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FEDERAL REGISTER

Vol. 86 Tuesday,
No. 44 March 9, 2021

Pages 13443–13622

OFFICE OF THE FEDERAL REGISTER

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0270; Product Identifier 2019–SW–018–AD; Amendment 39–21441; AD 2021–04–19]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Bell Textron Inc. (Bell) Model 205B helicopters. This AD was prompted by flight testing and fatigue analysis results. This AD requires reducing the life limit of certain tail rotor (T/R) blades and re-identifying them with a new part number (P/N). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 13, 2021.

ADDRESSES: For service information identified in this final rule contact, Bell Textron Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817–280–3391; fax 817–280–6466; or at *https://www.bellcustomer.com.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. Docket No. FAA–2020–0270.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0270; 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: Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; email *kuethe.harmon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 205B helicopters with a T/R blade P/N 212–010–750–009 or 212–010–750–105 installed. The NPRM published in the **Federal Register** on March 25, 2020 (85 FR 16916). Flight testing and fatigue analysis by Bell indicated that these part-numbered T/R blades sustain greater loads when installed on Bell Model 205B helicopters compared to their use on other model helicopters. In the NPRM, the FAA proposed to require, before further flight, reducing the life limit of each affected T/R blade from 5,000 hours time-in-service (TIS) to 2,500 hours TIS; re-identifying the T/R blade P/N on its data plate by vibro-etching to change the last three digits of the existing P/N; creating a component history card or equivalent record; and revising the Airworthiness Limitations section of the existing maintenance manual for your helicopter to annotate the new P/N and revised life limit. Finally, the NPRM proposed to prohibit installing any affected T/R blade that has not met the AD requirements.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 205B helicopters. The SNPRM published in the **Federal Register** on December 8, 2020 (85 FR 78977). The SNPRM was prompted by a comment received on the NPRM requesting that the applicability paragraph be updated to include newly identified T/R blade part numbers. The FAA determined the NPRM should be revised to include the additional part-numbered T/R blades and the re-identification and life limit requirements for those additional part-numbered T/R blades.

Since the FAA issued the NPRM, Bell Helicopter Textron Inc., has changed its name to Bell Textron Inc. This final rule reflects that change and updates the contact information to obtain service documentation.

Comments

The FAA received no comments on the SNPRM 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.

Related Service Information

The FAA reviewed Bell Helicopter Textron Alert Service Bulletin No. 205B–20–70, dated August 6, 2020, for Model 205B helicopters. This service information specifies reducing the life limit of T/R blade P/N 212–010–750–109, 212–010–750–111, 212–010–750–113, 212–010–750–117, 212–010–750–133, 212–010–750–135, 212–010–750–117FM, and 212–010–750–135FM to 2,500 hours time-in-service (TIS). This service information also specifies re-identifying certain T/R blade P/Ns by assigning a new dash number by vibro-etching a new P/N on the T/R blade data plate and annotating the historical record card.

The FAA also reviewed Bell Helicopter Textron Alert Service Bulletin No. 205B–98–27, dated June 1, 1998, for Model 205B helicopters. This service information specifies reducing the life limit of T/R blade P/N 212–010–750–009 and 212–010–750–105 to 2,500 hours TIS and assigning these T/R blades a new dash number by vibro-etching a new P/N on the T/R blade data plate and annotating the historical record card.

Costs of Compliance

The FAA estimates that this AD affects approximately 2 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.

Determining the total hours TIS of a T/R blade, re-identifying the P/N, and

updating the helicopter records takes about 1 work-hour for each T/R blade, for an estimated cost of $170 per helicopter and $340 for the U.S fleet.

Replacing a T/R blade takes about 8 work-hours and parts cost about $29,110 for an estimated cost of $29,790 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

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:

2021–04–19 Amendment 39–21441; Docket No. FAA–2020–0270; Product Identifier 2019–SW–018–AD.

(a) Effective Date

This airworthiness directive (AD) is effective April 13, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Inc. (Bell) Model 205B helicopters, certificated in any category, with a tail rotor (T/R) blade part number (P/N) 212–010–750–009, 212–010–750–105, 212–010–750–109, 212–010–750–111, 212–010–750–113, 212–010–750–117, 212–010–750–133, 212–010–750–135, 212–010–750–117FM, or 212–010–750–135FM installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by flight testing and fatigue analysis that indicates that these part-numbered T/R blades sustain greater loads when used on Bell Model 205B helicopters compared to their use on other model helicopters. The FAA is issuing this AD to prevent a T/R blade from remaining in service beyond its fatigue life, resulting in failure of the T/R blade and subsequent loss control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight:

(i) Determine the total hours time-in-service (TIS) of each T/R blade and remove from service each T/R blade that has accumulated 2,500 or more hours TIS. For each T/R blade that has accumulated less than 2,500 hours TIS, do the following:

(ii) Re-identify the P/N on the T/R blade data plate by vibro-etching to change the last three digits of the existing P/N as follows:

(A) For T/R blade P/N 212–010–750–009, re-identify the P/N as 212–010–750–111.

(B) For T/R blade P/N 212–010–750–105, re-identify the P/N as 212–010–750–109.

(C) For T/R blade P/N 212–010–750–113, re-identify the P/N as 212–010–750–117FM.

(D) For T/R blade P/N 212–010–750–133, re-identify the P/N as 212–010–750–135FM.

(iii) Create a component history card or equivalent record to reflect the change in P/N for each T/R blade, and establish a life limit of 2,500 hours TIS.

(iv) Revise the Airworthiness Limitations Section of the existing maintenance manual or the Instructions for Continued Airworthiness for your helicopter to establish a life limit of 2,500 hours TIS for each T/R blade P/N 212–010–750–109, P/N 212–010–750–111, P/N 212–010–750–117, P/N 212–010–750–135, P/N 212–010–750–117FM, and P/N 212–010–750–135FM.

(2) Thereafter, except as provided in paragraph (i), no alternative life limits may be approved for T/R blade P/N 212–010–750–009, P/N 212–010–750–105, P/N 212–010–750–113, or P/N 212–010–750–133.

(3) After the effective date of this AD, do not install a T/R blade P/N 212–010–750–009, P/N 212–010–750–105, P/N 212–010–750–113, or P/N 212–010–750–133 on any Model 205B helicopter unless the part number has been changed and the life limit reduced in accordance with this AD.

(4) After the effective date of this AD do not install a T/R blade P/N 212–010–750–109, P/N 212–010–750–111, P/N 212–010–750–117, P/N 212–010–750–135, P/N 212–010–750–117FM, or P/N 212–010–750–135FM, on any Model 205B helicopter unless the life limit has been reduced in accordance with this AD.

(h) Special Flight Permit

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ASW-190-COS@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 Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; email *Kuethe.harmon@faa.gov.*

(2) For service information identified in this AD, contact Bell Textron Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817–280–3391; fax 817–280–6466; or at *https://www.bellcustomer.com.* You may view service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Issued on February 25, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04503 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0136; Project Identifier AD–2021–00188–E; Amendment 39–21470; AD 2021–05–51]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 model turbofan engines. This AD was prompted by the in-flight failure of a 1st-stage low-pressure compressor (LPC) blade on a PW4077 model turbofan engine resulting in an engine fire during flight. This AD requires performing a thermal acoustic image (TAI) inspection for cracks in certain 1st-stage LPC blades and removal of those blades that fail inspection. The FAA previously sent an emergency AD to all known U.S. owners and operators of these engines and is now issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 24, 2021. Emergency AD 2021–05–51, issued on February 23, 2021, which contained the requirements of this amendment, was effective with actual notice.

The FAA must receive comments on this AD by April 23, 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 final rule, contact Pratt & Whitney Division, 400 Main Street, East Hartford, CT 06118; phone: (860) 565–0140; email: *help24@pw.utc.com;* website: *https://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. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0136.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0136; 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 street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Carol Nguyen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7655; fax: (781) 238–7199; email: *carol.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 23, 2021, the FAA issued Emergency AD 2021–05–51 (the emergency AD), which requires performing a TAI inspection for cracks in certain 1st-stage LPC blades and removal of those blades that fail inspection. The FAA sent the emergency AD to all known U.S. owners and operators of these engines. That action was prompted by the in-flight failure of a 1st-stage LPC blade on a PW4077 model turbofan engine resulting in an engine fire during flight. This condition, if not addressed, could result in 1st-stage LPC blade release, damage to the engine, and damage to the airplane.

FAA's Determination

The FAA is issuing this AD because the agency 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.

Related Service Information

The FAA reviewed Pratt & Whitney Alert Service Bulletin (ASB) PW4G–112–A72–268, Revision No. 7, dated September 6, 2018. The ASB describes procedures for performing TAI inspections of 1st-stage LPC blades.

