See* ISE Supplementary Material .07 to Options 4A, Section 12.

[10] *See* Commentary .11(a) to Options 4, Section 5.

[11] *See* Commentary .11(a) to Options 4, Section 5.

[12] *See* current Commentary .11(b) to Options 4, Section 5.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Commentary .11 at Options 4, Section 5.

[16] *See* note 6 [sic] above.

as options on the SPX pursuant to its Nonstandard Expirations Pilot Program and Phlx [17] and ISE [18] currently permit Monday and Wednesday expirations for other options with a weekly expiration on NDX pursuant to its [sic] Nonstandard Expirations Pilot Programs, respectively.

With the exception of Monday expiration series that are scheduled to expire on a holiday, there are no material differences in the treatment of Monday and Wednesday QQQ expirations for Short Term Option Series. The Exchange believes that it is consistent with the Act to treat Monday expiration series that expire on a holiday differently than Wednesday or Friday expiration series, since the proposed treatment for Monday expiration series will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. Monday SPY expirations are treated in this manner today.[19] Cboe [20] uses the same procedure for SPX options with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday, as do Phlx [21] and ISE [22] for NDX options with Monday expirations that are listed pursuant to their Nonstandard Expirations Pilot Programs, respectively.

Given the similarities between Monday and Wednesday SPY Expirations and the proposed Monday and Wednesday QQQ Expirations, the Exchange believes that applying the provisions in Commentary .11 to Options 4, Section 5 that currently apply to Monday and Wednesday SPY Expirations to Monday and Wednesday QQQ Expirations is justified. For example, the Exchange believes that allowing Monday and Wednesday QQQ Expirations and monthly QQQ expirations in the same week will benefit investors and minimize investor confusion by providing Monday and Wednesday QQQ Expirations in a continuous and uniform manner. The Exchange also believes that is appropriate to amend Commentary .11(b) to Options 4, Section 5 to clarify that no Short Term Option Series may expire on the same day as an expiration of Quarterly Option Series on the same class, same as SPY.

The Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in Monday and Wednesday expirations, including Monday and Wednesday QQQ Expirations, in the same way that it monitors trading in the current Short Term Option Series and trading in Monday and Wednesday SPY Expirations. The Exchange also represents that it has the necessary systems capacity to support the new options series. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of Monday and Wednesday QQQ expirations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that having Monday and Wednesday QQQ expirations is not a novel proposal, as Monday and Wednesday SPY Expirations are currently listed on Phlx.[23] Cboe [24] uses the same procedure for SPX options with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday, as do Phlx [25] and ISE [26] for NDX options with Monday expirations that are listed pursuant to their Nonstandard Expirations Pilot Programs, respectively.

The Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal. Additionally, the Exchange does not believe the proposal will impose any burden on inter-market competition, as nothing prevents the other options exchanges from proposing similar rules to list and trade Short-Term Option Series with Monday and Wednesday expirations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–Phlx–2021–10 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–Phlx–2021–10. 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

[17] *See* note 8 above.

[18] *See* note 9 above.

[19] *See* Commentary .11 at Options 4, Section 5.

[20] *Id.* [sic]

[21] *See* note 8 above.

[22] *See* note 9 above.

[23] *See* Commentary .11 at Options 4, Section 5.

[24] *Id.* [sic]

[25] *See* note 8 above.

[26] *See* note 9 above.

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–Phlx–2021–10 and should be submitted on or before March 29, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04679 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91232; File No. SR–CboeEDGA–2021–006]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposal To Permit the Exchange To Look Back Only to July 2020 To Correct Certain Billing Errors Which Were Discovered in October 2020

March 2, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 18, 2021, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposal to permit the Exchange to look back only to July 2020 to correct certain billing errors which were discovered in October 2020. This rule change does not provide for any modifications to the text of the Exchange's rules or fees schedule.

The text of the proposal is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its fees schedule to adopt a provision relating to billing errors and fee disputes.[5] Specifically, the Exchange adopted a provision that provides that all fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error shall be considered final. Particularly, the Exchange will resolve an error by crediting or debiting Members and Non-Members based on the fees or rebates that should have been applied in the three full calendar months preceding the month in which the Exchange became aware of the error, including to all impacted transactions that occurred during those months.[6] The Exchange will apply the three month look back regardless of whether the error was discovered by the Exchange or by a Member or Non-Member that submitted a fee dispute to the Exchange. The Exchange's fees schedule also provides that all disputes concerning fees and rebates assessed by the Exchange would have to be submitted to the Exchange in writing and accompanied by supporting documentation. The purpose of this policy is to provide both the Exchange and Members and Non-Members subject to the Exchange's fee schedule finality and the ability to close their books after a known period of time. The Exchange further notes that several other exchanges have adopted similar provisions in their rules.[7]

The Exchange proposes to apply the recently adopted billing policy to transactions impacted by billing errors that were discovered in October 2020. Particularly, in October 2020, the Exchange's affiliate, Cboe BZX Exchange, Inc. identified a billing error relating to certain fee codes. As a result of the discovery, the Exchange, along with its affiliates, conducted a review of additional fee code configurations across each Exchange, which review was only recently completed. The review resulted in the discovery of additional billing errors relating to fee codes. These errors resulted in various EDGA Members being under-billed or over-billed, over the course of several years. In the absence of applying the recently adopted billing policy to transactions impacted by the October 2020 billing errors, the Exchange would be required to credit or debit Members based on the fees or rebates that should have been applied to all impacted transactions, regardless of how far back the transactions occurred (which as noted above, is several years). If the Exchange were permitted to apply the current rule language to the billing errors discovered in October 2020 however, then the Exchange could limit its look back in correcting those errors to only those transactions that occurred in the three months preceding the discovery of the errors (*i.e.,* July 2020 through September 2020).[8] Moreover, the Exchange notes there are a number of Members that would benefit from the

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 90900 (January 11, 2021), 86 FR 4149 (January 15, 2021) (SR–CboeEDGA–2020–032).

[6] For example, if the Exchange becomes aware of a transaction fee billing error on February 4, 2021, the Exchange will resolve the error by crediting or debiting Members based on the fees or rebates that should have been applied to any impacted transactions during November, 2020, December 2020 and January 2021. The Exchange notes that because it bills in arrears, the Exchange would be able to correct the error in advance of issuing the February 2021 invoice and therefore, transactions impacted through the date of discovery (in this example, February 4, 2021) and thereafter, would be billed correctly.

[7] *See e.g.* Securities Exchange Act Release No. 87650 (December 3, 2019), 84 FR 67304 (December 9, 2019) (SR–NYSECHX–2019–024); Securities Exchange Act Release No. 84430 (October 16, 2018), 83 FR 53347 (October 22, 2018) (SR–NYSENAT–2018–23); and Securities Exchange Act Release No. 79060 (October 6, 2016), 81 FR 70716 (October 13, 2016) (SR–ISEGemini–2016–11).

[8] The Exchange corrected errors in advance of issuing the October 2020 invoice and therefore, transactions impacted through the date of discovery and thereafter, were billed correctly.

proposal. Specifically, the nature of these particular billing errors is such that in correcting the errors, more members owe the Exchange more than a de minimis amount of money than the number of Members the Exchange owes more than de minimis amount of money to. Accordingly, the Exchange believes it's appropriate and equitable to apply the three-month look back for corrective billing to the errors that were discovered in October 2020.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting its currently policy, the Exchange noted that it believed providing that all fees are final after 3 months is reasonable as both the Exchange and Members have an interest in knowing when its fee assessments are final and when reliance can be placed on those assessments. Indeed, without some deadline on fee disputes and billing errors, the Exchange and market participants would never be able to close their books with any confidence. Furthermore, as noted above, a number of Exchanges similarly consider their fees final after a similar period of time.[12] As discussed above, in October 2020, the Exchange became aware of certain billings errors which resulted in various Members being over-rebated or under-billed, and to a lesser extent over-billed over the course of several years. The Exchange believes it's appropriate that Members that were impacted by these billing errors similarly be subject to the recently adopted billing policy to not resolve billing errors past three months from the time a billing error was discovered (in this case, not be invoiced for impacted transactions that occurred prior to July 2020).[13] The Exchange does not think it is appropriate or equitable to have to correct billing errors for transactions that occurred prior to July 2020. As discussed, the Exchange believes it's reasonable and important for both Members and the Exchange to rely on the finality of fees and rebates assessed. Moreover, the proposed rule change would apply to all Members equally, in that the Exchange would be precluded from invoicing any Member for the correct amounts that should have been applied to trades that were otherwise billed incorrectly before July 2020. The Exchange also believes the proposal would be consistent with the protection of investors and the public interest because it would allow impacted market participants to benefit from the same rule recently adopted by the Exchange. Additionally, there are a number of members that would receive a greater benefit from the application of the current billing errors policy as compared to the Exchange with respect to these particular billing errors. Furthermore, the Exchange believes the proposal to limit the time period it must correct billing errors does not raise any new or novel issues that have not been already been considered by the Commission. Particularly, the proposal to limit how far back an exchange must go to correct billing errors is comparable to other policies and practices that have long been established at other exchanges.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. First, the Exchange notes the proposal is not intended to address any competitive issue, but rather provide finality to Members with respect to billing errors that were just recently discovered and extend to them the applicability of a recently adopted billing practice that considers all fees final after three months. Further, the Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply equally to all Members. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change only affects transactions that occurred on the Exchange. Additionally, other exchanges have long established policies in which fees shall be considered final after a specified period of time.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* supra note 7.

[13] Since the errors were discovered in October 2020, the three preceding months that would be corrected are July, August, and September 2020.

[14] *See* supra note 7.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–CboeEDGA–2021–006 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–CboeEDGA–2021–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGA–2021–006 and should be submitted on or before March 29, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04682 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 3 p.m. on Thursday, March 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: March 4, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–04871 Filed 3–4–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–236, OMB Control No. 3235–0222]

Submission for OMB Review; 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 17f–1

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17f–1 (17 CFR 270.17f–1) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a) is entitled: ''Custody of Securities with Members of National Securities Exchanges.'' Rule 17f–1 provides that any registered management investment company (''fund'') that wishes to place its assets in the custody of a national securities exchange member may do so only under a written contract that must be ratified initially and approved annually by a majority of the fund's board of directors. The written contract also must contain certain specified provisions. In addition, the rule requires an independent public accountant to examine the fund's assets in the custody of the exchange member at least three times during the fund's fiscal year. The rule requires the written contract and the certificate of each examination to be transmitted to the Commission. The purpose of the rule is to ensure the safekeeping of fund assets.

Commission staff estimates that each fund makes 1 response and spends an average of 3.5 hours annually in complying with the rule's requirements. Commission staff estimates that on an annual basis it takes: (i) 0.5 hours for the board of directors [1] to review and ratify the custodial contracts; and (ii) 3 hours for the fund's controller to assist the fund's independent public auditors in verifying the fund's assets. Approximately 6 funds rely on the rule

[1] Estimates of the number of hours are based on conversations with representatives of mutual funds that comply with the rule. The actual number of hours may vary significantly depending on individual fund assets. The hour burden for rule 17f–1 does not include preparing the custody contract because that would be part of customary and usual business practice.

annually, with a total of 6 responses.[2] Thus, the total annual hour burden for rule 17f–1 is approximately 21 hours.[3]

Funds that rely on rule 17f–1 generally use outside counsel to prepare the custodial contract for the board's review and to transmit the contract to the Commission. Commission staff estimates the cost of outside counsel to perform these tasks for a fund each year is $978.[4] Funds also must have an independent public accountant verify the fund's assets three times each year and prepare the certificate of examination. Commission staff estimates the annual cost for an independent public accountant to perform this service is $9,050.[5] Therefore, the total annual cost burden for a fund that relies on rule 17f–1 would be approximately $10,028.[6] As noted above, the staff estimates that 6 funds rely on rule 17f–1 each year, for an estimated total annualized cost burden of $60,168.[7]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Compliance with the collections of information required by rule 17f–1 is mandatory for funds that place their assets in the custody of a national securities exchange member. Responses 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.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04655 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

[2] Based on a review of Form N–17f–1 filings over the last three years the Commission staff estimates that an average of 6 funds rely on rule 17f–1 each year.

[3] This estimate is based on the following calculation: (6 respondents × 3.5 hours = 21 hours). The annual burden for rule 17f–1 does not include time spent preparing Form N–17f–1. The burden for Form N–17f–1 is included in a separate collection of information.

[4] This estimate is based on the following calculation: (2 hours of outside counsel time × $489 = $978). The staff has estimated the average cost of outside counsel at $489 per hour, based on information received from funds and their counsel.

[5] This estimate is based on information received from fund representatives estimating the aggregate annual cost of an independent public accountant's periodic verification of assets and preparation of the certificate of examination.

[6] This estimate is based on the following calculation: ($978 + $9,050 = $10,028).

[7] This estimate is based on the following calculation: (6 funds × $10,028 = $60,168).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–429, OMB Control No. 3235–0480]

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 9b–1

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 9b–1, Options Disclosure Document (17 CFR 240.9b–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 9b–1 (17 CFR 240.9b–1) sets forth the categories of information required to be disclosed in an options disclosure document (''ODD'') and requires the options markets to file an ODD with the Commission 60 days prior to the date it is distributed to investors. In addition, Rule 9b–1 provides that the ODD must be amended if the information in the document becomes materially inaccurate or incomplete and that amendments must be filed with the Commission 30 days prior to the distribution to customers. Finally, Rule 9b–1 requires a broker-dealer to furnish to each customer an ODD and any amendments prior to accepting an order to purchase or sell an option on behalf of that customer or when approving a customer's account for options trading.

There are 16 options markets [1] that must comply with Rule 9b–1. These respondents work together to prepare a single ODD covering options traded on each market, as well as amendments to the ODD. These respondents file approximately 3 amendments per year. The staff calculates that the preparation and filing of amendments should take no more than eight hours per options market. Thus, the total time burden for options markets per year is approximately 384 hours (16 options markets × 8 hours per amendment × 3 amendments). The estimated cost for an in-house attorney is $420 per hour,[2] resulting in a total internal cost of compliance for these respondents of approximately $161,280 per year (384 hours at $420 per hour).

In addition, approximately 1,020 broker-dealers [3] must comply with Rule 9b–1. Each of these respondents will process an average of 3 new customers for options each week and, therefore, will have to furnish approximately 156 ODDs per year. The postal mailing or electronic delivery of the ODD takes respondents no more than 30 seconds to complete for an annual time burden for each of these respondents of approximately 78 minutes or 1.3 hours. Thus, the total time burden per year for broker-dealers is approximately 1,326 hours (1,020 broker-dealers × 1.3 hours). The estimated cost for a general clerk of a broker-dealer is $63 per hour,[4]

[1] The sixteen options markets are as follows: BOX Exchange LLC, Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, Nasdaq Options Market (NOM), NYSE Arca, Inc., and NYSE American LLC.

[2] SIFMA did its last annual survey in 2013 and will not resume the survey process. Accordingly, the $420 figure is based on the 2013 figure ($380) adjusted by the inflation rate calculated using the Bureau of Labor Statistics' CPI Inflation Calculator. The $380 per hour figure for an Attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[3] The estimate of 1,020 broker-dealers required to comply with Rule 9b–1 is derived from Item 12 of the Form BD (OMB Control No. 3235–0012). This estimate may be high as it includes broker-dealers that engage in only a proprietary business, and as a result are not required to deliver an ODD, as well as those broker-dealers subject to Rule 9b–1.

[4] The $63 figure is based on the 2013 figure ($57) adjusted for inflation. *See supra* note 2. The $57 per hour figure for a General Clerk is from SIFMA's *Office Salaries in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. The staff believes that the ODD would be mailed or electronically delivered to customers by a general clerk of the broker-dealer or some other equivalent position.

resulting in a total internal cost of compliance for these respondents of approximately $83,538 per year (1,326 hours at $63 per hour).

The total time burden for all respondents under this rule (both options markets and broker-dealers) is approximately 1,710 hours per year (384 + 1,326), and the total internal cost of compliance is approximately $244,818 per year ($161,280 + $83,538).

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: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04657 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91190A; File No. S7–24–89]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of the Fiftieth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis; Correction

March 3, 2021.

AGENCY: Securities and Exchange Commission.

ACTION: Notice; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on March 1, 2021, concerning a Notice of Filing and Immediate Effectiveness of the Fiftieth Amendment to the Joint Self-Regulatory Organization Plan. The document header contained a typographical error.

FOR FURTHER INFORMATION CONTACT: Mia Zur, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–3088.

Correction

In the **Federal Register** of March 1, 2021 in FR Doc. 2021–04089, on page 12045, in the heading ''Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the Fiftieth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information to Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis'' remove ''and Immediate Effectiveness'' from the heading.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04712 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–361, OMB Control No. 3235–0411]

Submission for OMB Review; 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 489 and Form F–N

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 489 (17 CFR 230.489) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires foreign banks and foreign insurance companies and holding companies and finance subsidiaries of foreign banks and foreign insurance companies that are exempted from the definition of ''investment company'' by virtue of rules 3a–1 (17 CFR 270.3a–1), 3a–5 (17 CFR 270.3a–5), and 3a–6 (17 CFR 270.3a–6) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) to file Form F–N (17 CFR 239.43) to appoint an agent for service of process when making a public offering of securities in the United States. The information is collected so that the Commission and private plaintiffs may serve process on foreign entities in actions and administrative proceedings arising out of or based on the offer or sales of securities in the United States by such foreign entities.

The Commission received an average of 27 Form F–N filings from 18 unique filers each year for the last three years (2017–2019). The Commission has previously estimated that the total annual burden associated with information collection and Form F–N preparation and submission is one hour per filing. Based on the Commission's experience with disclosure documents generally, the Commission continues to believe that this estimate is appropriate. Thus the estimated total annual burden for rule 489 and Form F–N is 27 hours.[1]

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of rule 489 and Form F–N is mandatory to obtain the benefit of the exemption. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of

[1] 27 responses per year × 1 hour per response = 27 hours per year.

information unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street, NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04656 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91239; File No. SR–CboeBZX–2021–017]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposal To Permit the Exchange To Look Back Only to July 2020 To Correct Certain Billing Errors Which Were Discovered in October 2020

March 2, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 18, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposal to permit the Exchange to look back only to July 2020 to correct certain billing errors which were discovered in October 2020. This rule change does not provide for any modifications to the text of the Exchange's rules or fees schedule.