AD Requirements

This AD requires performing a TAI inspection for cracks in certain 1st-stage LPC blades and removal of those blades that fail inspection.

Interim Action

The FAA considers this AD to be an interim action. The FAA anticipates that further AD action will follow.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) 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 providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that required the immediate adoption of Emergency AD 2021–05–51, issued on February 23, 2021, to all known U.S. owners and operators of these engines. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule. On February 20, 2021, a United Airlines Boeing Model 777–222 airplane, equipped with two PW4077 model turbofan engines, on a flight from Denver, Colorado to Honolulu, Hawaii, experienced a 1st-stage LPC blade failure on the number 2 engine. This engine failure resulted in the separation of the fan inlet and cowling from the airplane, an engine fire, and damage to the airplane. The airplane was forced to return to the airport of departure. The unsafe condition, caused by the failure of the 1st-stage LPC blade, could result in 1st-stage LPC blade release, damage to the engine, and damage to the airplane.

The FAA considers inspection and removal of those blades that fail inspection to be an urgent safety issue. Inspection of the 1st-stage LPC blade for cracks must be accomplished before further flight after the effective date of this AD. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the 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, for the same reasons the FAA found good cause to forego notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include the docket number FAA–2021–0136 and Project Identifier AD–2021–00188–E at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Carol Nguyen, 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.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 104 engines installed on 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
TAI of 1st-stage LPC blades	22 work-hours × $85 per hour = $1,870	$0	$1,870	$194,480

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the inspection. 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 1st-stage LPC blade	0 work-hours × $85 per hour = $0	$125,000	$125,000

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, 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:

2021–05–51 Pratt & Whitney Division: Amendment 39–21470; Docket No. FAA–2021–0136; Project Identifier AD–2021–00188–E.

(a) Effective Date

This airworthiness directive (AD) is effective without actual notice on March 24, 2021. Emergency AD 2021–05–51, issued on February 23, 2021, which contained the requirements of this amendment, was effective with actual notice.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 model turbofan engines, with a 1st-stage low-pressure compressor (LPC) blade, with part number 52A241, 55A801, 55A801–001, 55A901, 55A901–001, 56A201, 56A201–001, or 56A221, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by an in-flight failure of a 1st-stage LPC blade on a PW4077 model turbofan engine resulting in an engine fire during flight. The FAA is issuing this AD to prevent failure of the 1st-stage LPC blades. The unsafe condition, if not addressed, could result in 1st-stage LPC blade release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Before further flight, perform a thermal acoustic image (TAI) inspection of the 1st-stage LPC blades for cracks using a method approved by the FAA.

Note 1 to paragraph (g)(1): Vendors that have an FAA-approved TAI inspection are listed in the Vendor Services Section of Pratt & Whitney Alert Service Bulletin PW4G–112–A72–268, Revision No. 7, dated September 6, 2018.

(2) If any 1st-stage LPC blade fails the inspection required by paragraph (g)(1) of this AD, remove the blade from service and replace with a part eligible for installation before further flight.

(h) Definition

For the purpose of this AD, a ''part eligible for installation'' is a 1st-stage LPC blade that passed the inspection required by paragraph (g)(1) of this AD.

(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

For more information about this AD, contact Carol Nguyen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7655; fax: (781) 238–7199; email: *carol.nguyen@faa.gov.*

(k) Material Incorporated by Reference

None.

Issued on March 3, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04747 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0871; Airspace Docket No. 20–AGL–32]

RIN 2120–AA66

Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; Muskegon, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the final rule published in the **Federal Register** on January 21, 2021, amending the Class D and Class E airspace and revoking the Class E airspace designated as an extension to Class D and Class E surface areas at Muskegon County Airport, Muskegon, MI. The word ''Airport'' was inadvertently omitted from the Class E surface area airspace legal description for Muskegon County Airport.

DATES: Effective date 0901 UTC, April 22, 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.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (86 FR 6243; January 21, 2021) for FR Doc. 2021–01019 amending the Class D and Class E airspace and revoking the Class E airspace designated as an extension to Class D and Class E surface areas at Muskegon County Airport, Muskegon, MI. Subsequent to publication, the FAA identified that word ''Airport'' was inadvertently omitted from the Class E surface area airspace legal description for Muskegon County Airport. This action corrects that error.

Class E 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 subsequently published in the Order.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; Muskegon, MI, published in the **Federal Register** of January 21, 2021 (86 FR 6243), FR Doc. 2021–01019, is corrected as follows:

§ 71.1 [Amended]

■ On page 6244, column 2, line 22, amend to read, ''. . . County Airport. This . . .''

Issued in Fort Worth, Texas, on March 1, 2021.

Martin A. Skinner,

Acting Manager, Operations Support Group ATO Central Service Center

[FR Doc. 2021–04474 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0003; Airspace Docket No. 19–ACE–11]

RIN 2120–AA66

Amendment of VOR Federal Airways V–12, V–74, and V–516 in the Vicinity of Anthony, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, withdrawal.

SUMMARY: The FAA inadvertently published the same final action twice, on February 23, 2021, and again on March 1, 2021. FAA is withdrawing the second, duplicate publication.

DATES: Effective March 9, 2021, FR Doc. 2021–03879, published at 86 FR 11859 (March 1, 2021), is withdrawn.

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: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

FAA published FR Doc. 2021–02066, at 86 FR 10804, on February 23, 2021. It inadvertently re-published the same document as FR Doc. 2021–03879, at 86 FR 11859, on March 1, 2021. Therefore, FAA is withdrawing the second, duplicate document.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

■ Accordingly, pursuant to the authority delegated to me, the final rule published in the **Federal Register** on March 1, 2021 (86 FR 11859), FR Doc. 2021–03879 is hereby withdrawn.

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.

Issued in Washington, DC, on March 2, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–04618 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 401, 404, 413, 414, 415, 417, 420, 431, 433, 435, 437, 440, 450, and 460

[Docket No. FAA–2019–0229; Amdt. No(s). 401–9; 404–7, 413–12, 414–4, 415–7, 417–6, 420–9, 431–7, 433- 3, 435–5, 437–3, 440–5, 450–2, and 460–3]

RIN 2120–AL17

Streamlined Launch and Reentry License Requirements

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

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' the Department delays the effective date of the final rule, titled ''Streamlined Launch and Reentry License Requirements,'' until March 21, 2021.

DATES: As of March 9, 2021, the March 10, 2021 effective date of the final rule published on December 10, 2020, at 85 FR 79566, is delayed to March 21, 2021.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Randy Repcheck, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8760; email *Randy.Repcheck@faa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the ''Streamlined Launch and Reentry License Requirements'' notice of proposed rulemaking (NPRM) (84 FR 15296, April 15, 2019), all comments received, the final rule, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. A copy of this final rule will also be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *http://www.ofr.gov* and the Government Publishing Office's website at *http://www.gpo.gov.*

Background

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum titled, ''Regulatory Freeze Pending Review.'' The memorandum requested that the heads of executive departments and agencies (agencies) take steps to ensure that the President's appointees or designees have the opportunity to review any new or pending rules. With respect to rules published in the **Federal Register**, but not yet effective, the memorandum asked that agencies consider postponing the rules' effective dates for 60 days from the date of the memorandum (*i.e.,* March 21, 2021) for the purpose of reviewing any questions of fact, law, and policy the rules may raise.

In accordance with this direction, the FAA has decided to delay the March 10, 2021 effective date of the final rule, titled ''Streamlined Launch and Reentry License Requirements'' (RIN 2120–AL17), until March 21, 2021. This final rule will streamline and increase flexibility in the FAA's commercial space launch and reentry regulations, and remove obsolete requirements It will also consolidate and revise multiple regulatory parts and apply a single set of licensing and safety regulations across several types of operations and vehicles. Finally, the rule will describe the requirements to obtain a vehicle operator license, the safety requirements, and the terms and conditions of a vehicle operator license.

The delay in the rule's effective date will afford the President's appointees or designees an opportunity to review the rule and will allow for consideration of any questions of fact, law, or policy that the rule may raise before it becomes effective.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the FAA generally offers interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or

delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive both of these requirements here as they are impracticable. A delay in the effective date of the final rule, titled ''Streamlined Launch and Reentry License Requirements,'' is necessary for the President's appointees and designees to have adequate time to review the rule before it takes effect, and neither the notice and comment process nor the delayed effective date could be implemented in time to allow for this review.

Issued in Washington, DC, under the authority in 49 U.S.C. 106(f) and 51 U.S.C. Chapter 509, on February 22, 2021.