The text of the proposal is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its equities and options fees schedules to adopt a provision relating to billing errors and fee disputes.[5] Specifically, the Exchange adopted a provision that provides that all fees and rebates assessed prior to the three full calendar months before the month in which the Exchange becomes aware of a billing error shall be considered final. Particularly, the Exchange will resolve an error by crediting or debiting Members and Non-Members based on the fees or rebates that should have been applied in the three full calendar months preceding the month in which the Exchange became aware of the error, including to all impacted transactions that occurred during those months.[6] The Exchange will apply the three month look back regardless of whether the error was discovered by the Exchange or by a Member or Non-Member that submitted a fee dispute to the Exchange. The Exchange's fees schedules also provide that all disputes concerning fees and rebates assessed by the Exchange would have to be submitted to the Exchange in writing and accompanied by supporting documentation. The purpose of this policy is to provide both the Exchange and Members and Non-Members subject to the Exchange's fee schedule finality and the ability to close their books after a known period of time. The Exchange further notes that several other exchanges have adopted similar provisions in their rules.[7]

The Exchange proposes to apply the recently adopted billing policy to transactions impacted by billing errors that were discovered in October 2020. Particularly, in October 2020, the Exchange identified a billing error relating to certain fee codes. As a result of the discovery, the Exchange conducted a review of additional fee code configurations, which review was only recently completed. The review resulted in the discovery of additional billing errors relating to Exchange fee codes. These errors, along with the original error discovered in October 2020, resulted in various Members being over-rebated or under-billed, and to a lesser extent over-billed, over the course of several years. In the absence of applying the recently adopted billing policy to transactions impacted by the October 2020 billing errors, the Exchange would be required to credit or debit Members based on the fees or rebates that should have been applied to all impacted transactions, regardless of how far back the transactions occurred (which as noted above, is several years). If the Exchange were permitted to apply the current rule language to the billing errors discovered in October 2020 however, then the Exchange could limit its look back in correcting those errors to only those transactions that occurred

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 90897 (January 11, 2021), 86 FR 4161 (January 15, 2021) (SR–CboeBZX–2020–094).

[6] For example, if the Exchange becomes aware of a transaction fee billing error on February 4, 2021, the Exchange will resolve the error by crediting or debiting Members based on the fees or rebates that should have been applied to any impacted transactions during November, 2020, December 2020 and January 2021. The Exchange notes that because it bills in arrears, the Exchange would be able to correct the error in advance of issuing the February 2021 invoice and therefore, transactions impacted through the date of discovery (in this example, February 4, 2021) and thereafter, would be billed correctly.

[7] *See e.g.,* Securities Exchange Act Release No. 87650 (December 3, 2019), 84 FR 67304 (December 9, 2019) (SR–NYSECHX–2019–024); Securities Exchange Act Release No. 84430 (October 16, 2018), 83 FR 53347 (October 22, 2018) (SR–NYSENAT–2018–23); and Securities Exchange Act Release No. 79060 (October 6, 2016), 81 FR 70716 (October 13, 2016) (SR–ISEGemini–2016–11).

in the three months preceding the discovery of the errors (*i.e.,* July 2020 through September 2020).[8] Moreover, the benefit to the Exchange of limiting the impact of these particular errors to three months is much smaller as compared to the benefit that Members would receive. Specifically, the nature of these particular billing errors is such that in correcting the errors, more money would be owed to the Exchange by Members due to over-rebating or under-billing than is owed to Members by the Exchange due to overbilling. Accordingly, the Exchange believes it's appropriate and equitable to apply the three-month look back for corrective billing to the errors that were discovered in October 2020.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting its currently policy, the Exchange noted that it believed providing that all fees are final after 3 months is reasonable as both the Exchange and Members have an interest in knowing when its fee assessments are final and when reliance can be placed on those assessments. Indeed, without some deadline on fee disputes and billing errors, the Exchange and market participants would never be able to close their books with any confidence. Furthermore, as noted above, a number of Exchanges similarly consider their fees final after a similar period of time.[12] As discussed above, in October 2020, the Exchange became aware of certain billings errors which resulted in various Members being over-rebated or under-billed, and to a lesser extent over-billed over the course of several years. The Exchange believes it's appropriate that Members that were impacted by these billing errors similarly be subject to the recently adopted billing policy to not resolve billing errors past three months from the time a billing error was discovered (in this case, not be invoiced for impacted transactions that occurred prior to July 2020).[13] The Exchange does not think it is appropriate or equitable to have to correct billing errors for transactions that occurred prior to July 2020. As discussed, the Exchange believes it's reasonable and important for both Members and the Exchange to rely on the finality of fees and rebates assessed. Moreover, the proposed rule change would apply to all Members equally, in that the Exchange would be precluded from invoicing any Member for the correct amounts that should have been applied to trades that were otherwise billed incorrectly before July 2020. The Exchange also believes the proposal would be consistent with the protection of investors and the public interest because it would allow impacted market participants to benefit from the same rule recently adopted by the Exchange. Additionally, as discussed, Members would receive a greater benefit from the application of the current billing errors policy as compared to the Exchange with respect to these particular billing errors. Furthermore, the Exchange believes the proposal to limit the time period it must correct billing errors does not raise any new or novel issues that have not been already been considered by the Commission. Particularly, the proposal to limit how far back an exchange must go to correct billing errors is comparable to other policies and practices that have long been established at other exchanges.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. First, the Exchange notes the proposal is not intended to address any competitive issue, but rather provide finality to Members with respect to billing errors that were just recently discovered and extend to them the applicability of a recently adopted billing practice that considers all fees final after three months. Further, the Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply equally to all Members. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change only affects transactions that occurred on the Exchange. Additionally, other exchanges have long established policies in which fees shall be considered final after a specified period of time.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

[8] The Exchange corrected errors in advance of issuing the October 2020 invoice and therefore, transactions impacted through the date of discovery and thereafter, were billed correctly.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* supra note 7.

[13] Since the errors were discovered in October 2020, the three preceding months that would be corrected are July, August, and September 2020.

[14] *See* supra note 7.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-CboeBZX–2021–017 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–CboeBZX-2021–017. 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; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–017 and should be submitted on or before March 29, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91236; File No. SR–NYSEArca–2020–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Disapproving a Proposed Rule Change To Amend NYSE Arca Rules 5.2–E(j)(3), 5.2–E(j)(8), 5.5–E(g)(2), 8.600–E, and 8.900–E

March 2, 2021.

I. Introduction

On June 18, 2020, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain listing requirements relating to maintaining a minimum number of beneficial holders and minimum number of shares outstanding. The proposed rule change was published for comment in the **Federal Register** on July 7, 2020.[3]

On August 17, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On October 2, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On December 15, 2020, the Commission designated a longer period for Commission action on the proposed rule change.[7] The Commission received one comment letter on the proposed rule change.[8]

This order disapproves the proposed rule change because, as discussed below, NYSE Arca has not met its burden under the Exchange Act and the Commission's Rules of Practice to demonstrate that its proposal is consistent with the requirements of Exchange Act Section 6(b)(5), and, in particular, the requirement that the rules of a national securities exchange be designed ''to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.''[9]

II. Description of the Proposal

As described in detail in the Notice and OIP, the Exchange proposes to amend the listing standards governing the listing and trading of Investment Company Units, Exchange-Traded Fund Shares, Managed Fund Shares, and Managed Portfolio Shares (collectively, ''Fund Shares'').[10] Specifically, NYSE Arca proposes to: (1) Remove the listing requirement that, following the initial twelve-month period after commencement of trading of a series of Fund Shares on the Exchange, such series have at least 50 beneficial holders (''Beneficial Holders Rule''); and (2) replace the existing minimum number of shares requirements (''Minimum Shares Outstanding Rules'')[11] with a requirement that a series of Fund Shares have at least one creation unit outstanding on an initial and continued listing basis.[12]

The Exchange states that Beneficial Holders Rule as it pertains to Fund Shares listed on NYSE Arca is no longer necessary. The Exchange contends that the requirements of Rule 6c–11 under the 1940 Act and, in particular, the website disclosure requirements of Rule

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[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89197 (June 30, 2020), 85 FR 40720 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89584, 85 FR 51817 (Aug. 21, 2020).

[6] *See* Securities Exchange Act Release No. 90075, 85 FR 63597 (Oct. 8, 2020) (''OIP'').

[7] *See* Securities Exchange Act Release No. 90672, 85 FR 83135 (Dec. 21, 2020).

[8] The comment on the proposed rule change can be found on the Commission's website at: *https://www.sec.gov/comments/sr-nysearca-2020-56/srnysearca202056-8163217-226939.pdf.*

[9] 15 U.S.C. 78f(b)(5).

[10] *See* NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2) (Investment Company Units); 5.2–E(j)(8) (Exchange-Traded Fund Shares); 8.600–E (Managed Fund Shares); and 8.900–E (Managed Portfolio Shares).

[11] *See* Commentary .01(d) to NYSE Arca Rule 5.2–E(j)(3) (requiring a minimum of 100,000 shares of a series of Investment Company Units to be outstanding at commencement of trading); NYSE Arca Rule 5.2–E(j)(8)(e)(1)(A) (requiring the Exchange to establish a minimum number of Exchange-Traded Fund Shares to be outstanding at the time of commencement of trading); NYSE Arca Rule 8.600–E(d)(1)(A) (requiring the Exchange to establish a minimum number of Managed Fund Shares to be outstanding at the time of commencement of trading); and NYSE Arca Rule 8.900–E(d)(1)(A) (requiring the Exchange to establish a minimum number of Managed Portfolio Shares to be outstanding at the time of commencement of trading).

[12] The Exchange represents that the term ''creation unit'' would have the same meaning as defined in Rule 6c–11(a)(1) under the Investment Company Act of 1940 (''1940 Act'').

6c–11(c), together with the existing creation and redemption process, serve to mitigate the risks of manipulation and lack of liquidity that the Beneficial Holders Rule was intended to address.[13]

The Exchange also asserts that requiring at least one creation unit to be outstanding at all times, together with the enhanced disclosure requirements of Rule 6c–11 under the 1940 Act, will facilitate an effective arbitrage mechanism that, with respect to Investment Company Units, Managed Fund Shares, and Exchange-Traded Fund Shares, will provide investors with sufficient transparency into the holdings of the underlying portfolio and help ensure that the trading price in the secondary market remains in line with the net asset value-per-share of a fund's portfolio. In support of this assertion, the Exchange cites to Rule 6c–11(c)(1)(vi) under the 1940 Act, which requires additional disclosures if the premium or discount with respect to a fund's trading price in the secondary market and the net asset value-per-share of a fund's portfolio is in excess of 2% for more than seven consecutive days. NYSE Arca asserts that such enhanced disclosure would provide transparency to investors in the event there are indications of an inefficient arbitrage mechanism. With respect to Managed Portfolio Shares, while these securities do not publicly disclose their portfolio holdings daily and are not eligible to rely on Rule 6c–11 under the 1940 Act, the Exchange argues that the applicable Verified Intraday Indicative Value and other information required to be disseminated in connection with the listing and trading of Managed Portfolio Shares ensures transparency of key values and information, and that such information is sufficient to support an effective arbitrage process, independent of any Beneficial Holders Rule.

The Exchange states that the arbitrage mechanism generally causes the market price and the net asset value-per-share to align, and the functioning of the arbitrage mechanism helps to ensure that the trading price in the secondary market is at fair value. The Exchange further states that the existence of the creation and redemption process, as well as the proposed requirement that at least one creation unit is always outstanding, would ensure that market participants are able to redeem Fund Shares and, thereby, allow the arbitrage mechanism to function properly. The Exchange concludes, therefore, that such arbitrage mechanism would obviate the need for a Beneficial Holders Rule to support a fair and orderly market in Fund Shares. In addition, the Exchange contends that its surveillance procedures for Fund Shares and its ability to halt trading in Fund Shares in specified circumstances provide for additional investor protections by further mitigating any abnormal trading that would affect the Fund Shares' prices.

The Commission received one comment in support of the proposal.[14] The commenter states that the Beneficial Holders Rule ''does not appear to provide any meaningful investor-protection benefits.'' [15] Specifically, the commenter expresses the view that the liquidity of shares of an exchange-traded fund (''ETF'') is primarily a function of the liquidity of the ETF's underlying securities, that the marketplace taps into this liquidity through the creation and redemption and arbitrage processes, and that this mitigates potential price manipulation concerns.[16] In addition, the commenter believes that the enhanced disclosure requirements of Rule 6c-11 under the 1940 Act,[17] including those relating to an ETF's portfolio holdings and when an ETF's premium or discount exceeds 2% for more than seven consecutive days, will help facilitate effective arbitrage. The commenter conducted a survey of its members that sought information on level of assets, number of beneficial holders, and various trading measures of newly-listed ETFs over different periods following initial listing, and concluded that the number of shareholders in an ETF does not appear to be a significant consideration in an ETF's sponsor's decision to delist and terminate an ETF and that this requirement does not appear to offer investor protection benefits.[18]

III. Discussion and Commission Findings

The Commission must consider whether NYSE Arca's proposal is consistent with Section 6(b)(5) of the Exchange Act, which requires, in relevant part, that the rules of a national securities exchange be designed ''to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.'' [19] Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [20]

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[21] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[22] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[23]

The Commission has consistently recognized the importance of the

[13] The portfolio holdings underlying Managed Portfolio Shares must be disclosed within at least 60 days following the end of every fiscal quarter. *See* NYSE Arca Rule 8.900–E(c)1.d. As a result, the requirements of Rule 6c–11 upon which the Exchange relies to mitigate manipulation risk and illiquidity do not apply to Managed Portfolio Shares. See Investment Company Act Release No. 33646 (September 25, 2019), 84 FR 57162, 57163 (October 24, 2019) (''Because these non-transparent ETFs do not provide daily portfolio transparency, they would not meet the conditions of rule 6c–11'').

[14] *See* Letter to Secretary, Commission, from Timothy W. Cameron, Asset Management Group—Head, and Lindsey Weber Keljo, Asset Management Group—Managing Director and Associate General Counsel, SIFMA AMG (Dec. 18, 2020) (''SIFMA Letter'').

[15] SIFMA Letter, *id.* at 3.

[16] *See id.*

[17] *See id.* at 3–4. The commenter also states that the Beneficial Holders Rule puts newer and smaller sponsors at an unnecessary disadvantage to larger sponsors having the enterprise-wide scale and distribution reach to gather assets in the months after launch. *See id.*

[18] *See id.*

[19] 15 U.S.C. 78f(b)(5). Pursuant to Section 19(b)(2) of the Exchange Act, 15 U.S.C. 78s(b)(2), the Commission must disapprove a proposed rule change filed by a national securities exchange if it does not find that the proposed rule change is consistent with the applicable requirements of the Exchange Act. Exchange Act Section 6(b)(5) states that an exchange shall not be registered as a national securities exchange unless the Commission determines that ''[t]he rules of the exchange are 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 are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.'' 15 U.S.C. 78(f)(b)(5).

[20] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[21] *See id.*

[22] *See id.*

[23] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (DC Cir. 2017).

minimum number of holders and other similar requirements, stating that such listing standards help ensure that exchange listed securities have sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets.[24] As stated by the Exchange, the minimum number of holders requirement is intended to address the risks of manipulation.[25]

As discussed above, the Exchange is proposing to (1) remove the Beneficial Holders Rule applicable to Fund Shares listed on NYSE Arca, and (2) replace the existing Minimum Shares Outstanding Rules with a requirement that a series of Fund Shares have at least one creation unit outstanding on an initial and continued listing basis. In support of its proposal, the Exchange asserts that the requirements of Rule 6c–11 under the 1940 Act, and in particular the website disclosure requirements of Rule 6c–11(c) and, for Managed Portfolio Shares, the information required to be disseminated (including the verified intraday indicative value) in connection with the listing and trading of those Shares, together with the existing creation and redemption process and proposed requirement that at least one creation unit is always outstanding, would serve to mitigate the risks of manipulation and the lack of liquidity that the Beneficial Holders Rule was intended to address. However, the Exchange does not sufficiently support its assertions, particularly where a series of Fund Shares is permitted to have a very small number of beneficial holders. For example, the Exchange does not sufficiently address how the arbitrage mechanism will ensure Fund Shares with very few beneficial holders would be sufficiently liquid to support fair and orderly markets. The Exchange also does not discuss in sufficient detail the potential inefficiencies in the arbitrage mechanism that might occur with illiquid Fund Shares that have very few holders, and the impact that would have on the ability of the arbitrage mechanism to effectively mitigate the risks of manipulation. In addition, the Exchange does not sufficiently explain how an efficient and effective arbitrage mechanism and sufficient liquidity could result for a series of Fund Shares held only by a very few number of buy-and-hold investors and thereby mitigate manipulation risks. Further, the Exchange does not sufficiently address the impact of creation unit size on the efficiency of the arbitrage mechanism. For example, with respect to a series of illiquid Fund Shares with very few beneficial holders, the Exchange does not describe how the proposal is designed to mitigate the risks of manipulation if the creation unit size for the Fund Shares is large in comparison to the total number of Fund Shares outstanding. The Exchange provides no data or analysis to support its position, other than noting the number and size of the creation units for existing series of Fund Shares. As discussed above, the Beneficial Holders Rule and other minimum number of holders requirements are important to ensure that trading in exchange listed securities is fair and orderly and not susceptible to manipulation, and the Exchange does not sufficiently explain why its proposed modification of these requirements is consistent with the Exchange Act.