Steve Dickson,

Administrator.

[FR Doc. 2021–04068 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

31 CFR Part 35

[Docket No. TREAS–DO–2021–0004]

RIN 1505–AC76

Emergency Capital Investment Program—Restrictions on Executive Compensation, Share Buybacks, and Dividends

AGENCY: Department of the Treasury.

ACTION: Interim final rule and request for public comment.

SUMMARY: Section 104A of the Community Development Banking and Financial Institutions Act of 1994, which was added by the Consolidated Appropriations Act, 2021, establishes the Emergency Capital Investment Program to support capital investments in low- and moderate-income community financial institutions. The program is available to eligible minority depository institutions and community development financial institutions that are insured depository institutions, bank holding companies, savings and loan holding companies, or federally insured credit unions. Under Section 104A, the Secretary of the Treasury is required to issue rules setting restrictions on executive compensation, share buybacks, and dividend payments for recipients of capital investments under the program. This interim final rule establishes these restrictions.

DATES:

Effective date: This interim final rule is effective March 9, 2021.

Comment date: Comments must be received on or before April 8, 2021.

ADDRESSES: You may submit comments identified by number TREAS–DO–2021–0004 through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Treasury 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 *ECIPInquiries@Treasury.gov.* Highlight the information that you consider to be CBI and explain why you believe Treasury should hold this information as confidential. Treasury will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: For further information regarding this interim final rule contact Brian Donovan, Emergency Capital Investment Program, Treasury, at (202) 653–0371 or *Brian.Donovan2@treasury.gov,* or Eric Froman, Assistant General Counsel (Banking and Finance), Treasury, at (202) 622–1942 or *Eric.Froman@treasury.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background Information

On December 27, 2020, the Consolidated Appropriations Act, 2021 (Pub. L. 116–260), was signed into law. It added Section 104A of the Community Development Banking and Financial Institutions Act of 1994 (the Act) (12 U.S.C. 4701 *et seq.*), which was enacted as part of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103–325). Section 104A authorizes the Secretary of the Treasury to establish the Emergency Capital Investment Program (ECIP or Program) to make investments in low- and moderate-income community financial institutions. These investments are to support the efforts of low- and moderate-income community financial institutions to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, including persistent poverty counties, which may be disproportionately impacted by the economic effects of the COVID–19 pandemic.

Under Section 104A(h) of the Act, the Department of the Treasury (Treasury) must issue rules setting restrictions on executive compensation, share buybacks, and dividend payments for recipients of capital investments under ECIP. This rulemaking establishes those restrictions, which are described in section III below.

II. Comments and Immediate Effective Date

ECIP is intended to be used to make investments in low- and moderate-income community financial institutions expeditiously.[1] Section 104A(h) of the Act requires Treasury to issue rules no later than 30 days after the statute's effective date that set restrictions on executive compensation, share buybacks, and dividend payments for recipients of capital investments under ECIP. This legislative mandate, along with the dramatic and ongoing effects of the COVID–19 pandemic—the public health crisis, continuing closures of small businesses and minority-owned businesses, and heightened consumer unemployment, especially in low-income and underserved communities—provides good cause for Treasury to issue this interim final rule without advance notice and public comment and to dispense with the 30-day delayed effective date provided in the Administrative Procedure Act (5 U.S.C. 553). The immediate effective date of this interim final rule will benefit low- and moderate-income community financial institutions, as well as the communities served by such institutions, by allowing low- and moderate-income community financial institutions to expeditiously apply for capital investments with a full understanding of the executive compensation, share buyback, and dividend payment restrictions that will

[1] For example, section 104A(d)(1) of the Act requires Treasury to begin accepting applications for capital investments under ECIP within 30 days after enactment of the statute, and section 104A(h)(1) requires Treasury to issue rules setting restrictions on executive compensation, share buybacks, and dividend payments for ECIP recipients within 30 days after enactment of the statute.

apply to participants in the Program. Otherwise, potential recipients of capital investments under ECIP could decide not to participate in the Program or to delay their applications for a material period of time pending the establishment of these requirements, which would reduce or delay the provision of much-needed assistance to communities that have suffered economic impairment due to the COVID–19 pandemic. Although this interim final rule is effective immediately, comments are solicited from the public on all aspects of the interim final rule. Comments must be submitted on or before April 8, 2021. Treasury will consider these comments and the need for making any revisions as a result of these comments.

III. Interim Final Rule

A. Background on the ECIP

The purpose of ECIP is to support the efforts of low- and moderate-income community financial institutions to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, including persistent poverty counties, which may be disproportionately impacted by the economic effects of the COVID–19 pandemic.[2] To support these objectives, the Act makes up to $9 billion available to Treasury to make capital investments in minority depository institutions and community development financial institutions that are (1) insured depository institutions that are not controlled by eligible bank holding companies or eligible savings and loan holding companies, (2) bank holding companies, (3) savings and loan holding companies, or (4) federally insured credit unions. Certain additional eligibility criteria apply, including a requirement for applicants to provide Treasury with an investment and lending plan that provides certain specified information concerning the applicant's lending history and plans.[3]

A community development financial institution or minority depository institution that submits an application and is selected to participate in the Program (ECIP recipient) will receive a capital investment from Treasury.[4] [5] Consistent with statutory requirements, the investment by Treasury will take the form of preferred stock, except in cases where Treasury determines that an institution cannot feasibly issue preferred stock, Treasury may purchase subordinated debt instruments.[6] The statute sets forth certain economic terms of the capital investments under ECIP [7] and limitations on the amount of capital investments Treasury may purchase from individual institutions.[8] In addition, the statute prohibits institutions with certain types of conflicts of interest from participating in ECIP.[9] Treasury's authority to make new capital investments in ECIP will end six months after the date on which the national emergency concerning the COVID–19 outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) terminates.

B. Overview of the Interim Final Rule

This interim final rule establishes restrictions on executive compensation, share buybacks, and dividend payments, as required by the Act. In developing these restrictions, Treasury has considered two primary objectives. First, these restrictions should seek to promote the integrity of ECIP by ensuring that the funds provided under the Program are used to provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities. Second, the restrictions generally should seek to encourage a large number of minority depository institutions and community development financial institutions to participate in ECIP, because the Program will have the most beneficial impact on the intended communities if a broad range of institutions participate in the Program.

The restrictions under this interim final rule generally apply to an ECIP recipient during the ''ECIP period,'' defined as the period from the date the ECIP makes its investment until the earliest of (i) the date on which the ECIP recipient has fully redeemed or repaid the capital investment received under ECIP; (ii) the date on which the capital investment the ECIP recipient received under ECIP is no longer held, in full or in part, by Treasury or a Treasury affiliate, or a custodian, trustee, or agent acting on behalf of Treasury or a Treasury affiliate, and (iii) the date that is ten years after the ECIP investment date. The restrictions apply to the ECIP recipient on a consolidated basis. Treasury anticipates that the ECIP period will provide sufficient time to ensure that ECIP investments are deployed in a manner that supports the statutory objectives. Accordingly, the requirements of the interim final rule will cease to apply when the ECIP investment is no longer held by Treasury or an entity established by Treasury (Treasury affiliate).

1. Restrictions on Compensation

The restrictions on executive compensation under the interim final rule include (i) a requirement to ensure that the total compensation paid to senior executive officers is appropriate and not excessive; (ii) a restriction on severance pay for an ECIP recipient's senior executive officers if the ECIP recipient is in troubled condition; and (iii) a requirement to adopt policies and procedures prohibiting excessive or luxury expenditures (as defined below). Each of these compensation-related restrictions is intended to help ensure that the proceeds of ECIP investments have the effect intended by Section 104A of the Act and are not to fund excessive compensation for ECIP recipients' executives.

The restrictions on excess compensation apply to total compensation, which is defined as all compensation, other than any severance payment, provided by an ECIP recipient to an officer or employee, including salary, wages, bonuses, awards of stock, deferred compensation, and other financial benefits.

A ''senior executive officer'' means an ECIP recipient's president, any vice president in charge of a principal business unit division or function (such as sales, administration, or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions.

i. Policies and Procedures Prohibiting Excessive Compensation

Under the interim final rule, an ECIP recipient is required to ensure that the total compensation paid to its senior executive officers is appropriate and not excessive. Unless informed otherwise by Treasury, an ECIP recipient is considered to have satisfied the requirements regarding excessive executive compensation under the

[2] Section 104A(b)(2) of the Act.

[3] Sections 104A(d)(3)–(4), 104A(i) of the Act.

[4] An ECIP capital investment may be treated as equity or subordinated debt for accounting purposes depending on the type of instrument issued and the corporate form and regulatory classification of the ECIP participant.