While the Exchange also proposes to replace the existing Minimum Shares Outstanding Rules with a requirement that a series of Fund Shares have a number of shares outstanding equal to at least one creation unit, the Exchange does not sufficiently explain why this is an appropriate substitute for its existing standards. Creation unit sizes could be highly variable, since they are determined at the discretion of the issuer of Fund Shares, and the Exchange has not articulated how this new standard would effectively support fair and orderly markets, address the risks of manipulation, and otherwise be consistent with Section 6(b)(5) and other relevant provisions of the Act. The Exchange argues that requiring at least one creation unit to be outstanding at all times, together with the enhanced disclosure requirements of Rule 6c–11, would facilitate an effective arbitrage mechanism that would provide investors with sufficient transparency into the holdings of the underlying portfolio and help ensure that the trading price in the secondary market remains in line with the value per share of a fund's portfolio. The Exchange, however, fails to explain in sufficient detail how an efficient and effective arbitrage mechanism could result for an illiquid series of Fund Shares held by very few beneficial holders and with only one creation unit of Fund Shares outstanding. The Exchange also does not provide any explanation as to how such series of Fund Shares with only a single creation unit outstanding is therefore less susceptible to manipulation risks on a continued listing basis.

Finally, while the Exchange asserts that its surveillance procedures and trading halt authority would provide for additional investor protections by further mitigating any abnormal trading that would affect the Fund Shares' prices, it does not offer any explanation of the basis for that view or provide any supporting information or evidence to support its conclusion. Notably, the Exchange does not explain how any of its specific existing surveillance procedures or administration of its trading halt authority effectively address, in the absence of the Beneficial Holders Rule[26] and the Minimum Shares Outstanding Rules, manipulation concerns and other regulatory risks to fair and orderly markets, investor protection, and the public interest. Accordingly, the Commission is unable to assess whether the Exchange's assertion has merit.

The Commission identified all of these concerns in the OIP, but the Exchange has not responded or provided additional data addressing these concerns.[27] As stated above, under

[24] The Commission considers distribution standards, including minimum number of holders and number of shares outstanding requirements, to be important means of promoting fair and orderly markets. *See, e.g.,* Securities Exchange Act Release No. 57785 (May 6, 2008), 73 FR 27597 (May 13, 2008) (SR–NYSE–2008–17) (stating that the distribution standards, which include exchange holder and number of shares outstanding requirements ''. . . should help to ensure that the [Special Purpose Acquisition Company's] securities have sufficient public float, investor base, and liquidity to promote fair and orderly markets''); Securities Exchange Act Release No. 86117 (June 14, 2019), 84 FR 28879 (June 20, 2018) (SR–NYSE–2018–46) (disapproving a proposal to reduce the minimum number of public holders continued listing requirement applicable to Special Purpose Acquisition Companies from 300 to 100).

[25] *See* Notice, *supra* note 3, 85 FR at 40722. *See also* SIFMA Letter, *supra* note 14, at 3 (acknowledging that the Beneficial Holders Rule was intended to address ''potential price manipulation,'' among other things).

[26] *See supra* note 24 and accompanying text.

[27] *See* OIP, *supra* note 6. The commenter asserts that the creation and redemption processes, which tap into the liquidity of the underlying holdings, coupled with the enhanced disclosures mandated under Rule 6c–11 under the 1940 Act, mitigate manipulation concerns. *See* SIFMA Letter, *supra* note 14, at 3. However, neither the Exchange nor the commenter explains why arbitrage opportunities would sufficiently mitigate manipulation concerns for the full range of ETFs, including ETFs overlying a portfolio of instruments that are themselves illiquid, or where market interest in the ETF is not sufficient to attract effective arbitrage activity. While the Exchange and the commenter assert that certain disclosures under Rule 6c–11 under the 1940 Act provide investors with transparency into the holdings of the underlying portfolio and additional insight into the effectiveness of an ETF's arbitrage (*see* Notice, *supra* note 3, 85 FR at 40721; SIFMA Letter, *supra* note 14, at 3–4), neither the Exchange nor the commenter sufficiently explains how such disclosures might prevent manipulation. In addition, while the commenter states that its survey data showed that an ETF's number of shareholders, level of assets and liquidity tended to improve after three years of operation as compared to one year, the commenter does not assert that the survey addressed the concerns about potential

the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [28] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding, and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[29] The Commission concludes that, because NYSE Arca has not demonstrated that its proposal is designed to prevent fraudulent and manipulative acts and practices or to protect investors and the public interest, the Exchange has not met its burden to demonstrate that its proposal is consistent with Section 6(b)(5) of the Exchange Act.[30] For this reason, the Commission must disapprove the proposal.

IV. Conclusion

For the reasons set forth above, the Commission does not find, pursuant to Section 19(b)(2) of the Exchange Act,[31] that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5) of the Exchange Act.[32]

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act, that proposed rule change SR–NYSEArca–2020–56 is disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

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manipulation that the proposal raises, as described above.

[28] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[29] *See id.*

[30] In disapproving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f). Although the commenter (*see* SIFMA Letter, *supra* note 14, at 4) asserts that the current Beneficial Holders Rule puts newer and smaller sponsors at an unnecessary disadvantage to larger sponsors having the enterprise-wide scale and distribution reach to gather assets in the months after launch, neither the commenter nor the Exchange has provided data to support this conclusion.

[31] 15 U.S.C. 78s(b)(2).

[32] 15 U.S.C. 78f(b)(5).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91240; File No. SR–ICEEU–2021–006]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to the ICE Clear Europe CDS Clearing Stress Testing Policy, CDS End of Day Price Discovery Policy, CDS Risk Model Description and CDS Risk Policy and CDS Parameters Review Procedures

March 2, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2021, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe Limited proposes to modify certain provisions of its CDS Clearing Stress Testing Policy, CDS End of Day Price Discovery Policy, CDS Risk Model Description and CDS Risk Policy (together, the ''Documents'') and to adopt a new document titled CDS Parameters Review Procedures (the ''Parameters Procedures'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe is proposing to amend the Documents and institute the new Parameters Procedures principally to describe more fully certain existing Clearing House practices, as discussed herein. ICE Clear Europe is also proposing to make certain enhancements to CDS stress testing, specifically to incorporate the impact of the COVID–19 pandemic into its stress testing framework.

CDS End of Day Price Discovery Policy

The amendments to this policy would generally clarify the process to determine prices for a particular instrument when fewer than three Clearing Members have open interest in that instrument, in order to provide more reliable pricing in that scenario. The amendments would also make minor terminology updates to conform uses of defined terms, correctly reference various ICE Clear Europe personnel and operations and make similar typographical corrections throughout the document and add a new table.

Currently, the CDS End of Day Price Discovery Policy states that if fewer than three CDS Clearing Members have cleared open interest in an instrument, ICE Clear Europe may require all CDS Clearing Members to provide a price submission for that instrument. ICE Clear Europe proposes to supplement this concept to provide more flexibility to ensure enough submissions to enable effective determination of reliable end-of-day prices and thereby facilitate an accurate and stable variation margin process. Specifically, the amendments are designed to produce more reliable prices by increasing the probability of receiving multiple submissions. As amended, the policy would state that ICE Clear Europe believes that tradeable quotes submitted by CDS Clearing Members are the preferred source of data and should be used where possible and reliable, meaning where there is more than one CDS Clearing Member with which the quote could be crossed. Where there are not enough CDS Clearing Members to enable tradeable quotes (*i.e.,* quotes at which a member would transact) to be crossed with more than one CDS Clearing Member (*i.e.,* fewer than three CDS Clearing Members

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

with open interest in the relevant instrument), then ICE Clear Europe would switch to rely on indicative quotes and would require these from all CDS Clearing Members. (For this purpose, an indicative quote is a reasonable estimate of the market price but does not necessarily reflect a price at which the member would transact.) When requesting indicative quotes in this manner, ICE Clear Europe would not require CDS Clearing Members to enter into firm-trades in these instruments. The minimum number of three CDS Clearing Members, below which indicative quotes would be used, would be subject to ongoing review by ICE Clear Europe as to whether this is the appropriate threshold given market circumstances.

A new Table 4 showing an example of an assignment of index risk factors to market proxy groups would be added pursuant to the amendments relating to end-of-day bid-offer widths (''EOD BOWs'') for index instruments. The new table does not reflect a change in practice and is intended for clarity. The table would show the index risk factors for each of the CDX and iTraxx market proxy groups. A reference to Table 2 in the EOD BOWs section would be updated to Table 4. Existing references to Tables 4 through 7 would be respectively updated to Tables 5 through 8.

In the governance section addressing material changes to the EOD price discovery methodology, spread-to-price conversion determinants or parameters, the amendments would clarify that review would be performed by the TAG (instead of the TAC) and the Product Risk Committee (instead of the Risk Committee). This amendment is intended to reflect current practice.

Numerous minor typographical and similar updates would be made throughout the CDS End of Day Price Discovery Policy. For example, the term ''Clearing Participant'' would be updated to ''Clearing Member'', ''CP'' would be updated to ''CM'' and ''Trading Advisory Committee'' (or ''TAC'') would be updated to ''Trading Advisory Group'' (or ''TAG''), to be consistent with terminology used in the Rules and other ICE Clear Europe documentation. The statement that the trading desks at each self-clearing member (''SCM'') would be required to copy ICE Clear Europe on the intraday quotes they provide market participants via email would be updated to requested to copy. Certain outdated cross-references would be removed. With respect to the red matters in the escalation and notification protocol for appetite metrics, the Board and Executive Risk Committee would be notified immediately instead of as soon as possible. Other minor clean-up changes would also be made to improve readability and clarity.

CDS Clearing Stress Testing Policy

ICE Clear Europe is proposing to add new stress test scenarios to this policy and to make certain other clarifications and enhancements to the description of the stress-testing methodology in order to capture the large market moves experienced during the COVID–19 pandemic, strengthen the CDS discordant stress test scenarios and better reflect the current governance structure related to stress testing.

Purpose

The discussion of the purpose of Clear House stress testing practices, including as to how they are integrated into ICE Clear Europe's risk procedures and governance structure, would be revised to reflect the Clearing House's current governance framework, and specifically to reference the Model Oversight Committee (''MOC'') and to remove an outdated reference to the Board Risk Committee (''BRC''). The amendments would also provide that any terms not defined in the policy would be defined in the ICE Clear Europe CDS Risk Policy and the Rules, instead of only in the Rules.

Methodology

The general methodology section of the policy would be amended to add a discussion of stress testing in the context of wrong way risk. For this purpose, positions in index risk factors and single-name risk factors that exhibit high levels of association with a Clearing Member's portfolio are combined in a sub-portfolio, which is subject to additional stress testing analysis. The amendments to this section do not reflect a change in Clearing House practice but are intended to better document existing practice.

The amendments also revise the governance process where a scenario or portfolio in the standard set of stress scenarios is no longer applicable, or is superseded by new scenarios or portfolios, and the Clearing Risk Department wishes to retire or modify the outdated scenario or portfolio. In that case, the Clearing Risk Department would conduct an analysis to determine whether a change is significant, which would be reviewed by the Risk Oversight Department (''ROD''). The Board, or its delegated committee, would approve the significant decommissioning of scenarios, while the Model Oversight Committee (''MOC'') would approve the decommissioning of scenarios (if not significant) or recommend the decommissioning of scenarios to the Board if deemed significant. The amendment is intended largely to formalize current practice, and also reflect the role of the MOC under the Clearing House's Model Risk Governance Framework (the ''MRGF''). The existing description of the steps that the Clearing Risk Department would take in such a scenario (involving approval by the relevant risk committee) would be deleted. The amendments would also clarify that if the Clearing Risk Department wishes to add new scenarios or portfolios, the MOC must approve of the addition, but the Board's approval is not required. This is a change from the current procedure, under which it is sufficient to simply inform the CDS Risk Committee.

Further, the amendments would also state explicitly that in stress testing and sensitivity testing, under the multiple Clearing Member default scenario, conditional uncollateralized loss-give-defaults (''LGDs'') resulting from Clearing Member single-name positions would also be explicitly incorporated. This reflects current practice.

Various Changes

Various defined terms would be updated throughout the document. The CDS Product Risk Committee would be referred to as the CDS PRC instead of the CDS RC. Members or Clearing Members would be referred to as CMs. Throughout the document, references to Initial Margin would be updated to IM and references to Guaranty Fund would be updated to GF.

Changes to Predefined Scenarios; New COVID–19 Scenarios

The introductory description of the predefined scenarios would be amended to clarify that the scenarios reflect a stress period of risk from 1 to 7 days (referred to in the policy as ''N''-day scenarios), taking into account the 5-day margin period of risk used in the existing margin methodology for house accounts and the 7-day margin period of risk used in the existing margin methodology for client accounts. The description of the magnitude of the base ''FX Stress Scenario'' would be amended to state that it reflects the greatest relevant N-day stress period (instead of five days).

Overall, the changes to the stress testing scenarios, other than the addition of the new COVID–19 scenarios, are intended to more thoroughly describe the stress test

scenarios. The changes (including the addition of the COVID–19 scenarios) are not expected to result in any changes in margin levels or other financial impact on the Clearing House or Clearing Members.

Extreme but Plausible Market Scenarios

The amendments would update the description of the extreme but plausible market scenarios. The description of the 2008/2009 credit crisis scenario would be updated to state that the widening/tightening credit crisis spread scenarios are based on the greatest observed N-day (instead of five-day) relative spread increases/decreases expressed as percentages. The amendments would also clarify that the determination of the exact stress period is defined by the greatest observed spreads change of the Most Actively Traded Instruments (''MATI'') for each relevant sub-portfolio. The stress spread changes, defined for each Index, corporate and sovereign risk factor (''RF''), would be extracted from the market history for the MATI of the considered RF. Amendments would also clarify that the other three historically observed stress test scenarios from the 2008/2009 period would be based specifically around the period surrounding Lehman Brothers' default to capture the large market moves of that period. These amendments are intended to provide a more thorough description of these existing stress testing scenarios.

The description of the Western European credit crisis scenarios would similarly be clarified to state explicitly that the scenarios replicate the stress market moves resulting from the concerns around the debt sustainability of several Eurozone countries. Widening/Tightening Western European Credit Crisis Spread Scenarios would be based on the greatest observed Nday (instead of five-day) relative spread increases/decreases (which would no longer be restricted to the most actively traded instruments). Amendments would also clarify that the determination of the exact stress period would be defined by the greatest observed spreads change of the MATI for each sub-portfolio. The other three historically observed stress test scenarios would be based specifically around the second quarter of 2010 to capture the large market moves of that period. The spread shocks would be expressed in percentage for each RF. These amendments are intended to provide a more thorough description of these existing stress testing scenarios.

The description of the Lehman Brothers Default Price Change Scenario would be expanded. The amendments would state that the scenario magnitudes are defined for each RF according to its sector classification and time to maturity of the considered instrument. The corresponding stress test Opposite LB Default Price Change Scenarios would be derived from the Lehman Brothers scenarios by means of multiplying the scenario result by a negative factor to reflect the reduced magnitudes of the observed price increases during the considered period. These amendments are intended to provide a more thorough description of these existing stress testing scenarios.

New COVID–19 Based Scenarios

Given that moves in both spreads and prices were, generally, higher than other observed extreme but plausible stress test scenarios during the COVID–19 pandemic, ICE Clear Europe is proposing to add the following additional COVID–19 pandemic fear scenarios based on stress market moves experienced between February and April 2020:

- The COVID–19 Widening/Tightening Spread Scenarios, which would be based on the greatest observed N-day relative spread increases/decreases during the period. The determination of the exact stress period would be defined by the greatest observed N-day spread changes of the MATI for each sub-portfolio; and
- The COVID–19 Price Decrease Scenario would be defined in price space to maintain the stress severity during periods of low spread levels and high prices, when the IM requirements are expected to be lower. The scenario would be based on the greatest observed N-day relative price decreases during the aforementioned period. The determination of the exact stress period would be defined by the greatest observed N-day spread changes of the MATI for each sub-portfolio. A corresponding stress test COVID–19 Price Increase Scenario would be derived from the price decrease scenario by applying factors for Indices and SNs to reflect the reduced magnitudes of the observed price increases during the considered period.

Discordant Scenarios

The scope of discordant spread scenarios (for corporates and sovereigns) would be clarified. Specifically, the description of the corporate discordance spread scenarios would reflect that such scenarios are based specifically on discordant moves along the major European and North American 5Y on-the-run (OTR) indices. The amendments would also state that the corporate SNs and indices discordant spread scenarios, which reflect realizations when certain indices or sub-indices for the EU region and certain U.S. OTR indices exhibited the greatest combined discordant change, would be created and applied to SNs and Indices. The amendments would further update references to indices used in stress scenarios and state that other stress scenarios would be based on discordant spread realizations across European Indices. The amendments would also note that other stress scenarios would reflect discordant spreads realizations among geographical regions. These amendments are intended to provide a more thorough description of existing stress testing scenarios.

Hypothetical Scenarios

With respect to hypothetical scenarios, greater detail would be added to clarify that the curve inverting spread scenario is based on the largest widening shock among the 2008/2009 Credit Crisis Widening and the Western European Credit Crisis Widening for each RF. Similarly, the curve steepening spread scenario is based on the largest tightening shock among the 2008/2009 Credit Crisis Tightening and Western European Credit Crisis Tightening scenarios.

New sectors and countries discordant scenarios would also be added. These scenarios would be designed to reproduce discordant moves across sectors and entities of different countries, noting that the large price moves in the oil benchmark products (especially WTI negative prices) in the first half of 2020 created asymmetric shocks to the energy and financials sectors compared to other sectors, which would be reflected in the Energy vs Other Sectors Discordant scenario. The five-year spread shocks would be estimated at sector level, and the derivation of the shocks for the other tenors would be based on the tenor-specific inverting and steepening factors. The sector-specific shocks would then be applied to all RFs within the sector. The opposite stress scenario would also be considered for completeness. The spread shocks estimated for the clearable Western European Sovereigns would be applied to the European corporate SNs for each country. The opposite stress scenario would also be considered for completeness.

Another hypothetical scenario, the forward-looking credit events scenarios, would be updated to clarify that the Clearing Member reference entity that would be considered would be different from the Clearing Member whose portfolio is subject to the stress test.

They would also add that the reference entity is assumed to enter in a state of default and thus create Loss Given Default (''LGD'') and that a reference entity is selected that creates the largest LGD exposure, rather than the greatest one-year EOD spread level.

Extreme Market Scenarios

The amendments would clarify that extreme steepening and extreme inverting scenarios would be created from crises steepening and crises inverting scenarios by doubling the shocks for inverting scenarios and applying a factor to steepening scenarios. The amendments would also incorporate the new COVID–19 historical scenarios into the determination of extreme scenarios, similar to the calculation of extreme scenarios based on the LB default scenario.

With respect to the guaranty fund (''GF'') scenarios, greater specificity would be provided to clarify that the stress test scenarios would be designed to account for the occurrence of credit events for two Clearing Member risk factor groups (''RFGs'') and three non-Clearing Member RFGs. The amendments would also clarify that the GF scenario considers an even more extreme case in which five RFGs undergo credit events (changing a reference from single names to the more accurate RFG). The chart setting out the quantile ratios for the student t distributions with different shape parameters would be removed as unnecessary.

The GF adequacy analysis would be amended to state that as the number of defaults of reference entities is one of the major risks in the CDS clearing service, the Clearing Risk Department considers complementary extreme scenarios where a combination of up to five RFGs for up to five Clearing Members would be assumed to default before simulating spreads widening and tightening on the non-defaulting entities in order to fully deplete the GF. The amendments would explain that the scenario aims at providing estimates of the level of protection achieved through initial margin (''IM'') and GF in relation to multiple defaults. This amendment is intended to clarify the stress-testing description but does not reflect a change in current stress testing practice.

Portfolio Selection

The description of the process for determination of sample portfolios for stress testing would be updated to reflect that ICE Clear Europe would derive the portfolio from the currently cleared portfolios by considering only positions in index RFs and sectors that exhibit a high degree of association with the considered Clearing Member, in particular indices, sovereigns and financials RFs (rather than considering exactly the opposite positions from the currently cleared portfolio). The constructed sub-portfolios would be subject to the stress test analysis with the standard set of stress test scenarios. The aim of the stress analysis with the sample portfolios would be to provide estimates to the potential exposure of Clearing Members to RFs generating general wrong way risk (''WWR''). The current reference to special strategy sample portfolios would be deleted, and a new provision would address application of stress testing scenarios to expected future portfolios upon the launch of new services and RFs. The stress test analysis would be presented and reviewed by the CDS Product Risk Committee prior to launch of the new RFs.

Interpretation and Review of Stress-Testing Results

The interpretation and review of the stress-testing results section would be amended to provide that enhancements to stress scenarios would be discussed and approved based on the governance outlined in the MRGF. The amendments would also clarify that the two greatest affiliate groups' (''Cover-2'') uncollateralized stress loss associated with scenarios characterized as extreme but plausible market scenarios should be covered by funded default resources (excluding potential assessments). If Cover-2 protection under these scenarios is not achieved, additional funds could be required to cover the shortfall and enhancements to the current risk methodology would be considered. The amendments would further provide that the Board and its delegated committees (instead of the CDS Risk Committee and Board Risk Committee) would be provided with information as to the stress test results as necessary or appropriate to perform their duties. The amendments are intended to allow the Board the flexibility to determine the appropriate committees for review of stress testing.

Certain outdated statements would be removed, including matters relating to governance that are addressed in the MRGF as well as outdated references to certain examples or specific committees. As discussed in the methodology section above, any related deficiency analysis and review would be undertaken by the MOC instead of the Executive Risk Committee, in accordance with the procedures of the MRGF. The stress testing report would be presented to the CDS Product Risk Committee instead of the CDS Risk Committee during scheduled meetings (instead of scheduled monthly meetings).

The amendments would specifically remove the following statements:

- The statement as to the stress scenarios that lead to model review include;
- the statement that the hypothetical losses generated in response to stress scenarios are compared to the available margins on deposit and Guaranty Fund contributions and if applicable, the ICE Clear Europe contribution to the risk waterfall and the funds available through the one-time limited assessment from each Clearing Member;
- the statement that ICE Clear Europe is responsible for identifying in which zone a particular stress test result falls; and
- statements as to certain functions of the Clearing Risk Department, Clearing Risk senior management, ERC, CDS RC, the BRC and the Board, which have been replaced by the role of the MOC and the other revised governance arrangements discussed above.

Policy Governance and Reporting

The policy governance and reporting section would be amended to remove the requirement that the policy be reviewed annually by the CDS Risk Committee and only would require review by the Board Risk Committee. Material changes to the policy would be discussed by the MOC (instead of the ERC) and approved by the Board on the advice of the CDS Product Risk Committee and the Board Risk Committee prior to implementation. These amendments are intended to be more consistent with other Clearing House governance processes and formalize existing arrangements to ensure that appropriate bodies are engaged in policy governance.

Appendix

The FX stress test scenario amendments would reflect the greatest N-day relative depreciation (instead of five-day) and would remove the specific dates. This is intended to be a conforming change consistent with the other amendments to use an N-day period described above.

CDS Risk Policy

The amendments to this policy would describe more fully the existing use of the Clearing House's Monte Carlo (''MC'') simulation approach in the context of establishing initial margin and GF requirements. The amendments would also generally clarify the use and

source of intraday prices and make other drafting improvements and clarifications, including through revising certain descriptions and providing certain defined terms. The amendments simplify certain cross references to the CDS Risk Model Description throughout the policy by removing unnecessary section references (to facilitate keeping the CDS Risk Policy up to date). In general, the amendments are intended to provide a clearer explanation of the Clearing House's methodology for IM and GF requirements and are not intended to materially change the methodology or to change the levels of IM and GF requirements.

With respect to IM, the amendments would clarify the description of the IM methodology by stating that the risk protection measure is based on using a combined approach featuring a stress-based spread response Value-at-Risk (''VaR'') measure and a Monte Carlo (''MC'') simulation spread response VaR measure. They would also add that model performance would be monitored through stress testing and sensitivity analyses. The amendments are intended to more clearly reflect existing practices, and would not change the IM methodology.

With respect to the spread response requirements description, the amendments would provide greater clarity that the spread response risk requirement that captures credit spread fluctuations is a stress-based spread response that computes Profit/Loss (''P/L'') distributions from a set of simulated hypothetical (forward looking) credit spreads scenarios.

The description of the stress-based spread response scenarios would be modified by rewording the introduction to improve readability and to clarify the applicable benchmark tenors estimated for all the Risk Sub-factors, replacing certain outdated references to tenors. The amendments are intended to reflect and more clearly describe current practices.

A new section would be added to describe in more detail the Monte Carlo simulation approach currently used by the Clearing House. The amendments would provide that in this approach, ICE Clear Europe generates spread scenarios by means of student-t copulas to connect the univariate distributions that describe spread fluctuations. The student-t copulas reflect historical estimates of Kendall τ correlation coefficients to simulate spread log-returns.

The simulated copula scenarios are used to arrive at hypothetical spread levels by means of estimated univariate spread log-return distributions. Each instrument would be repriced at the simulated spread levels to generate a scenario instrument P/L based on post-index decomposition positions. For each scenario, instrument P/Ls would be aggregated according to pre-defined RFs and sub-portfolio position sets in order to obtain RF and sub-portfolio P/Ls.

These distributions would be used to estimate the RF and sub-portfolio 99.5% VaR measures at a chosen risk horizon. The portfolio level integrated Spread Response would be estimated as a weighted sum of RF and sub-portfolio 99.5% VaR measures.

The description of the anti-procyclicality considerations would be updated to provide that the stress price changes would be derived from the price-based extreme but plausible stress test scenarios under the revised CDS Stress Testing Policy, as described above, instead of only from the market behavior during and after the Lehman Brothers default period.

Throughout the policy, references to the risk department would also be updated to the Clearing Risk Department.

The amendments also provide that the Clearing Risk Department may recommend margin methodology changes based on the governance procedures outlined in the MRGF, consistent with the requirements of that framework. The amendments would also note that in the event that ICE Clear Europe is accepting sizable positions through the weekly back-loading process in the context of margin calls, it will pre-collect IM and mark-to-market changes, instead of just IM.

With respect to mark-to-market margin (''MTMM''), the description regarding the determination of cash owing, the payment of MTMM, the timing of margin calculations and the making of MTMM calls would be removed as unnecessary operational detail. These matters are also generally covered in the CDS Risk Policy and Finance Procedures. Similarly, the discussion of the requirements and rights of a Clearing Member upon a change in MTMM balance (*i.e.* to pay or be credited cash) would be deleted as unnecessary detail.

With respect to intra-day monitoring, the amendments would provide that ICE Clear Europe would ensure the quality of the intraday prices by monitoring and comparing the quotes received with the intraday prices of the transactions cleared at ICE CDS clearing houses. ICE Clear Europe could also compare intraday prices with those of another third-party provider. The comparison process would be carried out before issuing intraday margin calls. The description of the intraday risk limit calculation would be updated such that it would be based on 40% of the total IM requirements, with a minimum amount corresponding to the minimum GF contribution and would be capped at a monetary amount reviewed in conjunction with the ICE Clear Europe senior management and the CDS Product Risk Committee. The precise monetary amount would be removed from the policy to give the Clearing House flexibility if it determined it was appropriate to review and reconsider this amount in the future in conjunction with senior management and the BRC. There is currently no plan to change the existing EUR 100 million cap in practice. The procedure for intra-day margin calls would be further clarified by removing a statement that where there has been a 50% erosion of the Intraday Risk Limit, the Risk Department will investigate the matter. In ICE Clear Europe's view, a separate step at the 50% erosion level is unnecessary, as ICE Clear Europe will not take any particular action at that level. Once the erosion exceeds 50%, the Clearing Risk Department is required to inform the relevant CDS Clearing Member that it may be subject to an intraday margin call (and in so doing the Clearing Risk Department will make any necessary investigations of the matter).

The statement that the Risk Management Department will notify the ICE Clear Europe Treasury Department of the ''special'' margin call would be removed as an operational detail not necessary for the policy. Generally, the Clearing Risk Department sets the margin level and would communicate it to other departments in the ordinary course, as it does for any change of margin level.

With respect to the GF, the amendments would update the drafting of certain language (including the reference to the ''Cover 2'' requirement) to remove certain unnecessary detail. With respect to related anti-procyclicality considerations, the amendments would refer to the extreme but plausible price-based stress test scenarios described in the revised CDS Clearing Stress Testing Policy, as discussed above. Amendments would also provide that the GF allocation process is performed by the Clearing Risk Department on a weekly basis rather than every Thursday and based on the previous business day's close of business positions rather than Wednesday's close of business positions. The amendments would also

clarify that the requirement that a portion of the GF be in USD is intended to accommodate all USD-denominated CDS contracts, not merely sovereign CDS contracts . . . The current numerical example of GF calls/collection would be removed as unnecessary.

With respect to back-testing, the amendments provide if the model calibration consistently demonstrates exceptions outside of the coverage level, the Clearing Risk Department would review the models and recommend revisions following the governance procedures outlined in the MRGF.

Pursuant to the amendments, the stress-testing section would add that the historical data would account for COVID–19 outbreak fear, consistent with the changes to the CDS Stress Testing Policy discussed above.

The amendments would update certain terms throughout the document as follows: ICE Clear Europe would be referred to as ICEU; Member, member or Clearing Member would generally be updated to CM; Risk Model Description would be updated to CDS Risk Model Description; CDS Risk Committee would be updated to CDS Product Risk Committee; Risk Department, Risk Management Department or Clearing Risk department would be updated to Clearing Risk Department; General Wrong Way Risk would be referred to as ''GWWR''; Guaranty Fund would be updated to GF, Specific Wrong Way Risk would be abbreviated as SWWR; Model Oversight Committee would be given the acronym ''MOC''; the Model Risk Governance Framework would be given the acronym ''MRGF''; Initial Margin would be updated to IM; Dollar would be updated to USD; CDS Back Testing Framework would be updated to Policy; a Risk Oversight Committee reference would be updated to ROC; CDS Risk Product Committee and CDS RC would be respectively updated to CDS Product Risk Committee and CDS PRC; and Risk Committee would be updated to CDS PRC. Certain other typographical corrections would be made.

CDS Risk Model Description

This document was amended in May 2019 (the ''2019 Amendments'') and additional amendments are currently being proposed (the ''Current Amendments''). As discussed below, the Current Amendments would:

- Clarify the treatment of volatility estimates for the Recovery Rate Sensitivity Requirement (''RRSR''), risk factor calibration and the raw data cleansing process; and
- add detail regarding the use of ICE Clear Europe cleared volume in the Concentration Charge threshold review.
- As discussed below, the 2019 Amendments:
- enhanced the calculation of the WWR threshold;
- clarified the parameter estimation of the recovery rate sensitivity requirement;
- clarified the discussion around model testing;
- added a section to explicitly refer to the assumption around the use of the same time series for IM and GF distributions in the CDS Risk Model; and provided that the interest rate sensitivity requirement of the model reflects a time horizon of five days for house accounts and seven days for client accounts.

With the exception of the changes to the calculation of the WWR threshold, the amendments are in the nature of clarification and improving descriptions of the Clearing House's existing methodology, and do not constitute a change in the methodology. The enhancement of the calculation of the WWR threshold, as discussed below, while a change from prior practice, is expected to have an immaterial effect on margin levels.

The 2019 Amendments

The following is a description in further detail of the 2019 Amendments to the CDS Risk Model.

Model Design and Development

The amendments updated the description of the interest rate sensitivity requirement component of the IM model to add that the changes captured in the discount default-free terms structure used for pricing the cleared instruments are over a certain time horizon (five days for house accounts and seven days for client accounts). This amendment documented existing practice.

Initial Margin Methodology

With respect to IM, the amendments updated the loss given default risk analysis to specify initial values of certain parameters and to note that certain parameters are reviewed by the Risk Working Group on at least a monthly basis.

With respect to the haircut applied as part of the multi-currency portfolio treatment methodology, the amendments clarified that in order to provide consistency and uniformity in the parameters applied to the CDS risk model, ICE Clear Europe adopted the same (more conservative) haircut in line with ICE Clear Credit LLC. This amendment did not change existing practice and was intended to strengthen the IM methodology by documenting existing practice.

Similarly, with respect to the foreign exchange haircut applied to periodic adjustments to the GF, the amendments also clarified that in order to provide consistency and uniformity in the parameters applied to the CDS risk model, ICE Clear Europe adopted the same (more conservative) haircut in line with ICE Clear Credit LLC. This amendment also did not change existing practice and was intended to strengthen the IM methodology by documenting existing practice.

Monte Carlo Implementation

Amendments were made to clarify and simplify the overall description of the Monte Carlo implementation. The amendments were not intended to reflect a change from current practice, but rather provide a clearer description of the existing implementation. Specifically, ICE Clear Europe believes that the revised description provides a more practical, and less theoretical, explanation of the Monte Carlo implementation that will facilitate replication and validation of the implementation by third parties.

Among other clarifications, the revised description states explicitly that the final spread response requirement would be the most conservative requirement in the specified stress-based spread response equation, which is consistent with current practice. Certain subsections of the Monte Carlo description, including those relating to the discussion of matrix decomposition, were deleted as unnecessary in light of the description of the implemented model. The amendments updated the copula simulation description to provide further detail as to the determination and use of the linear correlation matrix and construction of student-t random variables and vectors for the production of relevant scenarios. The existing description of the conditional block matrix simulation framework and full matrix simulation framework were revised to provide a more simplified description of the two-step conditional simulation approach that is currently used by the Clearing House. A section describing copula parameter estimation for purposes of multivariate distribution was added while the description of simulation for standardized spread log returns was removed as unnecessary. The model parameters section was removed (with relevant parameters being addressed in the Parameters Procedures as discussed below). Overall, these changes were

intended to more clearly reflect the current model, and would not represent a change in methodology.

The Risk Measures section was amended to reflect existing practice that each cleared portfolio would be initially split into sub-portfolios based on common features in order to obtain risk estimates reflective of the market behavior and default management practices. The definitions of the sub-portfolios and their respective risk horizons would be periodically reviewed by the ICE Clear Europe Risk Management department and updated upon consultation with the Product Risk Committee.

More detail was provided with respect to the use of simulated P/L scenarios, combined with the post-index-decomposition positions related to a given RF, to generate a currency-specific RF P/L vector. Each risk factor will be attributed to only one sub portfolio and all instruments related to a given risk factor would be denominated in the same currency. The multi-currency risk aggregation approach will be applied to risk factors within the European Corporate and U.S. Corporate sub-portfolios denominated in EUR and USD currencies, respectively. A diagram would be added to demonstrate a bivariate simulation aspect of the risk aggregation approach. This change was intended to document existing practices.

The Monte Carlo Engine Setups subsection and Conclusion subsection to the Monte Carlo Implementation section were deleted for improved clarity as content relevant to the implementation is addressed more clearly in other sections, and the prior description of the system or engine does not, in ICE Clear Europe's view, add useful information beyond the other aspects of model description.

Overall, these amendments generally did not represent a change in current operation of the MC component of the risk model.

Time Series for IM and GF Distribution

A section explaining the existing use of the same time series for IM and GF distribution was added. The approach is designed to be conservative and ensure that the portfolio loss at 99.75% quantile (used for GF determination) would be always greater than 99.5% quantile loss (used for IM determination). The approach also avoids unnecessary operational complexity. The validity of the assumption is monitored through the stress test impact analysis. The amendments were intended to document existing practices and therefore were not expected to have a material impact.

Current Amendments

The following is a description in further detail of the Current Amendments to the CDS Risk Model.

Initial Margin Methodology

The amendments clarify the source of certain market risk transfer activity data used in the concentration charge threshold parameterization. The amendments also update the loss threshold calculation in the determination of specific WWR and general WWR (to be based on price minus recovery rate as opposed to one minus recovery rate). Although the change makes the WWR calculation more precise, the monetary impact on margin requirements is expected to be immaterial (and near zero). The amendments would generally strengthen the precision of the Initial Margin methodology based upon independent validation findings.