[5] Currently, the only Federal credit unions that may accept these types of investments as secondary capital under the secondary capital rules of the National Credit Union Administration (NCUA) are those with a designation of low-income status. See 12 CFR 701.34(b). Credit unions that do not meet the low-income credit union designation may participate through the issuance of subordinated debt, but the subordinated debt would not be secondary capital.

[6] Section 104(d)(5)(B) of the Act.

[7] Sections 104A(d)(5)–(8) of the Act.

[8] Sections 104A(e), (f) of the Act.

[9] Section 104A(h) of the Act.

interim final rule if it maintains compliance with the guidelines or standards established by its primary Federal regulator that address excessive compensation, corporate practices, and operations. Specifically, ECIP recipients that are insured depository institutions are subject to the Interagency Guidelines Establishing Standards for Safety and Soundness as issued by the appropriate Federal banking agency for the particular ECIP recipient.[10] Bank holding companies and savings and loan holding companies are required to maintain compliance with corporate practice [11] and operations requirements [12] issued by the Board of Governors of the Federal Reserve System (Federal Reserve Board), and, under the interim final rule, to ensure their subsidiary insured depository institutions adopt and maintain policies and procedures that are consistent with the applicable guidelines or standards established by their primary Federal regulators that address excessive compensation. In addition, federally insured credit unions must maintain compliance with the requirements on compensation and benefits for federally insured credit unions as issued by the National Credit Union Administration (NCUA).[13] Treasury reserves the authority to take action as necessary to address potential anti-evasion concerns relating to the interim final rule's requirements for ECIP participants.

ii. Limit on Severance Pay

Under the interim final rule, an ECIP recipient is prohibited from making excessive severance payments to a senior executive officer. Severance pay is defined to include all types of cash payments, benefits, and other amounts paid or provided in connection with an individual's termination of employment, except for payment for services performed or benefits that were accrued prior to termination of employment or otherwise accrued with respect to services performed.

Unless informed otherwise by Treasury, an ECIP recipient that is an insured depository institution, bank holding company, or savings and loan holding company is considered to have satisfied the requirements regarding severance payments if it maintains compliance with the limits and prohibitions on the ability of insured depository institutions and their affiliated holding companies to enter into contracts to pay and to make golden parachute and indemnification payments to institution-affiliated parties, as issued by the FDIC.[14] The FDIC rules place restrictions on payments to institution-affiliated parties whenever an insured depository institution or depository institution holding company is in ''troubled condition,'' as determined by the appropriate Federal banking agency. An ECIP recipient that is not designated in troubled condition by the appropriate Federal banking agency during the ECIP period generally would not be subject to restrictions on severance payments under the interim final rule. Similarly, a federally insured credit union is considered to have satisfied the requirements regarding severance payments if it maintains compliance with the limits and prohibitions on the ability of federally insured credit unions to enter into contracts to pay and to make golden parachute and indemnification payments to institution-affiliated parties as issued by the NCUA.[15] This restriction is designed to align the requirements of the ECIP with existing standards applicable to ECIP recipients under regulations issued by Federal regulators.

iii. Limit on Excessive or Luxury Expenditures

Under the interim final rule, ECIP recipients are required to establish and maintain policies designed to eliminate excessive or luxury expenditures. The term ''excessive or luxury expenditures'' is defined as excessive expenditures on any of the following to the extent such expenditures are not reasonable expenditures for staff development, reasonable performance incentives, or other similar reasonable measures conducted in the normal course of the ECIP recipient's business operations: (1) Entertainment or events; (2) office and facility renovations; (3) aviation or other transportation services; (4) tax gross-ups (*i.e.,* reimbursement of taxes owed with respect to any compensation); and (5) other similar items, activities, or events for which the ECIP recipient may reasonably anticipate incurring expenses, or reimbursing an employee for incurring expenses. Capital investments, including investments in technology, equipment, and similar items that expand the long-term capability of an ECIP recipient to provide products and services to its customers and community are not excessive or luxury expenditures.

The interim final rule requires an ECIP recipient to adopt and maintain an ''excessive or luxury expenditures policy'' that sets forth written standards applicable to the ECIP recipient and its employees that address the five categories of expenses set forth in the definition of ''excessive or luxury expenditures'' and that are reasonably designed to eliminate excessive or luxury expenditures. The standards must (1) identify the types or categories of expenditures which are prohibited; (2) identify the types or categories of expenditures for which prior approval is required (which may include a threshold expenditure amount per item, activity, or event or a threshold expenditure amount per employee receiving the item or participating in the activity or event); (3) provide reasonable approval procedures for expenditures requiring prior approval; (4) require the ECIP recipient to deliver a certification, executed by two senior executive officers (one of which must be either the ECIP recipient's chief executive officer (or individual performing a similar function) (defined as the ''principal executive officer'') or its chief financial officer (or individual performing a similar function) (defined as the ''principal financial officer'') that the approval of any expenditure requiring the prior approval of any senior executive officer, any executive officer of a substantially similar level of responsibility, or the ECIP recipient's board of directors (or a committee of such board of directors) was properly obtained with respect to each such expenditure; (5) require the prompt internal reporting of violations to an appropriate person or persons identified in this policy; and (6) mandate accountability for adherence to the policy. The requirement to establish a policy regarding excessive or luxury expenditures is intended to promote the integrity of ECIP by ensuring that the funds provided under the Program are used to provide loans, grants, and forbearance, without restricting ECIP participants' discretion to establish policies and procedures that are tailored to meet the needs and business objectives of their respective organizations.

To facilitate compliance with this requirement, Treasury is making available to ECIP recipients a form of excessive or luxury expenditures policy in Appendix A to the interim final rule. An ECIP recipient may use this form to satisfy the requirement in the interim final rule to adopt and maintain an excessive or luxury expenditures policy.

[10] For national banks and Federal savings associations, 12 CFR part 30, Appendix A; state member banks, 12 CFR part 208, Appendix D–1; and insured state nonmember banks and state savings associations, 12 CFR part 364, Appendix A.

[11] 12 CFR 225.4.

[12] 12 CFR 238.8.

[13] 12 CFR 701.19(a); 12 CFR 701.21(c)(8); 12 CFR 702.203(b)(10); 12 CFR 702.204(b)(10).

[14] 12 CFR part 359.

[15] 12 CFR part 750.

Alternatively, an ECIP recipient may use other forms or existing policies relating to excessive or luxury expenditures, but such other forms or policies must satisfy all the requirements of the interim final rule.

iv. Material Changes to Policies or Procedures

An ECIP recipient must obtain prior approval from Treasury before making any material change to the policies or procedures that it maintains for purposes of compliance with the compensation, severance pay and excessive or luxury expenditures requirements described in the preceding discussion.[16] A change to such policies or procedures will be considered material if the change is likely to have a negative effect on the financial condition of the ECIP recipient, limit the ability of the ECIP recipient to make payments under the terms of an ECIP instrument, or otherwise impair the ECIP recipient's ability to meet its obligations to Treasury under the Program. An ECIP recipient would bear the initial responsibility for determining whether a change in policy or procedures is material; however, Treasury would retain the authority to take enforcement as appropriate (*i.e.,* an ECIP recipient should not revise its compensation policy to permit or pay excessive compensation if its cash is insufficient to pay dividends on ECIP instruments). A request by an ECIP recipient to make a material change to its compensation, severance pay, or excessive or luxury expenditures policies or procedures must be submitted to Treasury in writing at least 30 days prior to the effective date of the policy change. The notice will be deemed approved 30 days after the ECIP submits the notice to Treasury unless prior to the expiration of the 30-day period Treasury (i) objects to the proposed change or (ii) notifies the ECIP recipient that additional time is required in order to better evaluate the impact of the proposed change to policy or procedures.

Treasury specifically solicits comments from members of the public concerning the following issues:

Question #1: Are the restrictions on compensation sufficiently tailored to facilitate the ECIP Program objectives without discouraging participation in the program?

Question #2: Are there other reasonable alternatives to the Program's excessive or luxury expenditures policy requirement that would be as effective in ensuring that funds provided under the Program are used to provide loans, grants, and forbearance, without restricting ECIP participant discretion to establish policies and procedures that are tailored to meet the needs and business objectives of their respective organizations?

Question #3: What additional guidance or clarification regarding the compensation and expenditure restrictions would help facilitate compliance with these restrictions and ensure that the restrictions are working as intended?