The amendments would provide additional detail with respect to the volatility floor value used in the IM methodology. The amended description would provide that the volatility floor is estimated based on the average overlapping five-day absolute change of recovery rates (RRs) for a set of defaulted names. The defaulted names have a long time series of observed RRs (*i.e.* more than a year) and comprise a stress period of 2009–2012. The Clearing Risk Department would be able to review the estimated parameters in case of the availability of sufficient long time series of observed RRs. This is consistent with existing practice and intended to strengthen the IM methodology by more clearly documenting the practice.

The amendments would also clarify that with respect to the concentration charge threshold, the market risk transfer activity data obtained from the Depository Trust & Clearing Corporation specifically contains both bilateral positions and ICE cleared positions. This is consistent with existing practice and intended to strengthen the IM methodology by more clearly documenting the practice.

Anti-Procyclicality Measures

The amendments would modify the approach to anti-procyclicality of spread response requirements to be calibrated based on historically observed extreme but plausible stress test scenarios in price space defined in the revised CDS Stress Testing Policy, as discussed above, which include various stress scenarios including the Lehman Brothers' default and COVID–19 outbreak. This broadens the current anti-procyclicality approach, which is based specifically on the Lehman Brothers' default scenario. The amendments are intended to enhance the anti-procyclicality approach to address multiple price-based scenarios as the Lehman Brothers' default scenario alone may not be sufficient. In particular, the amendments are intended to incorporate the Covid–19 stress scenario, in light of experience during the pandemic. Amendments also reflect the 20% portfolio gross margin floor required under relevant European regulation.[3]

Monte Carlo Implementation

The amendments would clarify that in the MC implementation, distributions are based on simulated constant maturity CDS spread scenarios, and that instrument profits or losses are calculated by re-pricing instruments at their coupons as well as their implied recovery rates.

This change is intended to document existing practices.

Data

The amendments would clarify certain data fallbacks used by the Clearing House when the normal established EOD spread data is not available. Consistent with current practice, the amendments would provide that if CDS spreads are not available using the usual data sources, then the ICE Clear Europe Clearing Risk Department would use proxy log-returns of existing clearable risk sub-factors from a similar or correlated industry/sector. In case ICE Clear Europe rolls out risk factors already cleared at ICE Clear Credit, the existing CDS spreads time series would be used directly after reviewing the back-test results. The amendments would also clarify that certain CDS spread time series are available by risk sub-factor for the relevant benchmark tenors.

The amendments would provide additional detail as to the collection, analysis and back testing of relevant data for new risk sub-factors. Pursuant to the amendments, if new risk subfactors are to be rolled out, ICE Clear Europe would collect prices from the Clearing Members on the benchmark tenors as per normal EOD price discovery process before making the contracts clearing eligible. The Clearing Risk department would be responsible for reviewing the fixed maturity time

[3] European Market Infrastructure Regulation (EMIR) Article 27.

series data on the benchmark tenors until the first day of the price collection.

The backfilling of missing data would be performed in log-return space derived from the available EOD fixed-maturity spread levels. In general, the 5Y tenor time series would always be available. If the original log-returns time series presents incomplete data for less actively traded tenors for only a few days, then interpolation/extrapolation techniques would be applied to derive the missing data.

Once fixed maturity time series are complete, ICE Clear Europe Clearing Risk Department would perform back-tests on hypothetical trading strategies and stress tests on hypothetical portfolios (*i.e.,* by injecting bilateral positions extracted from DTCC on the sub-risk factor to roll out into cleared portfolios of Clearing Members) in order to further ensure that time series for the new risk sub-factors are appropriate to calibrate the risk models. The results of the analyses would be presented to the CDS Product Risk Committee.

Fixed maturity time series would be transformed to constant maturity time series (''CMTS'') to eliminate the impact of semi-annual rolls. The amendments provide further detail as to the manner in which CMTS series are determined and used for index and single-name risk factors. These amendments are intended to provide further clarity to the process as described in the Risk Model Description, but not significantly change current Clearing House practice, consistent with the existing Risk Model Description.

The amendments would also provide that back-testing results would be available to assess the quality of time series as well as the performance of the calibrated models (instead of just the latter).

Overall, these amendments relating to data are intended to better document existing practices and therefore are not expected to change Clearing House operation.

Testing

The Testing section would be amended to provide that tests would be broadly grouped into the following categories: Stress tests; back-tests; sensitivity tests; anti-procyclicality tests; and benchmarking. The amendments are generally intended to reflect, and be consistent with the ICE Clear Europe CDS Back-Testing Policy, CDS Clearing Stress-Testing Policy, CDS Parameters Review Procedures and Pro-cyclicality Framework, and further details of testing are provided in those documents. With respect to benchmarking, as currently described in the Risk Management Model Description, ICE Clear Europe would benchmark the spread response model against the Model Carlo simulation approach. Certain existing details regarding back testing of the core model components, comparing the calibrated recovery rates used in the jump to default requirement and actual market data, assessing whether the assumed stress scenario adopted to size the GF is fit for purpose, testing the liquidity component of the model, assessing measures to mitigate the procyclicality of the margins and testing margin sensitivity would be removed as that detail is contained in the ICE Clear Europe Back-Testing Policy, CDS Clearing Stress-Testing Policy, CDS Parameters Review Procedures and Pro-cyclicality Framework. The amendments do not represent a substantive change in ICE Clear Europe's approach to testing but are intended to clarify the Risk Model Description and to enhance it by more clearly stating relevant assumptions.

Other Changes Throughout the Documents

Minor typographical and drafting updates are also proposed throughout the Documents, including updating references to Clearing Participants (or CPs) to Clearing Members (or CMs) to be consistent with the Rules, references to Trading Advisory Committee (or TAC) or Trading Advisory Group (or TAG) to reflect that the TAG is not technically a Clearing House committee, and Risk Committee to Product Risk Committee or CDS Product Risk Committee, as appropriate, to reflect the correct name of that existing committee.

CDS Parameters Review Procedures

ICE Clear Europe proposes to formalize certain existing practices and procedures for calibrating and reviewing the core parameters and underlying assumptions of its Risk Management (''RM'') model that are not explicitly described in its CDS Risk Model Description and CDS Risk Policy into a new Parameters Procedures document. The Parameters Procedures thus generally are not expected to change existing Clearing House practice.

Parameters Setting and Calibration

ICE Clear Europe's Parameters Procedures would discuss the process of setting and reviewing the model core parameters and their underlying assumptions. The model requirements include Spread Response (''SR'') requirements, Jump-To-Default (''JTD'') requirements, basis risk requirements, interest rate (''IR'') sensitivity requirements, liquidity charge requirements, and concentration charge requirements.

Spread Response

The Parameters Procedures would describe the parameters (and related process for reviewing and updating those parameters) that are associated with the Spread Response components of the CDS risk model, including as to applicability (index or single name or both), level of granularity (*e.g.,* risk factor), update frequency and the source of the parameter estimations.

Time series associated with constant maturity benchmark tenors would be analysed and the distributions that describe the fluctuations of the benchmark tenors calibrated. The statistical parameters update would be performed at least on a monthly basis and controlled and managed through ICE Clear Europe internal systems.

The monitoring of the stress period selected for the scale parameter would be performed on a monthly basis in accordance with the CDS Risk Model Description. Proposed changes to the stress period would be reviewed by the Clearing House's Clearing Risk Department with its Risk Working Group and MOC.

Jump-to-Default Requirement Parameters

The parameters impacting the JTD requirement are categorized as either LGD or WWR parameters. The Parameters Procedures would explain how, in order to measure credit event losses, the Clearing House's Risk Department constructs JTD scenarios in terms of anticipated recovery rate (''RR'') levels (''RR scenarios''). The Parameters Procedures would describe RR scenarios and estimations for corporate SNs, sectors, and sovereign reference entities, and notes foreign exchange rate risk considerations with respect to sovereign reference entities. The Parameters Procedures would require ICE Clear Europe to estimate and review the LGD parameters at least monthly and describes the associated governance process, noting the reviewers and any prerequisites to the implementation of parameter updates.

The Parameters Procedures would also detail the process of setting and reviewing the WWR parameters. The Parameters Procedures would contain information regarding the parameters that would be used to quantify WWR dependence and to compute WWR JTD requirements.

Basis Risk Requirements

The Parameters Procedures would discuss how the Clearing House's Risk Department maintains and monitors hypothetical portfolios representing basis trades between cleared index and single-name instruments. Basis risk is calibrated by comparing the P/Ls of such portfolios to estimated IM requirements, excluding any concentration charges.

Interest Rate Sensitivity Requirements

The Parameters Procedures would contain information on the estimation and the review of the parameters that serve as inputs to the IR sensitivity component of the risk model. The IR sensitivity component accounts for the risk associated with changes in the default-free discount term structure used to price CDS instruments. With respect to the IR sensitivity requirement parameters, the Parameters Procedures would specify how the risk department estimates the up and down parallel shifts for the US Dollar and Euro default-free discount term structures. The Parameters Procedures would direct ICE Clear Europe to estimate and review the IR sensitivity requirement parameters at least monthly.

Liquidity Charge

The Parameters Procedures would explain the process of setting and reviewing parameters for the liquidity charge component of the risk model. With respect to index instruments, the Parameters Procedures would address the determination of bid/offer parameters from the default spread width matrix and other assumptions about liquidation cost of an index portfolio, and address procedures for review of that matrix. The Parameters Procedures would also describe the parameters used in determining bid/offer widths for single names, including the use of price-based floor levels and spread-based volatility measures. The Parameters Procedures require the Clearing House to review the liquidity charge parameters at least monthly.

Concentration Charge

The Parameters Procedures would discuss the estimation and the review of the concentration charge parameters, including detailing how the Risk Department establishes series-specific or SN-specific concentration charge threshold levels for each index or SN Risk.

Factor (''RF''), and how the Risk Department estimates concentration charge growth rates that determine how quickly concentration charges increase with position size. The Parameters Procedures direct the Clearing House to estimate and review the concentration charge parameters at least monthly.

Sensitivity Analysis

The Parameters Procedures would detail the sensitivity analyses that the Clearing House performs to explore the sensitivity of the RM system's outputs to certain model core parameters that are calibrated on an ad-hoc basis and to alternative data analyses and parameter estimation techniques. The Parameters Procedures also provide for summary reports of relevant analyses to be provided to the Risk Oversight Department or other relevant groups.

Portfolio Benefits Parameters

The portfolio benefits parameters control portfolio benefits during the computation of the SR with the stress based VaR approach. The Parameters Procedures would describe the methods for monitoring the benefits and performing sensitivity analysis of potential parameter changes that would reduce benefits.

Dependence Structure Shifts

The Parameters Procedures also address sensitivity analysis of portfolio benefits implemented during the computation of the SR under the MC simulation approach, based on different dependence structures. The approach is intended to guide the Risk Department in situations where back-testing results indicate excessive portfolio benefits.

SWWR Threshold Shift

The Parameters Procedures would address sensitivity analysis with respect to model parameters that control the permitted level of index derived SWWR, to provide guidance to the Risk Department in situations when a decision to fully collateralize SWWR is made upon a consultation with the Model Oversight Committee and the Product Risk Committee.

GWWR Correlation Shifts

Sensitivity analysis also considers GWWR arising from Clearing Members exposed to Western European Sovereigns when the Kendall tau rank-order correlation between the Member and the Sovereign entity is above a threshold. The sensitivity analysis would be to provide guidance to the risk departments in situations when an increase of the dependence among members and sovereigns might lead to changes in risk requirements.

MAD Level Shifts

The Parameters Procedures would describe sensitivity analysis on MAD levels, which is performed by shifting all MAD estimates to their stress levels to provide information about the response of risk requirements to potential volatility shifts and to assess the viability of certain parameter-setting assumptions. This sensitivity analysis would be to provide guidance to the Risk Department about potential risk requirement changes in stress periods due to increase in volatility shifts.

EWMA Sensitivity Analysis

The Parameters Procedures would address sensitivity analysis relating to the setting of the exponentially weighted moving average (''EWMA'') decay rate (''EWMA factor''), which may affect the procyclicality of the model.

Statutory Basis

ICE Clear Europe believes that the amendments to the Documents and the adoption of the Parameters Procedures are consistent with the requirements of Section 17A of the Act [4] and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest.

The amendments to the Documents and the adoption of the Parameters Procedures are generally designed to enhance and clarify the descriptions of key ICE Clear Europe risk models and documentation used in determining CDS margin and GF requirements, particularly in the CDS Risk Policy, CDS Risk Model Description and CDS End-of-Day Pricing Policy. Although these changes are largely not intended to represent a change in Clearing House practices, they should enhance the clarity and ongoing monitoring and implementation of these policies. The amendments also make a number of changes to the CDS Stress Testing Policy, which are intended to add new stress scenarios relating to the COVID–19 pandemic, in light of experience in early 2020, and clarify more generally that certain extreme scenarios should not be limited to scenarios relating to the Lehman Brothers default. The amendments also adopt a new set of Parameters Procedures, which is

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78q–1(b)(3)(F).

intended to codify and formalize the Clearing House's approach to setting the key parameters used in the CDS risk model, conducting related sensitivity analyses of the impact of such parameters and reviewing such parameters on an ongoing basis. As such, the Parameters Procedures support ICE Clear Europe's ability to maintain sufficient margin requirements and enhance ICE Clear Europe's approach to identifying potential parameter changes that are appropriate to maintain the operation of the risk model and thereby ensure that the Clearing House continues to maintain sufficient financial resources to withstand defaults by Clearing Members. Therefore, the amendments to the Documents, and the adoption of the Parameters Procedures, will help ICE Clear Europe ensure that it maintains adequate financial resources to support its CDS operations, enhance the stability of the Clearing House and overall promote the prompt and accurate clearance and settlement of securities transactions and, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in ICE Clear Europe's custody or control or for which ICE Clear Europe is responsible, and the public interest in the sound operation of clearing agencies. Accordingly, the amendments are consistent with the requirements of Section 17A(b)(3)(F).[6]

For similar reasons, the amendments and the Parameters Procedures also are consistent with relevant requirements of Rule 17Ad–22. Rule 17Ad–22(e)(3)(i)[7] requires clearing agencies to maintain a sound risk management framework that identifies, measures, monitors and manages the range of risks that it faces. The various amendments throughout the Documents as well as the new Parameters Procedures document are all intended to clarify the operation of ICE Clear Europe's risk management systems and provide for enhanced stress testing. They provide greater clarity with respect to various risk management tools, ensure that COVID–19 and other extreme but plausible stress scenarios are accounted for and ensure current governance practices are clearly set out, all of which facilitate ICE Clear Europe's compliance with Rule 17Ad22(e)(3)(i).[8]

In addition, ICE Clear Europe believes that the adoption of the Parameters Procedures are consistent with the relevant requirements of Rule 17Ad–22(e)(4)(vi)(B),[9] which requires ICE Clear Europe to identify, measure, monitor and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by testing the sufficiency of its total financial resources available to meet the minimum financial resource requirements, including by conducting a comprehensive analysis of underlying parameters and assumptions on at least a monthly basis. The Parameters Procedures would also provide a clear framework for ICE Clear Europe to estimate and review the model core parameter settings and perform and review sensitivity analyses related to certain parameter settings on at least a monthly basis. The amendments to the CDS Stress Testing Policy will, as discussed above, enhance the stress testing of the Clearing House by incorporating a wider range of extreme scenarios (including those reflecting recent market events) in stress testing, which are reviewed on at least a monthly basis. Other amendments would clarify how the Clearing Risk Department would address a scenario or portfolio in the standard set of stress scenarios no longer being applicable, or being superseded by new scenarios or portfolios, where the Clearing Risk Department wishes to retire or modify the outdated scenario or portfolio or add a new scenario. The amendments serve to promote the soundness of the Clearing House's risk management model and system and ensure that the Clearing House possesses the ability to manage the risks associated with discharging its responsibilities, consistent with the requirements of Rule 17Ad–22(e)(4)(vi)(B).[10]

Rules 17Ad–22(e)(2)(i) and (v)[11] requires that clearing agencies provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. References to the roles of certain committees and departments with respect to reviews and approvals throughout the Documents have been updated to better reflect existing practice with respect to the roles of groups. Where appropriate, references to the MRGF, which sets out further governance details, have been added throughout the documents. The amendments provide additional clarity with respect to Clearing House governance and lines of responsibility consistent with Rules 17Ad–22(e)(2)(i) and (v).[12]

Rule 17Ad–22(e)(6)(iv)[13]requires that clearing agencies cover their credit exposures to participants by establishing a risk-based margin system that uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable. Amendments to the CDS Model Risk Description would more clearly state the procedures for determining relevant prices should input data not be available from back-up sources, further strengthening ICE Clear Europe's strategies to ensure it has access to reliable sources of timely price data in compliance with this requirement. The amendments would also provide further detail regarding the treatment of data collected and the backfilling of missing data. The amendments to the CDS Risk Policy would also strengthen the quality of intraday prices through enhanced intraday monitoring through additional comparisons of intraday prices with other ICE CDS clearing houses and third-party providers. Together, the amendments strengthen ICE Clear Europe's compliance with Rule 17Ad–22(e)(6)(iv).[14]

Rules 17Ad–22(e)(6)(i) to (iii)[15] require that clearing agencies establish a risk-based margin system that (i) considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market; (ii) marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily and includes the authority and operational capacity to make intraday margin calls in defined circumstances; and (iii) calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default. The proposed amendments would provide more detail regarding the IM methodology set out in the CDS Risk Policy, facilitating the maintenance of sufficient margin levels. The CDS Risk Policy amendments would also provide that in the event that ICE Clear Europe is accepting sizable positions through the weekly back-loading process in the context of margin calls, it will pre-collect IM and mark-to-market changes, instead of just IM, to further ensure sufficient margin collection. Amendments to the IM methodology in the CDS Risk Model Description would

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17 Ad–22(e)(3)(i).

[8] 17 CFR 240.17 Ad–22(e)(3)(i).

[9] 17 CFR 240.17Ad–22.

[10] 17 CFR 240.17Ad–22(e)(4)(vi)(B).

[11] 17 CFR 240.17 Ad–22(e)(2)(i) and (v).

[12] 17 CFR 240.17 Ad–22(e)(2)(i) and (v).

[13] 17 CFR 240.17Ad–22(e)(6)(iv).

[14] 17 CFR 240.17Ad–22(e)(6)(iv).

[15] 17 CFR 240.17Ad–22(e)(6)(i) to (iii).

also enhance various aspects of the related risk analysis and related calculations. Overall, these amendments strengthen ICE Clear Europe's margin system and compliance with Rules 17Ad–22(e)(6)(i) to (iii).[16]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The amendments to the Documents and the new Procedures apply to all CDS Contracts. In general, the amendments are intended to clarify the description of the CDS risk model, and not substantially change the practices of the Clearing House with respect to the calculation of CDS margin and GF requirements. As such, the amendments will apply to all CDS Clearing Members and are unlikely, in ICE Clear Europe's view, to materially affect the cost of clearing for CDS products or affect access to clearing for CDS products at ICE Clear Europe or the market for cleared services generally. Certain amendments to the CDS Stress Testing Framework would add new stress-testing scenarios in light of recent events, including COVID–19 related scenarios. To the extent such amendments may have any impact on margin levels, ICE Clear Europe believes such changes will be appropriate in furtherance of the risk management of the Clearing House in light of the market movements observed during the pandemic. Therefore, ICE Clear Europe does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule changes have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe with respect to the proposed rule changes.

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 within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–ICEEU–2021–006 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–ICEEU–2021–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2021–006 and should be submitted on or before March 29, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04678 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 240.17Ad–22(e)(6)(i) to (iii).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91241; File No. SR–NASDAQ–2021–010]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Enhance the End of Day Summary Message on Nasdaq Last Sale Plus

March 2, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to enhance the End of Day (''EOD'') summary message on Nasdaq Last Sale (''NLS'') Plus by replacing the current high, low and closing price of a security based on its trading on the Nasdaq, Nasdaq BX and Nasdaq PSX exchanges with the high, low and closing price of a security published by the securities information processors (''SIPs''), and adding the opening price of a security as published by the SIPs to that message

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to enhance the EOD summary message on NLS Plus by replacing the current high, low and closing price of a security based on its trading on the Nasdaq, Nasdaq BX and Nasdaq PSX exchanges with the consolidated high, low and closing price as published by the SIPs, and adding the opening price of a security published by the SIPs to that message.[3]

This Proposal is in response to requests by firms using NLS Plus for a broader benchmark against which to compare trades on the Nasdaq exchanges. Specifically, approximately 30 firms have requested that Nasdaq distribute benchmark prices on NLS Plus to provide retail investors and the general investing public with a static benchmark against which to compare the price movements shown on NLS Plus using standard high, low, opening and closing prices for U.S. markets as a whole. In response to that feedback, and also partly in response to recent changes by competitor exchanges to their end of day messages,[4] Nasdaq proposes to enhance its EOD message for NLS Plus—which currently provides the high, low and closing price of a security based on its trading on Nasdaq affiliates—with a new EOD message that provides the high, low and closing price published by the SIPs, and add a new field with the opening price of a security as published by the SIPs.[5]

The Exchange proposes that this change become operative on April 12, 2021, to allow time to conduct customer testing in advance of the date of launch.

To ensure consistency across Nasdaq platforms, the Nasdaq BX and Nasdaq PSX exchanges will be filing companion proposals to reflect these changes in their respective rulebooks.

Nasdaq Last Sale Plus

NLS Plus is a comprehensive data feed that offers retail investors, the general investing public, and other customers access to the last sale products offered by Nasdaq,[6] Nasdaq BX and Nasdaq PSX, and the consolidated volume information published on the SIPs for Tapes A, B, and C, in a convenient format that includes both real-time and end of day information.[7] It is, in essence, a market data vendor product that consolidates information from multiple Nasdaq exchanges and the SIPs. This product directly competes against similar products offered by other exchanges, and faces potential competition from data vendors, which can obtain and distribute SIP data on the same terms as Nasdaq.[8]

At the close of each trading day, Nasdaq disseminates an EOD summary message on NLS Plus that includes the following information for all active Nasdaq- and non-Nasdaq-listed securities:

- *Nasdaq Price High:* The highest price reported for a last sale transaction on any Nasdaq venue for the issue symbol during the current trading day.
- *Nasdaq Price Low:* The lowest price reported for a last sale transaction on any Nasdaq venue for the issue symbol during the current trading day.
- *Nasdaq Price Closing:* For Nasdaq-listed securities, this is the Nasdaq Official Closing Price value, if available. For non-Nasdaq-listed securities, it is the final last sale eligible transaction reported by any Nasdaq venue for the issue during normal market hours.
- *Consolidated Volume:* Reflects the total volume for the issue reported at the consolidated market level.[9]

Proposal

The Exchange proposes to enhance the current EOD summary message by providing the open, high, low, close and volume of a security based on the consolidated data provided by the UTP and CTA/CQ plans for Tape A, B[10] and C[11] securities. This will require replacing the current high, low, and close on the Nasdaq exchanges with the following three fields:

- *Consolidated Price High:* The highest price of any high/low eligible transaction on Tapes A, B or C received on the trading day.
- *Consolidated Price Low:* The lowest price of any high/low eligible transaction on Tapes A, B or C received on the trading day.
- *Consolidated Price Close:* The final last sale eligible transaction on Tapes A, B or C received on the trading day.[12]

It will also require adding the following new field to the EOD summary message:

- *Consolidated Price Open:* The first last sale eligible transactions received on the trading day for Tapes A, B or C.

[3] The securities information processors issue consolidated trade information pursuant to the UTP Plan and the CTA/CQ Plan.

[4] *See* Securities Exchange Act Release No. 89083 (June 17, 2020), 85 FR 37706 (June 23, 2020) (SR–CboeEDGX–2020–029) (amending the content of the Cboe One Feed to identify the primary listing market's official opening and closing price); NYSE Best Quote and Trades Client Specification (March 30, 2020) (updated on January 31, 2020, to publish the listing market official opening and closing price in the Consolidated Stock Summary Messages) available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_BQT_Client_Specification_v2.3a.pdf.*

[5] The Proposal also clarifies the description of the information provided in NLS Plus. It removes an unnecessary sentence at the end of the description of NLS Plus stating that volume information reflects trading activity in Tape A and B Securities, and replaces it with an earlier reference to Tape A and B securities that provides the same information. It also separates the description of the end of day trade summary into two sentences for greater clarity: the first sentence lists the data provided by the Nasdaq equity exchanges, and the second sentence identifies the consolidated information obtained from Tapes A, B and C. The phrases ''as well as consolidated volume of,'' and ''Cumulative Consolidated Market Volume'' are deleted to remove repetitive language that might cause confusion.

[6] Nasdaq Last Sale is comprised of two proprietary data feeds containing real-time last sale information for trades executed on Nasdaq or reported to the FINRA/Nasdaq Trade Reporting Facility. ''Nasdaq Last Sale for Nasdaq'' contains all such transaction reports for Nasdaq-listed stocks, and ''Nasdaq Last Sale for NYSE/NYSE American'' contains all such transaction reports for NYSE-listed stocks and stocks listed on NYSE American and other Tape B listing venues. *See* Equity 7, Section 139(a).

[7] The full list of NLS components is as follows: Trade Price, Trade Size, Sale Condition Modifiers, Cumulative Consolidated Market Volume for Tape A, B, and C securities, End of Day Trade Summary, Adjusted Closing Price, IPO Information, Bloomberg ID, and pertinent regulatory Information (such as Market Wide Circuit Breaker, Reg SHO Short Sale Price Test Restricted Indicator, Trading Action, and Symbol Directory). *See* Equity 7, Section 139(e).

[8] *See* Securities Exchange Act Release No. 74972 (May 15, 2015), 80 FR 29370 (May 21, 2015) (SR–Nasdaq–2015–055) (explaining that, in distributing NLS Plus, the role of Nasdaq ''is analogous to that of other market data vendors . . . . [and] performs precisely the same functions as Bloomberg, Thomson Reuters, and dozens of other market data vendors.'').

[9] *See* NLS Plus Version 3.0 Technical Specifications, Section 5.8.5 (End of Day Trading Summary) at 29, available at *http://www.nasdaqtrader.com/content/technicalsupport/specifications/dataproducts/NLSPlusSpecification3.0.pdf.*

[10] Tape A and Tape B securities are disseminated pursuant to the Security Industry Automation Corporation's (SIAC's) Consolidated Tape Association Plan/Consolidated Quotation System (''CTA/CQS'' or ''CTA'').

[11] Tape C securities are disseminated pursuant to the NASDAQ Unlisted Trading Privileges (''UTP'') Plan.

[12] If there are no trades or no qualifying trades for a specific issue, all relevant fields for the EOD summary message will be left blank.

The Consolidated Volume field will not change.

The above data will be available to users of the NLS Plus feed on a delayed basis, 15 minutes after the real-time dissemination of the above data points on the UTP and CTA/CQ data feeds for that day. The Exchange is not proposing any change to NLS Plus fees as a result of this modification.

Discussion

The NLS Plus data feed, designed for distribution to the general investing public,[13] is purchased by broker-dealers for dissemination to retail investors in the context of the brokerage relationship and financial media websites for the general investing public, among others. Approximately 30 firms that purchase or may purchase NLS Plus have requested that Nasdaq upgrade the EOD summary information to help investors place trades on the Nasdaq exchanges in the context of U.S. markets as a whole, rather than just the Nasdaq exchanges. Specifically, these firms requested that Nasdaq use benchmark prices for the high, low, opening and closing price of a security as published by the securities information processors to help investors understand price movements on the Nasdaq exchanges.

This suggestion by Nasdaq's customers is comparable to changes in the end of day messages undertaken recently by two of Nasdaq's chief competitors, Cboe and NYSE, in their top-of-book data feeds. In 2020, both amended their end of day messages to identify the primary listing market's official opening and closing price after a 15-minute delay, which, similar to the proposal by Nasdaq's customers, establish an external benchmark against which to evaluate exchange data.[14]

In light of customer requests and changing industry standards, Nasdaq has determined that the requested change to the EOD summary message is in the best interest of our customers. The end of day data published by the securities information processors provides useful information on the state of the U.S. market as a whole, and including it on the NLS Plus feed will enhance investor understanding of the proprietary data distributed by the exchange.[15] The proposal will also provide consumers with greater choice by offering an alternative to other EOD summaries offered in the market. Nasdaq therefore proposes to modify its EOD summary message to provide the Open, High, Low, Close and Volume of a security based on the consolidated data provided by the SIPs. This EOD message will be based on data obtained from the securities information processors, and will be distributed by Nasdaq as a vendor of SIP data, and will be subject to competition from all distributors of SIP data.

The proposed change to the EOD summary message is not targeted at, or expected to be limited in its applicability to, any particular segment of market participants, and no segment of retail investors, the general investing public, or other any other market participant is expected to benefit more than any other.[16]

The Exchange expects that the new EOD message will be attractive to potential customers, and, based on conversations with potential customers and our overall familiarity with the market, Nasdaq expects between approximately 10 and 20 additional customers for NLS Plus as a result of the proposed change.[17]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[18] in general, and furthers the objectives of Section 6(b)(5) of the Act,[19] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In 2015, the Commission found the creation of the NLS Plus data feed to be ''consistent with section 6(b)(5) of the Act, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest . . . .'' [20] The NLS Plus Approval Order noted that NLS Plus disseminated an End of Day Trade Summary among other messages,[21] and consolidated volume information obtained from the UTP and CTA Plans.[22] As NLS Plus and the current

[13] *See* Securities Exchange Act Release No. 82723 (February 15, 2018), 83 FR 7812 (February 22, 2018) (SR–NASDAQ–2018–010) (quoting SR–NASDAQ–2006–060 (Amendment No. 2, June 10, 2008), at 3 (explaining that NLS was designed to enable market-data ''distributors to provide free access to the data to millions of individual investors via the internet and television'' and was expected to ''increase the availability of NASDAQ proprietary market data to individual investors.''); *see also* SR–NASDAQ–2006–060 (Amendment No. 2, June 10, 2008) (available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2006/SR-NASDAQ-2006-060_Amendment_2.pdf*); Securities Exchange Act Release No. 57965 (June 16, 2008), 73 FR 35178 (June 20, 2008) (SR–NASDAQ–2006–060) (approving SR–NASDAQ–2006–060, as amended by Amendment Nos. 1 and 2, to implement NLS on a pilot basis). NLS Plus is a combination of NLS feeds from the Nasdaq equity exchanges. Like these underlying feeds, it is mainly designed for the use of the general investing public.

[14] *See* Securities Exchange Act Release No. 89083 (June 17, 2020), 85 FR 37706 (June 23, 2020) (SR–CboeEDGX–2020–029) (amending the content of the Cboe One Feed to identify the primary listing market's official opening and closing price after a 15 minute delay, effective July 10, 2020); NYSE Best Quote and Trades Client Specification, Version 2.3a (March 30, 2020) available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_BQT_Client_Specification_v2.3a.pdf* (updated on January 31, 2020, to publish the listing market official opening and closing price in the Consolidated Stock Summary Messages).

[15] Any customer that requires access to the high, low, and closing price of a security on the Nasdaq equity exchanges alone, and not the U.S. markets as a whole, would continue to have access to that information on the real-time NLS Plus data feed.

[16] Although this is not a fee filing, the Exchange is addressing this question to provide as complete as possible an evaluation of the proposed change. *See* Division of Trading and Markets, U.S. Securities and Exchange Commission, ''Staff Guidance on SRO Filings Related to Fees'' (May 21, 2019) (''Staff Guidance''), available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (indicating that the discussion of purpose should indicate ''whether the relevant product or service, including the corresponding proposed fee or fee change, is targeted at—or expected to be limited in its applicability to—a specific segment(s) of market participants (and if so, the related details)))''.

[17] *See id.* (requesting that the discussion of purpose address ''the projected number of purchasers (including members, as well as non-members) of any new or modified product or service and the expected number of purchasers likely to be subject to a new fee or pricing tier, including members and non-members . . .'').

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *See* Securities Exchange Act Release No. 75257 (June 22, 2015), 80 FR 36862, 36864 (June 26, 2015) (SR–Nasdaq–2015–055) (''NLS Plus Approval Order'').

[21] *See id.* at 36863. (''In addition to last sale information, NLS Plus also disseminates the following data elements: Trade Price, Trade Size, Sale Condition Modifiers, Cumulative Consolidated Market Volume, End of Day Trade Summary, Adjusted Closing Price, IPO Information, and Bloomberg ID (together the ''data elements''). NLS Plus also features and disseminates the following messages: Market Wide Circuit Breaker, Reg SHO Short Sale Price Test Restricted Indicator, Trading Action, Symbol Directory, Adjusted Closing Price, and End of Day Trade Summary (together the ''messages'').'').

[22] *See id.* at 36863. (''Consolidated volume reflects the consolidated volume at the time that the NLS Plus trade message is generated, and includes the volume for the issue symbol as reported on the consolidated market data feed. The consolidated volume is based on the real-time trades reported via the UTP Trade Data Feed (''UTDF'') and delayed trades reported via CTA. NASDAQ OMX calculates the real-time trading volume for its trading venues, and then adds the real-time trading volume for the other (non-NASDAQ OMX) trading venues as reported via the UTDF data feed. For non-NASDAQ-listed issues, the consolidated volume is

Continued

end of day messages and volume information have already been shown to be consistent with Section 6(b) of the Act, this analysis therefore focuses on the consistency of the proposal to enhance the EOD summary message with data on the open, high, low and closing price of a security published by the SIPs.

NLS Plus competes with the substitute top-of-book proprietary data products offered by other exchanges, including the NYSE BQT feed, which disseminates top-of-book information from the NYSE, NYSE American, NYSE Arca, NYSE National, and NYSE Chicago exchanges,[23] and the Cboe One Summary Feed, which disseminates data from the BZX Exchange, BYX Exchange, EDGX Exchange and EDGA Exchange.[24] NLS Plus also competes with the offerings of data vendors that distribute the proprietary data feeds of Nasdaq and other exchanges. Of particular importance here, Nasdaq obtains data from the SIPs on the same terms as any data vendor, and Nasdaq has no latency, cost, or other advantage in the distribution of end of day SIP data as proposed herein. Retail customers are potentially able to obtain such information from any distributor of SIP data.

This Proposal reflects the competitive nature of these markets. As noted above, both NYSE and Cboe expanded their end of day summary messages in 2020 to identify the primary listing market's official opening and closing price after a 15-minute delay.[25] Nasdaq's change to the EOD summary message is, in part, a competitive response to the data feed changes introduced by these two competitors. The Proposal also promotes competition by providing investors with an additional option for receiving consolidated EOD security data.

Moreover, as explained above, the Proposal will enhance investor understanding of the proprietary data distributed by the Exchange by providing a benchmark against which to compare such changes.

Competition with other exchanges in the sale of top-of-book products, coupled with potential competition from vendors in the distribution of proprietary and consolidated data feeds, and the likelihood that the Proposal will enhance investor understanding of securities markets and promote consumer choice, all provide a substantial basis for finding that the Proposal promotes just and equitable principles of trade, removes impediments to and perfect the mechanism of a free and open market and a national market system, and protects investors and the public interest.