2. Restrictions on Dividends, Share Buybacks, and Other Capital Distributions

The restrictions on dividends, share buybacks, and other capital distributions under the interim final rule include two components. The first is a prohibition on discretionary dividends, share buybacks and other capital distributions on non-senior securities if an ECIP recipient has not (i) for preferred stock issued to Treasury, paid in full the dividends for the last completed dividend period, or (ii) for instruments issued to Treasury other than in the form of preferred stock, such as subordinated debt, paid all amounts due and payable and all amounts previously deferred under the terms of the instruments. The second is a limit on dividends, share buybacks, and other capital distributions based on separate earnings-based tests for (i) insured depository institutions, bank holding companies and savings and loan holding companies, on the one hand, and (ii) federally insured credit unions, on the other.

However, the interim final rule provides an exception from these restrictions for ECIP recipients that are S corporations or other pass-through entities for purposes of the Internal Revenue Code of 1986. The interim final rule will permit S corporations and other pass-through entities to make capital distributions to the extent reasonably required to cover its owners' tax obligations in respect of the entity's earnings. Such distributions shall be subject to an annual reconciliation, with any surplus or deficiency to be deducted or added to distributions, as applicable, in the following year.

The exemption for tax-related distributions in the interim final rule does not supersede otherwise applicable limitations or determinations with respect to distributions established by an ECIP recipient's Federal regulators. Accordingly, tax-related distributions permitted under the interim final rule must also comply with any applicable limitations or determinations established by an ECIP recipient's Federal regulators.

Similar to the restrictions on executive compensation described above, these limitations on capital distributions are intended to ensure that the funds provided under ECIP have the effect intended by Section 104A of the Act, and are not to provide undue compensation to an ECIP recipient's shareholders or owners. In addition, these restrictions serve to protect the taxpayer's financial interest in connection with the instruments issued by an ECIP recipient to Treasury in connection with the Program.

i. Restriction on Dividends, Share Buybacks and Other Capital Distributions

The interim final rule defines ''non-senior securities'' as any equity interests in or other instruments issued by an ECIP recipient that are *pari passu* with or junior to Treasury's investment, or equity interests in or other instruments issued by a depository institution holding company of which the ECIP recipient is a subsidiary. Under the interim final rule, an ECIP recipient will be prohibited from making capital distributions, such as declaring or paying any dividend on, or purchasing or redeeming, any non-senior securities unless (i) if Treasury holds shares of preferred stock, the company has paid in full dividends on the preferred stock with respect to the last completed dividend period (prior to the current dividend period); or (ii) if Treasury holds an instrument other than preferred stock (*e.g.,* subordinated debt), all amounts due and payable on the instrument have been paid in full, and no deferred amounts are unpaid. These restrictions reflect customary contractual protections to prevent an ECIP recipient from making discretionary distributions on non-senior securities if payments are not being made to Treasury on its investment. These restrictions would not prevent an ECIP recipient from making required, non-discretionary payments on non-senior securities, such as payments required at stated maturity in accordance with an instrument's terms, or payments of interest that may not be deferred.[17]

For these purposes, a ''capital distributions'' are defined as (i) dividends, including discretionary

[16] Disclosures by ECIP recipients of any proposed material changes to any such policies or procedures will be subject to their Federal regulators' applicable restrictions in respect of the disclosure of confidential supervisory information.

[17] Such payments may be subject to limitations established by an ECIP recipient's primary Federal regulator.

dividends, on non-senior securities and any other payments on a share of stock or other equity or equivalent interest, (ii) payments, including interest payments, on non-senior securities that the issuer has full discretion to permanently or temporarily suspend without triggering a default, (iii) redemptions or repurchases of non-senior securities or (iv) any similar transaction that Treasury determines to be in substance a capital distribution. Excluded from this definition, however, are (a) redemptions or repurchases of shares that are part of an employee stock ownership plan for an ECIP recipient that is not publicly traded, provided that the repurchase is required solely by virtue of the Employee Retirement Income Security Act of 1974, as amended; (b) in the case of federally insured credit unions, payments of dividends and interest (as defined by 12 CFR 707.2(h) and (o)) on accounts held by their members and redemptions of membership share interests upon voluntary or involuntary terminations of membership by a credit union or its members, as applicable; and (c) solely in the case of the earnings test described below, redemptions or repurchases of non-senior securities if the issuer of the non-senior securities being repurchased or redeemed funds the redemption or repurchase by issuing at least a corresponding amount of new non-senior securities that rank equally in liquidation with, receive the same capital treatment as and, if applicable, have a stated maturity date no earlier than the non-senior securities being redeemed or repurchased. An extraordinary or special dividend (which excludes an ordinary dividend on a special share account) by a federally insured credit union is a capital distribution and is not subject to the exclusion for payments of dividends and interest by credit unions on accounts held by their members.

ii. Limit on the Amount of Capital Distributions

Under the interim final rule, an ECIP recipient will be required to obtain prior approval from Treasury in order to make capital distributions in excess of the following earnings-based tests.

Treasury determined that the limits on capital distributions are appropriate based on a review of publicly available data regarding average dividend rates among banking organizations with $10 billion or less in total assets, in the period before the Covid-19 pandemic. Thus, the limitation on capital distributions strikes an appropriate balance between allowing ECIP recipients to make capital distributions and helping to ensure that the proceeds of the ECIP investment are used to expand lending to low- and moderate-income and other targeted populations.

A. Earnings Test for Insured Depository Institutions, Bank Holding Companies, and Savings and Loan Holding Companies

The interim final rule provides that, without prior approval from Treasury, an ECIP recipient that is an insured depository institution, bank holding company, or savings and loan holding company may not make a capital distribution if the total capital distributions made during the calendar year, including the proposed capital distribution, exceeds its ''eligible distributable income,'' which is calculated as the sum of the ECIP recipient's (a) year-to-date net income as of the end of the most recent calendar quarter, plus net income for the two preceding calendar years, less (b) any dividends or capital distributions for the year to date as of the end of the most recent calendar quarter, and for the two preceding calendar years, where each amount is calculated in accordance with the instructions to the Call Report or applicable reporting form. While approval may be awarded by Treasury to make capital distributions, the interim final rule confirms that such approval does not supersede any applicable regulatory requirements of the ECIP recipient's appropriate Federal banking agency, or other actions taken by such agency.

The ''eligible distributable income'' limit is similar to other existing earnings limitations on payments of dividends that apply to certain insured depository institutions.[18] In light of this similarity, an ECIP recipient could calculate eligible distributable income with respect to capital distributions, by applying the methodology set forth in 12 CFR 5.64 or 12 CFR 208.5, as applicable, with respect to dividends, by substituting ''capital distributions'' for ''dividends.'' In addition, in the case of 12 CFR 208.5, an ECIP recipient that is not an insured depository institution would use net income, as reported in the ECIP recipient's FR Y–9C or FR Y–9SP, instead of net income as reported in the Reports of Condition and Income. Treasury anticipates that the operational impact the capital distribution approval requirement will be nominal and that the approval requirement will provide meaningful support for the objectives of the Program.

B. Earnings Test for Federally Insured Credit Unions

Consistent with existing distribution limitations applicable to federally insured credit unions,[19] the interim final rule provides that, without prior approval by Treasury, an ECIP recipient that is a federally insured credit union may not make a capital distribution on any non-senior securities if the distribution would (i) in the case of a dividend, be payable from retained earnings (as defined in 12 CFR 702.2(f)) other than undivided earnings; or (ii) cause the credit union's net worth classification to fall below ''adequately capitalized'' (as defined in 12 CFR 702.102(a)(2)).

3. Exemptive Relief

Under the interim final rule, Treasury retains authority to grant waivers or exemptions from the restrictions under the interim final rule on dividends, share buybacks, and other capital distributions. Such relief may be granted broadly to all ECIP recipients or to particular entities. In considering whether to grant exemptive relief, Treasury will consider whether the relief is necessary or appropriate to achieve the goals of the ECIP or to protect the public interest. Such relief may be granted based on terms and conditions as determined by Treasury, and in making determinations regarding requests for exemptive relief, Treasury may consult with the primary Federal regulator when deemed appropriate.

4. Annual Certification and Enforcement

Each ECIP recipient will be required to submit to Treasury on an annual basis a certification executed by two senior executive officers (one of which must be either the ECIP recipient's principal executive officer or principal financial officer) that the ECIP recipient is in compliance with each of the excessive compensation, severance payments, excessive or luxury expenditures requirements and restrictions on capital distributions set forth in the interim final rule. If an ECIP recipient certifies that it satisfies the severance payments requirements, Treasury expects that the certification will address only compliance with the requirements and will neither address whether the ECIP recipient is in troubled condition for purposes of 12 CFR parts 359 and 750, as applicable, nor contain any confidential supervisory information subject to applicable disclosure

[18] *See, e.g.,* 12 U.S.C. 60 (national banks), 12 CFR 5.64 (national banks), and 12 CFR 208.5 (state member banks).