The Proposal is not unfairly discriminatory. As noted previously, the NLS Plus data feed was found to be non-discriminatory and otherwise consistent with the Act in 2015.[26] The only change here is to enhance the EOD summary message with data on the open, high, low and closing price of a security published by the SIPs. As explained above, the proposed change to the EOD summary message is not targeted at, or expected to be limited in its applicability to, any particular segment of market participants, and no segment of retail investors, the general investing public, or any other market participant is expected to benefit more than any other. The proposed EOD summary message will be available to all NLS Plus purchasers, without differentiation of any kind, and is therefore not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Proposal, which adds the high, low, opening and closing price of a security as published by the SIP to the NLS Plus EOD message, will place no burden on intermarket competition (the competition among SROs). As explained above, NLS Plus already competes directly against the NYSE BQT feed and the Cboe One Summary Feed, and is subject to potential competition from market data vendors. In the particular context of distributing the proposed EOD message, the Exchange is in direct competition with any vendor of SIP information, and any vendor not currently distributing SIP data would be able to do so by obtaining such information from the SIPs and adding that information to their market data products. Rather than place a burden competition, the Proposal will enhance competition by providing consumers with greater choice through an alternative EOD summary not currently offered by NYSE or Cboe.

Intramarket Competition

The Proposal will not cause any unnecessary or inappropriate burden on intramarket competition (competition among exchange customers). As explained above, the Proposal is not targeted at, or expected to be limited in its applicability to, any particular segment of market participants, and no segment of retail investors, the general investing public, or any other market participant is expected to benefit more than any other. As such, the Proposal does not place any category of market participant at a relative disadvantage compared to any other market participant, and therefore will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

based on trades reported via SIAC's Consolidated Tape System (''CTS'') for the issue symbol. The Exchange calculates the real-time trading volume for its trading venues, and then adds the 15-minute delayed trading volume for the other (non-NASDAQ OMX) trading venues as reported via the CTS data feed.'').

[23] *See* Securities Exchange Act Release No. 87803 (December 19, 2019), 84 FR 71505 (December 27, 2019) (SR–NYSE–2019–70) (explaining that the NYSE BQT market data product competes ''head to head with the Nasdaq Basic and Cboe One Feed market data products.'').

[24] *See https://markets.cboe.com/us/equities/market_data_services/#:~:text=Cboe%20Top%20is%20a%20real,time%20on%20a%20Cboe%20book.&text=It%20is%20a%20real%2Dtime,time%20on%20a%20Cboe%20book.* We note that Cboe recently proposed a fee reduction for top-of-book data as well. *See* Securities Exchange Act Release No. 86670 (August 14, 2019), 84 FR 43207 (August 20, 2019) (SR–CboeBYX–2019–012).

[25] *See* Securities Exchange Act Release No. 89083 (June 17, 2020), 85 FR 37706 (June 23, 2020) (SR–CboeEDGX–2020–029) (amending the content of the Cboe One Feed to identify the primary listing market's official opening and closing price, effective July 10, 2020); NYSE Best Quote and Trades Client Specification, Version 2.3a (March 30, 2020), available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_BQT_Client_Specification_v2.3a.pdf* (updated on January 31, 2020, to publish the listing market official opening and closing price in the Consolidated Stock Summary Messages).

[26] *See* Securities Exchange Act Release No. 75257 (June 22, 2015), 80 FR 36862, 36864 (June 26, 2015) (SR–Nasdaq–2015–055) (''NLS Plus Approval Order'').

19(b)(3)(A) of the Act[27] and Rule 19b–4(f)(6) thereunder.[28]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–010 and should be submitted on or before March 29, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

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[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0346, File No. 270–305]

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 34b–1.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) 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 34b–1 under the Investment Company Act (17 CFR 270.34b–1) governs sales material that accompanies or follows the delivery of a statutory prospectus (''sales literature''). Rule 34b–1 deems to be materially misleading any investment company (''fund'') sales literature required to be filed with the Securities and Exchange Commission (''Commission'') by Section 24(b) of the Investment Company Act (15 U.S.C. 80a–24(b)) that includes performance data, unless the sales literature also includes the appropriate uniformly computed data and the legend disclosure required in investment company advertisements by rule 482 under the Securities Act of 1933 (17 CFR 230.482). Requiring the inclusion of such standardized performance data in sales literature is designed to prevent misleading performance claims by funds and to enable investors to make meaningful comparisons among funds.

The Commission estimates that on average approximately 351 respondents file 7,362[1] responses that include the information required by rule 34b–1 each year. The burden resulting from the collection of information requirements of rule 34b–1 is estimated to be 6 hours per response. The total hourly burden for rule 34b–1 is approximately 46,278 hours per year in the aggregate.[2]

The collection of information under rule 34b–1 is mandatory. The information provided under rule 34b–1 is not kept confidential. The Commission 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proposed performance of the functions of the agency, including whether information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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.

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.*

[1] The estimated number of responses to rule 34b–1 is composed of 7,362 responses filed with FINRA and 351 responses filed with the Commission in 2019.

[2] 7,713 responses × 6 hours per response = 46,278 hours.

Dated: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04662 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–135, OMB Control No. 3235–0176]

Submission for OMB Review; 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:
Rules 8b–1 to 8b–33

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rules 8b–1 to 8b–33 (17 CFR 270.8b–1 to 8b–33) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') set forth the procedures for preparing and filing a registration statement under the Investment Company Act. These procedures are intended to facilitate the registration process. These rules generally do not require respondents to report information.[1]

The Commission believes that it is appropriate to estimate the total respondent burden associated with preparing each registration statement form rather than attempt to isolate the impact of the procedural instructions under Section 8(b) of the Investment Company Act, which impose burdens only in the context of the preparation of the various registration statement forms. Accordingly, the Commission is not submitting a separate burden estimate for rules 8b–1 through 8b–33, but instead will include the burden for these rules in its estimates of burden for each of the registration forms under the Investment Company Act. The Commission is, however, submitting an hourly burden estimate of one hour for administrative purposes.

The collection of information under rules 8b–1 to 8b–33 is mandatory. The information provided under rules 8b–1 to 8b–33 is not 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 OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04661 Filed 3–5–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–418, OMB Control No. 3235–0485]

Submission for OMB Review; 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 15c2–1.

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c2–1, (17 CFR 240.15c2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15c2–1 (17 CFR 240.15c2–1) prohibits the commingling under the same lien of securities of margin customers (a) with other customers without their written consent and (b) with the broker-dealer. The rule also prohibits the re-hypothecation of customers' margin securities for a sum in excess of the customer's aggregate indebtedness. Pursuant to Rule 15c2–1, respondents must collect information necessary to prevent the re-hypothecation of customer securities in contravention of the rule, issue and retain copies of notices of hypothecation of customer securities in accordance with the rule, and collect written consents from customers in accordance with the rule. The information is necessary to ensure compliance with the rule and to advise customers of the rule's protections.

There are approximately 48 respondents (*i.e.,* broker-dealers that conducted business with the public, filed Part II or Part IICSE of the FOCUS Report, did not claim an exemption from the Rule 15c3–3 reserve formula computation, and reported that they had a bank loan during at least one quarter of the current year) that require an aggregate total of approximately 1,080 hours to comply with the rule. Each of these approximately 48 registered broker-dealers makes an estimated 45 annual responses. Each response takes approximately 0.5 hours to complete. Thus, the total burden per year is approximately 1,080 hours.

The retention period for the recordkeeping requirement under Rule 15c2–1 is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring the respondent who fail to collect the information set by the Commission rule. This rule does not involve the collection of confidential information.

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.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

[1] Although the rules under Section 8(b) of the Investment Company Act are generally procedural in nature, two of the rules require respondents to disclose some limited information. Rule 8b–3 (17 CFR 270.8b–3) provides that whenever a registration form requires the title of securities to be stated, the registrant must indicate the type and general character of the securities to be issued. Rule 8b–22 (17 CFR 270.8b–22) provides that if the existence of control is open to reasonable doubt, the registrant may disclaim the existence of control, but it must state the material facts pertinent to the possible existence of control. The information required by both of these rules is necessary to insure that investors have clear and complete information upon which to base an investment decision.

notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 2, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04658 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91242; File No. SR–NYSE–2020–90]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Withdrawal of a Proposed Rule Change To Amend the Requirement Applicable to Special Purpose Acquisition Companies Upon Consummation of a Business Combination Concerning Compliance With the Round Lot Shareholder Requirement

March 2, 2021.

On October 27, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its listing requirements applicable to special purpose acquisition companies upon consummation of a business combination by allowing such companies 15 calendar days following the closing of a business combination to demonstrate compliance with the Exchange's round lot shareholder requirement.

The proposed rule change was published for comment in the **Federal Register** on November 16, 2020.[3] On December 21, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change to February 14, 2021.[5] On February 12, 2021, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On February 16, 2021, the Exchange withdrew the proposed rule change (SR–NYSE–2020–90).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04680 Filed 3–5–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90382 (November 9, 2020), 85 FR 73121 (''Notice''). Comment on the proposed rule change is located at: *https://www.sec.gov/comments/sr-nyse-2020-90/srnyse202090.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90739, 85 FR 85759 (December 29, 2020).

[6] *See* Securities Exchange Act Release No. 91120, 86 FR 10379 (February 19, 2021).

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2021–0003]

Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new (periodic) information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on September 28, 2020. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 7, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number (FHWA–2021–0003) by any of the following methods:

Website: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah Pascual 202–366–0087, *sarah.pascual@dot.gov;* Office of Safety, Federal Highway Administration, Department of Transportation, New Jersey Avenue SE, Washington, DC 20590–0001. Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Drug Offender's Driver's License Suspension Certification.

OMB Control #: 2125–0579.

Background: States are legally required to enact and enforce laws that revoke or suspend the drivers licenses of any individual convicted of a drug offense and to make annual certifications to the FHWA on their actions. The Department of Transportation's implementing regulations (23 CFR part 192) of 23 U.S.C. 159 require annual certifications by the Governors. In this regard, the State must submit by January 1 of each year either a written certification, signed by the Governor, stating that the State is in compliance with 23 U.S.C. 159; or a written certification stating that the Governor is opposed to the enactment or enforcement, and that the State legislature has adopted a resolution expressing its opposition to 23 U.S.C. 159.

Beginning in Fiscal Year 2012, States' failure to comply by October 1 of each fiscal year resulted in a withholding penalty of 8 percent from States' apportionments for the fiscal year. Any funds withheld from a State under 23 U.S.C. 159 shall not be available for apportionment to that State.

Respondents: 50 States and the District of Columbia and Puerto Rico.

Estimated Annual Burden Hours: Annual average of 5 hours for each respondent; 260 total annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 2, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021–04652 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in Philadelphia, Pennsylvania, and Los Angeles, California. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Micah M. Miller, Regional Counsel, Office of Chief Counsel, (404) 865–5474 or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project file for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.transit.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], Endangered Species Act [16 U.S.C. 1531], Clean Water Act [33 U.S.C. 1251], the Uniform Relocation and Real Property Acquisition Policies Act [42 U.S.C. 4601], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice follow:

1. Project name and location: King of Prussia Rail Extension Project, Upper Merion Township, Montgomery County and Upper Darby Township, Delaware County, Pennsylvania. *Project Sponsor:* Southeastern Pennsylvania Transportation Authority, Philadelphia, Pennsylvania. *Project description:* The project will extend existing Norristown High Speed Line service to the King of Prussia-Valley Forge area of Upper Merion Township, Montgomery County, PA, by approximately 3.5 miles. The project consists of a new elevated double-track guideway and construction of associated facilities to support the project operations, including guideway crossover tracks, traction powered substations, communications equipment, stormwater management facilities, and landscaping. The project also involves construction of five new stations, including two new park-and-ride facilities in the vicinity of Valley Forge Casino resort and Henderson Road Station, in Montgomery and Delaware County, PA, and renovation of the existing 69th Street Transportation Center to accommodate the project. *Final agency action:* Section 4(f) use determination, dated January 08, 2021; executed Section 106 Memorandum of Agreement, dated November 25, 2020; King of Prussia Rail Extension Project Combined Final Environmental Impact Statement (FEIS)/Record of Decision (ROD), dated January 08, 2021. *Supporting Documentation:* King of Prussia Rail Extension Project Draft Environmental Impact Statement (DEIS), dated, October 3, 2017. The Combined FEIS/ROD and associated documents can be viewed and downloaded from: *https://www.kingofprussiarail.com/feis.*

2. Project name and location: East Fernando Valley Transit Corridor Project, Los Angeles County, California. *Project Sponsor:* Los Angeles County Metropolitan Transportation Authority (LACMTA). *Project description:* The East San Fernando Valley Transit Corridor Project consists of a 9.2 mile, at-grade light rail transit (LRT) system with 14 stations. Under the project, the LRT would be powered by electrified overhead lines and would travel 2.5 miles along the LACMTA-owned right-of-way used by the Antelope Valley Metrolink line and Union Pacific Railroad from the Sylmar/San Fernando Metrolink Station south to Van Nuys Boulevard. As the Project approaches Van Nuys Boulevard, it would transition to and operate in a median dedicated guideway in the median of Van Nuys Boulevard for approximately 6.7 miles south to the Metro G Line Van Nuys Station. Additionally, the project involves a construction of a Maintenance and Storage Facility (MSF) on the west side of Van Nuys Boulevard on approximately 25 acres, bounded by Keswick Street on the south, Raymer Street on the east and north, and the Pacoima Wash on the west. *Final agency actions:* Section 4(f) no use determination; Section 106 finding of no adverse effect with conditions, dated October 19, 2020; and East Fernando Valley Transit Corridor Project Record of Decision (ROD), dated January 29, 2021. *Supporting documentation:* East Fernando Valley Transit Corridor Project Final Environmental Impact Statement (FEIS), dated, September 21, 2020. The FEIS, ROD and associated documents can be viewed and downloaded from: *https://www.metro.net/projects/east-sfv/.*

Authority: 23 U.S.C. 139(l)(1).

Mark A. Ferroni,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2021–04700 Filed 3–5–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0017]

Agency Information Collection Activities; Notice and Request for Comments; Motorcycle Rider Segmentation Study

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for public comment on a proposed new collection of information.

SUMMARY: NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new collection of information. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes an Information Collection Request (ICR) on a motorcycle rider segmentation study for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before May 7, 2021.

ADDRESSES: You may submit comments identified by Docket Number NHTSA–2020–0017 through any of the following methods:

- *Electronic submissions:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility. M–30, U.S. Department of Transportation. 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery or Courier:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.
- *Fax:* (202) 493–2251.

Instructions: Each submission must include the agency name and the docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. Please see the Privacy heading below.

- *Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.dot.gov/privacy.html.*
- *Docket:* For access to the docket to read comments received, go to *http://www.regulations.gov* or the street address listed above. To be sure someone is there to help you, please call (202) 366–9322 before coming. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Kristin Rosenthal, Highway Safety Specialist, Safety Countermeasures Division, Office of Research and Program Development, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W44–213, Washington, DC 20590. Ms. Rosenthal's phone number is 202–366–8995, and her email address is *Kristin.Rosenthal@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320. 8(d)), an agency must ask for public comment on the following: (i) 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; (ii) 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; (iii) how to enhance the quality, utility, and clarity of the information to be collected; and (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comment on the following proposed collection of information for which the agency is seeking approval from OMB:

Title: Motorcycle Rider Segmentation Study

OMB Control Number/Type: New.

Form Number(s): NHTSA Form 1560, NHTSA Form 1561, NHTSA Form 1562, NHTSA Form 1563, NHTSA Form 1564, NHTSA Form 1565, NHTSA Form 1566, NHTSA Form 1565, and NHTSA Form 1568.

Type of Information Collection Request: New collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from date of approval.

Summary of the Collection of Information: Title 23, United States Code, Chapter 4, Section 403 gives the Secretary authorization to use funds appropriated to carry out this section to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; and human behavioral factors and their effect on highway and traffic safety, including impaired driving. NHTSA is seeking approval to collect information through web-based surveys and intercept surveys (data will be entered into an electronic tablet) from motorcycle riders (the person operating the motorcycle) and passengers (a person seated on, but not operating, the motorcycle) in five defined risk-taking segments (males who ride while impaired, males and females who ride without using personal protective equipment, males who speed when they ride, males who stopped riding for a period of time and are returning to riding, and females who are passengers on motorcycles). These five segments are identified in detail in Table 1.

TABLE 1—MOTORCYCLE SURVEY SEGMENTS

Segment	Type	Sex	Age	Bike	Target group	Survey focus
1	Solo Rider	Male	40 or older	Cruiser	Rides while impaired	Impaired Driving.
2	Solo Rider	Male and Female.	40 or older	Cruiser	Rides while impaired	Helmet & Personal Protective Equipment (PPE).

TABLE 1—MOTORCYCLE SURVEY SEGMENTS—Continued

Segment	Type	Sex	Age	Bike	Target group	Survey focus
3	Nonowner rider (*i.e.,* passenger).	Female	18 or older	Any type	Passenger of rider who is impaired or speeds, lack of PPE.	Impaired driving, female empowerment to make their own decisions.
4	Solo Rider	Male	40 or older	Any type	Returning rider	Risk assessment (*i.e.,* engine cylinder volume, exposure, retraining).
5	Solo Rider	Male	29 or younger	Sport	Regularly speeds in traffic	Risk assessment (*i.e.,* variable speed, PPE).

The purpose of this effort is to study these five segments of the motorcycle rider/passenger population to better understand each segment's unique safety challenges and risks and, ultimately, provide reliable information for NHTSA's development of a long-range intervention program. At a minimum, the envisioned long-range intervention program would include relevant messaging based on survey focus (messaging meant to reduce risks such as riding while impaired, speeding, lack of personal protective equipment and helmet use, lack of training, and unfamiliar motorcycle dynamics). For female passengers, messaging may involve empowerment to make their own decisions and encouragement to not get on a motorcycle with a rider who is impaired or undertakes risky behaviors. Additional risk factors may be described and addressed as a result of the research. The empirical results from this study are intended to promote data-driven decision-making regarding messaging and other safety program activities targeting the five motorcycle rider/passenger segments.

Information from riders will be collected from five States: California, Florida, Maryland, North Carolina, and Washington. NHTSA proposes to collect information from approximately 1,000 riders in each of the four rider-based segments (total of 4,000 respondents). In order to reach this sample size, NHTSA intends to distribute the surveys to up to 10,000 people per segment. Information will be collected for up to two segments per State, but no person will receive more than one survey. Information for the female-passenger segment will be collected during a yet-to-be-determined large motorcycle event, such as the Sturgis Motorcycle Rally in South Dakota or Bike Week in Daytona, Florida.