[19] *See* 12 CFR 702.403.

restrictions promulgated by the ECIP recipients' Federal regulators.

The interim final rule is promulgated under Section 104A of the Act, and agreements between ECIP recipients and Treasury in connection with the Program will be entered into under the Act. Treasury may take action or directly address noncompliance with the requirements of this interim final rule or Program agreements. In addition, Treasury may, in its discretion, inform the appropriate Federal banking agencies of any apparent violations by ECIP recipients of the interim final rule or Program agreements between ECIP recipients and Treasury.[20]

Treasury specifically solicits comments from members of the public concerning the following issues:

Question #4: Are the restrictions on dividends, share buybacks, and other capital distributions sufficiently tailored to facilitate the ECIP Program objectives without discouraging participation in the program?

Question #5: What would be the advantages and disadvantages of aligning limitations on capital distributions under the interim final rule with limitations applicable to each entity pursuant to the requirements of its appropriate Federal banking regulator? What are the advantages and disadvantages of calculating eligible distributable income based on (i) income as of the end of the most recent calendar quarter and (ii) year to date reported net income? What are the advantages and disadvantages of calculating the capital distribution limitation using (i) year-to-date dividends or capital distributions; (ii) reported dividends or capital distributions; and (iii) year-to-date dividends or capital distributions as of the end of the most recent calendar quarter?

IV. Regulatory Analyses

A. Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 553(b)(B), the interim final rule is exempt from the rulemaking requirements of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), including the requirement to provide prior notice and an opportunity for public comment for the good cause shown in Sections I and II of this **SUPPLEMENTARY INFORMATION**.

B. National Environmental Policy Act

The interim final rule has been reviewed in accordance with 12 CFR part 1815, the CDFI Fund's environmental quality regulations published pursuant to the National Environmental Protection Act of 1969 (NEPA). It is the determination of Treasury that the interim final rule does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with NEPA and the CDFI Fund's environmental quality regulations at 12 CFR part 1815, neither an Environmental Assessment nor an Environmental Impact Statement is required.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number.

The interim final rule will add current information collections for excessive or luxury expenditure policy and exemptive relief requests to the ECIP application process. The ''excessive or luxury policy'' collection requirements include the adoption and maintenance of the policy (detailed in section 1(iii)); written notices of change (detailed in section 1(iv)); and annual certifications (detailed in section 4). The exemptive relief requests are detailed in section 3. The addition of these collections will increase total annual burden by 44,014 hours: The policy requirements are expected to take 1,100 respondents 40 hours to complete for an annual burden of 44,000 hours, and it is estimated that 55 (or 5%) of respondents will submit an exemptive relief request that will take 15 minutes to complete, for an annual burden of 14 hours. The OMB Control Number for the Emergency Capital Investment Program information collection is 1505–0267.

Comments concerning suggestions for reducing the burden of collections of information should be directed to the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, 601 13th Street, NW, Suite 200 South, Washington, DC 20005.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed above, consistent with 5 U.S.C. 553(b)(B), Treasury has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore is not issuing a notice of proposed rulemaking. Because no notice of proposed rulemaking is required for this interim final rule, the provisions of the RFA do not apply. Nevertheless, Treasury seeks comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities.

E. Regulatory Planning and Review

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. Treasury, 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, as discussed in Section II of this Supplementary Information.

F. Executive Order 13132

This interim final rule does not have federalism implications as defined in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in the executive order. As such it does not warrant the preparation of a federalism assessment.

G. Congressional Review Act

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 the Congressional Review Act (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), Treasury, for the good cause shown in sections I and II of this **SUPPLEMENTARY INFORMATION**, finds that a 60-day delay to provide public notice is impracticable and contrary to the public interest.

[20] *See, e.g.,* 12 U.S.C. 4717(b).

List of Subjects in 31 CFR Part 35

Executive compensation.

■ For the reasons set forth in the preamble, 31 CFR subtitle A is amended by adding part 35 to read as follows:

PART 35—EMERGENCY CAPITAL INVESTMENT PROGRAM

Subpart A—[Reserved]

Subpart B—Compensation and Capital Distributions

Sec.
35.20 Purpose, applicability, and general provisions.
35.21 Definitions.
35.22 Restrictions on compensation.
35.23 Restrictions on dividends, share buybacks, and other capital distributions.
35.24 Annual certification.
35.25 Exemptive relief.
Appendix A to 31 CFR Part 35—Emergency Capital Investment Program Model Excessive or Luxury Expenditures Policy

Authority: Consolidated Appropriations Act, 2021 (Pub. L. 116–260), Division N, Title V, Subtitle B; Community Development Banking and Financial Institutions Act of 1994 (enacted as part of the Riegle Community and Regulatory Improvement Act of 1994 (Pub. L. 103–325)), as amended (12 U.S.C. 4701 *et seq.*), Section 104A.

Subpart A [Reserved]

Subpart B—Compensation and Capital Distributions

§ 35.20 Purpose, applicability and general provisions.

(a) *Purpose.* Pursuant Section 104A of the Community Development Banking and Financial Institutions Act of 1994 (Act), as added by the Consolidated Appropriations Act, 2021 (Pub. L. 116–260), this subpart establishes restrictions on executive compensation, dividend payments, and share buybacks for recipients of capital investments under the Department of the Treasury's Emergency Capital Investment Program (ECIP or Program), as well as additional criteria for participation in the Program that the Secretary has determined are appropriate in furtherance of the Program goals.

(b) *Applicability.* This subpart applies on a consolidated basis to any insured depository institution, bank holding company, savings and loan holding company, or federally insured credit union that issues preferred stock or a subordinated debt instrument to the Department of the Treasury under the Program (an ECIP recipient, as defined in § 35.21 of this subpart). An ECIP recipient must comply with the requirements of this subpart during the ECIP period.

(c) *Limitation of authority.* Nothing in this subpart shall be interpreted to limit the authority of the appropriate Federal banking agency to take action under other provisions of law, including action to address unsafe or unsound practices or conditions, deficient capital levels, or violations of law or regulation, under section 8 of the Federal Deposit Insurance Act, section 8 of the Bank Holding Company Act, or section 10 of the Home Owners' Loan Act, or the Federal Credit Union Act, as may be applicable.

§ 35.21 Definitions.

Except as modified in this regulation or unless the context otherwise requires, the terms used in this regulation have the same meaning as set forth in the relevant statutes. For purposes of this subpart:

Act means the Community Development Banking and Financial Institutions Act of 1994, as amended (12 U.S.C. 4701 *et seq.*).

Appropriate Federal banking agency has the same meaning as in 12 U.S.C. 1813 and also includes the NCUA with respect to a federally insured credit union.

Capital distributions means:

(1) Dividends, including discretionary dividends, on non-senior securities and any other payments on a share of stock or other equity or equivalent interest;

(2) Payments, including interest payments, on non-senior securities, that the issuer has full discretion to permanently or temporarily suspend without triggering a default;

(3) Redemptions or repurchases of non-senior securities; or

(4) Any similar transaction that the Department of the Treasury determines to be in substance a capital distribution;

(5) Provided, that a ''capital distribution'' does not include:

(i) Redemptions or repurchases of shares that are part of an employee stock ownership plan for an ECIP recipient that is not publicly traded, provided that the repurchase is required solely by virtue of the Employee Retirement Income Security Act of 1974, as amended;

(ii) In the case of federally insured credit unions:

(A) Payments of dividends and interest (as defined by 12 CFR 707.2(h) and (o)) on accounts held by their members; provided that this exclusion does not apply to any extraordinary or special dividend by a credit union; or

(B) Redemptions of membership share interests upon voluntary or involuntary terminations of membership by a credit union or its members, as applicable; and

(iii) Solely in the case of § 35.23(b) (Limit on amount of capital distributions), redemptions or repurchases of non-senior securities if the issuer of the non-senior securities being repurchased or redeemed fully funds the redemption or repurchase by issuing at least a corresponding amount of new non-senior securities that rank equally in liquidation with, receive the same capital treatment as and, if applicable, have a stated maturity date no earlier than the non-senior securities being redeemed or repurchased.

ECIP means the Emergency Capital Investment Program established under Section 104A of the Community Development Banking and Financial Institutions Act of 1994, as amended.

ECIP investment means any preferred stock, subordinated debt, or other instrument (including any successor to any such instrument) issued by an ECIP recipient to the Department of the Treasury under the ECIP.

ECIP investment agreement means the agreement between an ECIP recipient and the Department of the Treasury with respect to the ECIP investment in that ECIP recipient.

ECIP investment date means the date on which an ECIP recipient first issued an ECIP investment.

ECIP period means the period from the ECIP investment date until the earliest of:

(1) The date on which the ECIP recipient has fully redeemed or repaid the ECIP investment received under ECIP;

(2) The date on which the investment the ECIP recipient received under the ECIP is no longer held, in full or in part, by the Department of the Treasury or any affiliate thereof; and

(3) Ten years after the ECIP investment date.

ECIP recipient means any entity that has received a capital investment under the ECIP.

Excessive or luxury expenditures means:

(1) Excessive expenditures on any of the following to the extent such expenditures are not reasonable expenditures for staff development, reasonable performance incentives, or other similar reasonable measures conducted in the normal course of the ECIP recipient's business operations:

(i) Entertainment or events;

(ii) Office and facility renovations;

(iii) Aviation or other transportation services;

(iv) Tax gross-ups; and

(v) Other similar items, activities, or events for which the ECIP recipient may reasonably anticipate incurring expenses, or reimbursing an employee for incurring expenses;

(2) Provided, that reasonable capital investments in technology, equipment,

and similar items that expand the long-term capability of an ECIP recipient to provide products and services to its customers and community are not excessive or luxury expenditures.

Excessive or luxury expenditures policy means written standards applicable to the ECIP recipient and its employees that address the five categories of expenses set forth in the definition of ''excessive or luxury expenditures,'' and that are reasonably designed to eliminate excessive and luxury expenditures. Such written standards must:

(1) Identify the types or categories of expenditures which are prohibited (which may include a threshold expenditure amount per item, activity, or event or a threshold expenditure amount per employee receiving the item or participating in the activity or event);

(2) Identify the types or categories of expenditures for which prior approval is required (which may include a threshold expenditure amount per item, activity, or event or a threshold expenditure amount per employee receiving the item or participating in the activity or event);

(3) Provide reasonable approval procedures for expenditures requiring prior approval;

(4) Require the ECIP recipient to deliver a certification, executed by two senior executive officers (one of which must be its principal executive officer or principal financial officer) certifying that the approval of any expenditure requiring the prior approval of any senior executive officer, any executive officer of a substantially similar level of responsibility, or the ECIP recipient's board of directors (or a committee of such board of directors), was properly obtained with respect to each such expenditure;

(5) Require the prompt internal reporting of violations to an appropriate person or persons identified in this policy; and

(6) Mandate accountability for adherence to the policy.

FDIC means the Federal Deposit Insurance Corporation.

Federal Reserve Board means the Board of Governors of the Federal Reserve System.

NCUA means the National Credit Union Administration.

Non-senior security means any equity interest or equivalent interest (including but not limited to membership share interests in the case of a credit union) or any other interest in, or instrument issued by, an ECIP recipient that is *pari passu* with, or junior to, the ECIP investment with respect to capital distributions or ranking in liquidation, including but not limited to the common stock (or equivalent equity interest) of the ECIP recipient, or any equity interest or equivalent interest or any other interest in or instrument issued by a depository institution holding company of which the ECIP recipient is a subsidiary.

OCC means the Office of the Comptroller of the Currency.

Principal executive officer means the chief executive officer of an ECIP recipient (or individual performing a similar function).

Principal financial officer means the chief financial officer of an ECIP recipient (or individual performing a similar function).

Senior executive officer means an ECIP recipient's president, any vice president in charge of a principal business unit, division or function, any other officer who performs a policy making function, or any other person who performs similar policy making functions.

Severance payment means any payment or benefit provided to an officer or employee of an ECIP recipient in connection with any termination of such officer or employee's employment with the ECIP recipient (including resignation, severance, retirement, or constructive termination), except for payment for services performed or benefits accrued. A severance payment includes cash payments, health care benefits, perquisites, the enhancement or acceleration of any payment or vesting of any payment or benefit, or any other in-kind benefit payable or provided in connection with any termination of an officer or employee of the ECIP recipient.

Total compensation means all compensation, other than any severance payment, provided by an ECIP recipient to an officer or employee, including salary, wages, bonuses, awards of stock, deferred compensation, and other financial benefits.

§ 35.22 Restrictions on compensation.

(a) *Restriction on executive compensation.* An ECIP recipient must ensure that the total compensation paid to its senior executive officers is appropriate and not excessive. Unless informed otherwise by the Department of the Treasury, an ECIP recipient is considered to have satisfied the requirements regarding executive compensation in this section if it, and, if applicable, all insured depository institution subsidiaries of the ECIP recipient, maintains compliance with the following (or any successor requirement, as applicable):

(1) For an ECIP recipient or subsidiary of an ECIP recipient that is an insured depository institution, except for federally insured credit unions, the Interagency Guidelines Establishing Standards for Safety and Soundness as issued by the appropriate Federal banking agency for the ECIP recipient or subsidiary (*i.e.,* for national banks and Federal savings associations, 12 CFR part 30, appendix A; state member banks, 12 CFR part 208, appendix D–1; insured state nonmember banks and state savings associations, 12 CFR part 364, appendix A);

(2) For an ECIP recipient that is a bank holding company, the requirements for corporate practices of bank holding companies as issued by the Federal Reserve Board at 12 CFR 225.4;

(3) For an ECIP recipient that is a savings and loan holding company, the requirements regarding safe and sound operations of savings and loan holding companies as issued by the Federal Reserve Board at 12 CFR 238.8; and

(4) For an ECIP recipient that is a federally insured credit union, the requirements on compensation and benefits for federally insured credit unions as issued by the NCUA at 12 CFR 701.19(a); 12 CFR 701.21(c)(8); 12 CFR 702.203(b)(10); and 12 CFR 702.204(b)(10).

(b) *Restriction on severance payments.* An ECIP recipient shall not make excessive severance payments to any senior executive officer. Unless informed otherwise by the Department of the Treasury, an ECIP is considered to have satisfied the requirements regarding severance payments in this section if it maintains compliance with the following (or any successor requirement, as applicable):

(1) For an ECIP recipient that is an insured depository institution, a bank holding company or a savings and loan holding company, the limits and prohibitions to enter into contracts to pay and to make golden parachute and indemnification payments to institution-affiliated parties to the extent applicable to the ECIP recipient, as issued by the FDIC at 12 CFR part 359; and

(2) For an ECIP recipient that is a federally insured credit union, the limits and prohibitions on the ability of federally insured credit unions to enter into contracts to pay and to make golden parachute and indemnification payments to institution-affiliated parties as issued by the NCUA at 12 CFR 750.1.

(c) *Excessive or luxury expenditures.* (1) Ninety days after an ECIP investment date with respect to an ECIP recipient, the board of directors of the ECIP

recipient must adopt an excessive or luxury expenditures policy, provide such policy to the Department of the Treasury and the ECIP recipient's appropriate Federal banking agency, and post the text of such policy on its internet website, if the ECIP recipient maintains an internet website.

(2) If, after adopting an excessive or luxury expenditures policy, the board of directors of the ECIP recipient makes any material amendments to such policy, within ninety days of the adoption of the amended policy the board of directors must provide the amended policy to the Department of the Treasury and the ECIP recipient's appropriate Federal banking agency and post the amended policy on its internet website, if the ECIP recipient maintains an internet website.

(3) The ECIP recipient must maintain, and continue the disclosure of any material amendments to, the excessive or luxury expenditures policy during the ECIP period, unless the Department of the Treasury determines that discontinuation of the policy would not be contrary to the public interest.

(d) *Material changes in policies or procedures.* An ECIP recipient must obtain prior approval from the Department of the Treasury before making any material change to the policies or procedures that it maintains for purposes of compliance with paragraph (a), (b), or (c) of this section. A change to the compensation, severance pay, or excessive or luxury expenditures policies or procedures will be considered material for purposes of this section if the change is likely to have a negative effect on the financial condition of the ECIP recipient, limit the ability of the ECIP recipient to make payments under the terms of an ECIP instrument, or otherwise impair the ECIP recipient's ability to meet its obligations to the Department of the Treasury under the ECIP.

(1) A request to make a material change to compensation, severance pay or excessive luxury expenditures policies or procedures, must be submitted by an ECIP recipient in writing and received by the Department of the Treasury at least thirty days prior to the effective date of the policy change. The request should describe the change, reason for the change, and anticipated financial or other impact of the change on the condition of the ECIP recipient.

(2) The request will be deemed approved thirty days after the ECIP recipient has provided a complete request to the Department of the Treasury, unless, prior to the expiration of the thirty-day period, the Department of the Treasury objects to the proposed change or notifies the ECIP recipient that additional time is required in order to complete review of the proposed change to policy or procedures

§ 35.23 Restrictions on dividends, share buybacks, and other capital distributions.