NHTSA will conduct a pilot of each survey with nine (9) representatives of each rider segment prior to conducting the actual survey. The pilot will be conducted in the same manner as the actual survey, with the same States participating. The pilot for the female passenger survey will be conducted at a smaller-scale motorcycle event.

Participants for the web-based survey will first receive a letter inviting them to complete the survey. Participants will receive a letter via the United States Postal Service (USPS) because DMV records are unlikely to have email addresses for everyone. The paper invitation will direct participants to a website to fill out the survey. The invitation will include the link to the survey (participants would have to type this into their browser), a QR code that the participant can scan to get to the online survey, and a PIN unique to each participant that they must enter when they go to the online survey. To reduce the handling of personally identifiable information (PII), each State DMV or licensing agency will handle the mailing of the survey invitation letter to motorcycle owners based on motorcycle registrations, age, citations related to the particular segment (*i.e.,* driving while impaired, speeding, or failure to wear a helmet), and gender specific to each segment. NHTSA will provide a memorandum of understanding with each State agency that will describe the process for distributing the survey information and the sharing of data. NHTSA has funding available to compensate each State for this effort.

For the female passenger intercept surveys, researchers will attend the selected event and ask female attendees if they would be willing to complete a survey for which they will be compensated. All surveys will be completed on a one-on-one basis with each respondent, with respondents entering their data in the survey via electronic device.

The surveys will begin with a set of screening questions to ensure the respondent fits within the corresponding segment being studied and will exclude participants who do not fit into the segment. All people who receive an invitation to the survey will receive a $1 noncontingent incentive, and those who complete the survey will receive a $25 gift card. At the end of the survey, the participant will receive a link to receive a TANGO Card,[1] which allows for electronic or hard-copy delivery, never expires, and has no fees associated with purchase or use. Participants can choose to select their digital gift cards from a catalog of retailers such as Walmart, Amazon, Starbucks, Target, restaurants, etc. Incentives can also be turned over to charitable organizations if desired by the participant.

Following the screening questions, the respondents will be given approximately 40–60 questions specific to the survey's associated segment. The questions will be a combination of multiple choice, fill in the blank, and Likert scale (a five-point scale that is used to allow the respondent to express how much they agree or disagree with a particular statement), and may include responding to sounds and/or images. The survey website will be developed to be Section 508 compliant. The survey will be hosted in a secure environment and will not collect any PII. Each respondent will enter his or her unique identifier, which will be used to ensure each respondent only responds once and will also enable the data to be tied to specific driver information such as impaired driving arrests, crashes, or failure to wear a helmet, where such data may be obtained.

This collection is solely reporting, and there are no record-keeping costs to the respondents. NHTSA will use the information to produce a technical report that presents the results of the study. The technical report will provide aggregate (summary) statistics and tables as well as the results of statistical analysis of the information, but it will not include any personal information. The technical report will be shared with State highway safety offices, motorcycle safety advocacy groups and organizations, local governments, and those who develop traffic safety communications that aim to reduce motorcycle-related crashes. The total estimated burden for recruiting

[1] *https://www.tangocard.com/.*

participants by the States (6,676 hours), for reading of the invitation by potential participants (1,400 hours), for pilot testing of all surveys (36 hours) and for 4,500 participants to complete the survey (3,542 hours) is 11,654 total hours.

Description of the Need for the Information and Proposed Use of the Information: NHTSA was established to reduce deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research for the development of traffic safety programs. While motorcycles account for less than one percent of vehicle miles traveled, in 2017 they accounted for 14 percent of all traffic fatalities.[2] Data about motorcyclists may suggest that they are a disproportionally risk-taking population. Twenty-nine percent of motorcyclists killed in collisions were operating without a valid driver's license, which is higher than the 13 percent for passenger car drivers. Thirty-two percent of all motorcyclist fatalities involved speeding, compared to 18 percent for passenger car drivers. Twenty-eight percent of motorcyclist fatalities had a blood alcohol concentration (BAC) at or above 0.08 g/dL; this number increased to 42 percent at night.

However, motorcyclists are not a homogeneous group, varying in their reasons for riding, the type of motorcycle they own or ride, the places and times they ride, the personal protective equipment they use, and their risk-taking behavior—all of which impact their safety and risk for certain collision outcomes. NHTSA has identified five segments of the riding population for which risk-taking can be better understood. A data-driven approach to assessing risk-taking will enable NHTSA to strategically and cost-effectively target interventions that can improve motorcyclist safety.

Affected Public: For segments 1, 2, 4, and 5, surveys will be sent only to people in the respective State DMV database who have a motorcycle endorsement, have received citations related to the particular segment (*i.e.,* driving while impaired, speeding, or failure to wear a helmet), have the specific type of motorcycle specific to the segment (*e.g.,* sport bike), are the defined sex for the segment, and fall within the age range for the segment. For Segment 3, participants will be females in attendance at a large-scale motorcycle event.

Estimated Number of Respondents: 4,545.

Participation in this study will be voluntary, and approximately 40,000 participants will be invited to take the four rider-segment surveys and approximately 2,000 participants will be recruited to take the female passenger intercept survey. It is estimated that 1,000 participants will complete the survey for each of the four rider segments (total of 4,000 participants) and 500 participants will complete the female passenger survey. In addition, 9 participants from each segment will be invited to take the pilot surveys, for a total of 45 pilot participants.

Frequency: This survey is a one-time information collection, and there will be no recurrence.

Estimated Total Burden Hours

Estimated Burden Hours for Participating States

The estimated time for States to send invitation letters to all possible respondents is 10 minutes per person. Therefore, multiplying the number of minutes per invitation by the number of invitations to send per segment and rounding, there are 2 hours spent per segment in the pilot (9 invitations × 10 min./60 = 1.5) and 1,667 hours per segment for the full survey (10,000 invitations × 10 min./60 = 1,666.7). The total rounded burden hours for all segments that involve sending an invitation (Segments 1, 2, 4, and 5) is 6,676 hours [8 hours for the pilot (2 hours × 4) and 6,668 hours for the full survey (1,667 hours × 4)]. Each segment will be divided across two States with each State sending surveys to no more than two segments. The total hours per segment for participating States are detailed in Table 2.

TABLE 2—ESTIMATED TOTAL BURDEN HOURS FOR PARTICIPATING STATES

Segment	Time to send invitation per letter (minutes)	Pilot survey		Full survey		All surveys (pilot & full)	
		Number of invitation letters	Burden hours per segment	Number of invitation letters	Burden hours per segment	Total burden hours per segment	Total burden hours per state *
1	10	9	2	10,000	1,667	1,669	835
2	10	9	2	10,000	1,667	1,669	835
3	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	10	9	2	10,000	1,667	1,669	835
5	10	9	2	10,000	1,667	1,669	835
Total		36	8	40,000	6,668	6,676	Max hours per State—1,670.

* Each State will send survey invitations to half of the sample size of a segment for up to two segments (*e.g.,* 5,000 participants in Segment 1 and 5,000 participants in Segment 2).

Estimated Total Labor Costs for Participating States

The labor cost associated with this collection of information for participating States is derived by (1) applying the appropriate average hourly labor rate published by the Bureau of Labor Statistics, (2) dividing by 0.619 (61.9%)[3] for state and local government workers, to obtain the total cost of compensation, and (3) multiplying by the estimated burden hours for each segment. To arrive at the cost per segment for each State, the total segment cost must be divided in half since survey invitations for each segment will be divided across two States, with each State sending surveys to no more than two segments. Labor costs associated with States to send invitation letters are estimated to be $28.09 per hour for ''Mail Clerks and Mail Machine Operators, Except Postal Service,''

[2] *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812785.*

[3] *See* Table 1. Employer Costs for Employee Compensation by ownership (June 2020), available at *https://www.bls.gov/news.release/ecec.t01.htm* (accessed November 23, 2020).

Occupation Code 43–9051, ($17.39[4] per hour ÷ 0.619). The estimated labor cost for participating States for each segment for the pilot is estimated to be $56.18 rounded to $56.00 ($28.09 × 2 hours) and the estimated labor cost for each segment for the full survey is estimated to be $46,826.03 rounded to $46,826 ($28.09 × 1,667 hours). Therefore, the estimated total rounded labor costs for participating States for all segments that involve sending an invitation (Segments 1, 2, 4, and 5) is $187,528 ($224 for the pilot ($56.00 × 4 = $224) and $187,304 for the full survey ($46,826 × 4 = $187,304)). Each State will receive an estimated $10,000 stipend from NHTSA for their assistance with mailing the surveys. The stipend funding has been included in the contract for conducting this survey and is not an additional cost for NHTSA. Additional benefits for a State DMV participation other than the stipend is it provides research that will inform future programs for motorcycle safety. This could lead to programs, resources and product development, and other items that promote motorcycle safety. The maximum estimated labor costs for the burden hours per State is $36,882, after the stipend provided by NHTSA. The burden costs for participating States are detailed in Table 3 below:

TABLE 3—ESTIMATED TOTAL LABOR COSTS PER SEGMENT FOR PARTICIPATING STATES

Segment	Average hourly labor cost	Pilot survey		Full survey		All surveys (pilot & full)	
		Burden hours per segment	Labor cost per segment	Burden hours per segment	Labor cost per segment	Total labor costs per segment	Total labor cost per state
1	$28.09	2	$56.00	1,667	$46,826.00	$46,882.00	$23,441.00
2	28.09	2	56.00	1,667	46,826.00	46,882.00	23,441.00
3	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	28.09	2	56.00	1,667	46,826.00	46,882.00	23,441.00
5	28.09	2	56.00	1,667	46,826.00	46,882.00	23,441.00
Totals		8	224.00	6,668	187,304.00	187,528.00	Max Cost Per State—$46,882 less $10,000 NHTSA stipend = $36,882.00.

Estimated Burden Hours for Survey Participants and Nonrespondents

The total burden hours for potential survey participants are derived by estimating the number of minutes each potential participant would spend on reading the survey invitation and multiplying by the number of potential participants. Approximately 40,000 potential participants will receive an invitation to take one of the four rider-segment surveys and approximately 2,000 potential participants will be recruited to take the female passenger intercept survey. NHTSA estimates that each potential participant will spend up to 2 minutes reading and reviewing the invitation; therefore, the total burden hours for recruiting participants is estimated to be 1,400 hours ((40,000 x 2/60) + (2,000 x 2/60)), as shown in Table 4.

TABLE 4—ESTIMATED RECRUITMENT BURDEN HOURS

Segment	Time to read invitation (minutes)	Number of potential participants	Total time per segment (hours)
Riders	2	40,000	1,333
Passengers	2	2,000	67
Total Est. Recruitment Burden Hours			1,400

For participants who decide to take the survey, each survey includes approximately 5 minutes for screening questions and between 30 and 50 minutes to take the survey. The estimated time for the pilot participants who take the survey is 36 hours and the estimated time for the full survey participants is 3,542 hours. Therefore, the total burden hours for the full survey for all segments is 3,578 hours (3,281 hours for riders and 297 hours for passengers). The burden hours for respondents are detailed in Table 5. Burden hours were estimated using 1 minute to read the introduction, 30 seconds per multiple choice question, and 1 minute per multiple answer question.

[4] *See* May 2019 National Occupational Employment and Wage Estimates by ownership, Federal, state, and local government including the U.S. Postal Service, available at *https://www.bls.gov/oes/current/999001.htm#43-0000* (accessed November 23, 2020).

TABLE 5—ESTIMATED BURDEN HOURS FOR RESPONDENTS

Segment	Estimated time to complete survey	Pilot survey		Full survey		Total est. burden hours per segment
		Number of respondents	Burden hours per segment	Number of respondents	Burden hours per segment	
1	40	9	6	1,000	667	673
2	50	9	8	1,000	833	841
3	35	9	5	500	292	297
4	55	9	9	1,000	917	926
5	50	9	8	1,000	833	841
Total	230	45	36	4,500	3,542	3,578

Therefore, the total burden hours for survey participants and nonrespondents for the pilot and full survey for all segments is 4,978 hours (1,400 hours for recruitment and 3,578 hours for respondents).

Estimated Total Burden Hour Opportunity Costs for Survey Participants

The burden hour cost associated with this collection of information for respondents is derived by multiplying the appropriate average American wage published by the Bureau of Labor Statistics by the estimated burden hours for participants for each segment. The average American wage is estimated to be $29.81 per hour for ''all employees on private nonfarm payrolls.[5]'' The estimated opportunity cost for participants for each segment for the pilot and full survey is $106,660.00, detailed in Table 6.

TABLE 6—ESTIMATED OPPORTUNITY COSTS FOR RESPONDENTS

Segment	Average hourly wage	Pilot survey		Full survey		All surveys (pilot & full)
		Burden hours per segment	Opportunity cost per segment (rounded)	Burden hours per segment	Opportunity cost per segment (rounded)	Total opportunity cost per segment (rounded)
1	$29.81	6	$179.00	667	$19,883.00	$20,062.00
2	29.81	8	238.00	833	24,832.00	25,070.00
3	29.81	5	149.00	292	8,705.00	8,854.00
4	29.81	9	268.00	917	27,336.00	27,604.00
5	29.81	8	238.00	833	24,832.00	25,070.00
Totals		36	1,072.00	3,542	105,588.00	106,660.00

Total Estimated Burden Hours: The total estimated burden for recruiting participants by the States (6,676 hours), for reading of the invitation by potential participants (1,400 hours), for pilot testing of all surveys (36 hours) and for 4,500 participants to complete the survey (3,542 hours) is 11,654 total hours.

Total Estimated Burden Cost: Participation in this study is voluntary, and there are no actual costs to respondents beyond the time spent completing the questionnaires.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2021–04777 Filed 3–5–21; 8:45 am]

BILLING CODE 4910–59–P

[5] See Table B–3. Average hourly and weekly earnings of all employees on private nonfarm payrolls by industry sector, seasonally adjusted, available at *https://www.bls.gov/news.release/empsit.t19.htm* (accessed January 28, 2021).

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of a person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea M. Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action

On March 3, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Individual

1. ABOUZAID EL BAYEH, Juan Manuel (a.k.a. ''El Arabe''; a.k.a. ''El Escorpion''; a.k.a. ''El Hermano''; a.k.a. ''Nene''), Mexico; DOB 24 Oct 1972; POB Guadalajara, Jalisco, Mexico; nationality Mexico; Gender Male; R.F.C. AOEJ721024NM2 (Mexico); C.U.R.P. AOBJ721024HJCBYN07 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (''Kingpin Act''), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the CARTEL DE JALISCO NUEVA GENERACION [SDNTK].

Dated: March 3, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–04744 Filed 3–5–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for effective date(s).

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On February 25, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individual

1. AL ASIRI, Ahmad Hassan Mohammed (a.k.a. AL–ASIRI, Ahmed; a.k.a. AL–ASSIRI, Ahmed; a.k.a. ASSERI, Ahmed Hassan M.; a.k.a. ASSIRI, Ahmed), King Abdullah Rd., Ishbilyah, Riyadh, Saudi Arabia; DOB 15 Oct 1966; POB Tabok, Saudi Arabia; nationality Saudi Arabia; Gender Male; Passport D106103 (Saudi Arabia) expires 05 Oct 2021 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,'' 82 FR 60839, 3 CFR, 2018 Comp., p. 399, (E.O. 13818) for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.

Entity

1. RAPID INTERVENTION FORCE (a.k.a. FIRQAT EL–NEMR; a.k.a. SAUDI RAPID INTERVENTION GROUP; a.k.a. ''TIGER SQUAD''), Saudi Arabia; Organization Established Date 2015 [GLOMAG] (Linked To: AL–QAHTANI, Saud).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, AL–QAHTANI, Saud, a person whose property and interests in property are blocked pursuant to E.O. 13818.

Dated: February 25, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–04699 Filed 3–5–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Cemeteries and Memorials

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Cemeteries and Memorials (herein-after in this section referred to as ''the Committee'').

DATES: Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee. Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on March 31, 2021.

ADDRESSES: All nominations should be mailed to National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, (40A1), Washington, DC 20420, or faxed to (202) 273–6709.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hamilton, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, (40A1), Washington, DC 20420, telephone (202) 461–5681. A copy of Committee charter and list of the current membership can be obtained by contacting Ms. Hamilton or by accessing the website managed by NCA at: *http://www.cem.va.gov/cem/about/advisory_committee.asp.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include:

(1) Advising the Secretary on VA's administration of burial benefits and the selection of cemetery sites, the erection

of appropriate memorials, and the adequacy of Federal burial benefits;

(2) Providing to the Secretary and Congress periodic reports outlining recommendations, concerns, and observations on VA's delivery of these benefits and services to Veterans;

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing burial benefits and outreach on these benefits to Veterans and their dependents;

(4) Undertaking assignments to conduct research and assess existing burial and memorial programs; to examine potential revisions or expansion of burial and memorial programs and services; and to provide advice and recommendations to the Secretary based on this research.

Authority: The Committee is authorized by 38 U.S.C. 2401 to provide advice to the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits. The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

Membership Criteria and Qualification: NCA is requesting nominations for upcoming vacancies on the Committee. The Committee is composed of up to twelve members and several ex-officio members.

The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including but not limited to:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated service members;

(4) Officials from Government, non-Government organizations (NGOs) and industry partners in the provision of memorial benefits and services, and outreach information to VA beneficiaries.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications, including but not limited to prior military experience and military deployments, experience working with Veterans, and experience in large and complex organizations, and subject matter expertise in the areas described above. We ask that nominations include information of this type so that VA can ensure diverse Committee membership.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating the willingness to serve as a member of the Committee;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae; and

(4) A summary of the nominee's experience and qualifications relative to the membership considerations described above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identify, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: March 3, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–04780 Filed 3–5–21; 8:45 am]

BILLING CODE 8320–01–P

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