(a) *Restriction on capital distributions due to nonpayment.* An ECIP recipient shall not make any capital distribution on a non-senior security, unless:

(1) If the ECIP investment is in the form of preferred stock, the ECIP recipient has paid in full the dividends for the last completed dividend period on the preferred stock; or

(2) If the ECIP investment is in a form other than preferred stock (including, subordinated debt), the ECIP recipient has paid in full the principal, interest, and other amounts due and payable under the terms of the ECIP investment, and no amount that has been deferred remains unpaid.

(b) *Limit on amount of capital distributions.* (1) If an ECIP recipient is an insured depository institution, bank holding company, or savings and loan holding company, the ECIP recipient shall obtain the approval of the Department of the Treasury prior to making any capital distribution if the total of capital distributions made during the calendar year, including the proposed capital distribution, exceeds its eligible distributable income; provided, however, that any prior approval of a capital distribution by the Department of the Treasury does not supersede any applicable regulatory requirements of the ECIP recipient's appropriate Federal banking agency, or other actions taken by such agency. For purposes of this paragraph, ''eligible distributable income'' means the sum of the ECIP recipient's reported year-to-date net income as of the end of the most recent calendar quarter, plus net income for the two preceding calendar years, less any dividends or distributions for the year to date as of the end of the most recent calendar quarter and the two preceding calendar years, where each amount is calculated in accordance with the instructions to the Call Report or applicable reporting form.

(2) If the ECIP recipient is federally insured credit union, the ECIP recipient shall obtain the Department of the Treasury's prior approval to make any capital distributions if the distribution would:

(i) In the case of a dividend, be payable from retained earnings (as defined in 12 CFR 702.2(f)) other than undivided earnings; or

(ii) Cause the ECIP recipient's net worth classification to fall below ''adequately capitalized'' (as defined in 12 CFR 702.102(a)(2)).

(c) *Exception for Subchapter S Corporations and other pass-through entities.* Notwithstanding anything to the contrary in paragraphs (a) and (b) of this section, any ECIP recipient that is an S corporation, as defined in 26 U.S.C. 1361(a), or other pass-through entity may make capital distributions, to the extent reasonably required to cover its owners' tax obligations in respect to the entity's earnings. Such distributions shall be subject to an annual reconciliation, with any surplus or deficiency to be deducted or added to distributions, as applicable, in the following year. Any tax-related distributions permitted under this paragraph (c) must also comply with any applicable limitations or determinations established by an ECIP recipient's Federal regulators.

§ 35.24 Annual certification

On an annual basis an ECIP recipient shall, in accordance with the terms and conditions of its ECIP investment agreement, submit to the Department of the Treasury a certification executed by two senior executive officers (one of which must be either its principal executive officer or principal financial officer) that the ECIP recipient is in compliance with each of the excessive compensation, severance pay, and excessive or luxury expenditures requirements and restrictions on capital distributions set forth in §§ 35.22 and 35.23.

§ 35.25 Exemptive relief.

The Department of the Treasury may grant exemptions or waivers from some or all of the restrictions on share buybacks and dividend payments under this part if such exemption or waiver is necessary or appropriate to effectuate the goals of the ECIP or to protect the public interest. Such exemptions or waivers may be subject to such terms and conditions as deemed necessary or appropriate by the Department of the Treasury.

Appendix A to 31 CFR Part 35—Emergency Capital Investment Program Model Excessive or Luxury Expenditures Policy

I. Introduction

A participant in the Emergency Capital Investment Program (ECIP recipient, as defined at 31 CFR 35.21) is required to establish and maintain policies designed to eliminate excessive or luxury expenditures. The term ''excessive or luxury expenditures'' means excessive expenditures on any of the following to the extent such expenditures are

not reasonable expenditures for staff development, reasonable performance incentives, or other similar reasonable measures conducted in the normal course of the ECIP recipient's business operations: (1) Entertainment or events; (2) office and facility renovations; (3) aviation or other transportation services; (4) tax gross-ups; and (5) other similar items, activities, or events for which the ECIP recipient may reasonably anticipate incurring expenses, or reimbursing an employee for incurring expenses.

(1) To facilitate compliance with this requirement, the Department of the Treasury is making available a model excessive or luxury expenditures policy. An ECIP recipient may refer to this model policy for guidance in satisfying the requirement at 31 CFR 35.22(c) to adopt and maintain an excessive or luxury expenditures policy. Alternatively, ECIP recipients may use other forms of, or existing policies relating to, excessive or luxury expenditures, provided that such other forms or policies satisfy all the requirements of the regulation at 31 CFR 35.22(c).

(2) An ECIP recipient's luxury or excessive expenditure policy should be posted on the ECIP recipient's website. Any material amendments to an ECIP recipient's excessive or luxury expenditures policy must made in accordance with the provisions set forth in 31 CFR 35.22(d) (Material changes in policies or procedures). If the ECIP recipient makes any material amendments to this policy, then the ECIP recipient must submit a copy of the amended policy to the Department of the Treasury and post the amended policy on the ECIP recipient's website. ECIP recipients should refer to 31 CFR part 35, subpart B for additional information regarding definitions of terms used in the model policy, disclosure, material changes, certification, and other compliance requirements.

II. Model Excessive or Luxury Expenditures Policy

A. Purpose

The purpose of this policy is to establish parameters and internal controls governing the expenditures of [NAME OF ECIP RECIPIENT] (together with its subsidiaries and controlled affiliates, referred to hereafter as the Organization). Expenditures of the Organization should be customary, prudent, consistent with applicable laws and regulations, and reasonably related to the Organization's business objectives and needs. This policy identifies expenditures that are excessive or luxury expenditures, creates processes that are reasonably designed to eliminate such expenditures, and establishes accountability for compliance. Routine operating expenses, capital expenditures, and other reasonable expenses are not prohibited by this policy.

B. Authority

The Organization has authority to provide compensation and benefits that are reasonable. This policy establishes a prohibition on expenditures that are excessive or luxury expenditures as required by the Department of the Treasury's Emergency Capital Investment Program regulations (31 CFR part 35), and as may be required by other statutes and regulations.

C. Responsibility

This policy is the responsibility of the Organization's board of directors (board). The board has approved this policy and will review compliance with this policy no less frequently than annually, and summary data on excessive or luxury expenditures will be reported to the board as part of the compliance review.

D. Scope

This policy applies to all employees, officers, and directors of the Organization with regard to any expenditure of the Organization. In making any expenditure on behalf of the Organization, employees, officers, and directors should consider whether the expenditure is an excessive or luxury expenditure that is prohibited under this policy.

E. Excessive or Luxury Expenditures

''Excessive or luxury expenditures'' means excessive expenditures on any of the following to the extent not reasonable or appropriate expenditures for business development, staff development, reasonable performance incentives, or other similar reasonable measures conducted in the normal course of the Organization's business operations:

(1) *Entertainment or events.* This category includes fees, dues, tickets costs related to social, athletic, artistic and dining clubs, activities, celebrations or other events, and similar expenditures. Expenditures for charitable contributions and charitable events are not prohibited under this policy. Entertainment or events expenditures in an amount less than $_____ per instance, and $_____ on an annual aggregate basis per individual, are exempt from this policy.

(2) *Office and facility renovations.* This category includes costs and allowances for office renovation, including expenditures related to furniture, art, office personalization, interior finishing, design and decoration, and similar expenditures. Office and facility renovations expenditures in an amount less than $_____ per instance, and $_____ on an annual aggregate basis per individual, are exempt from this policy.

(3) *Aviation or other transportation services.* (i) This category includes charter fees, tickets, slip or docking fees, vehicle installment payments, reservation and travel agent expenses, and similar expenditures associated with transportation services (*e.g.,* airline, train, rental cars, or vans). Mileage reimbursable according to current Internal Revenue Service mileage rates is exempt from this policy. Transportation services in an amount less than $_____ per instance, and $_____ on an annual aggregate basis per individual, are exempt from this policy.

(ii) The principal executive officer may establish or delegate to an appropriate executive officer the authority to establish processes for reimbursement of reasonable travel expenditures, which processes must be reviewed by executive management no less frequently than annually.

(4) *Tax gross-ups.* This category includes any reimbursement of taxes owed with respect to any compensation. This category does not apply to tax equalization agreements for employees subject to tax from a non-U.S. jurisdiction.

(5) *Other similar items, activities, or events for which the Organization may reasonably anticipate incurring expenses or reimbursing an employee for incurring expenses.* (i) Expenditures related to other items not listed in the preceding categories are exempt from this policy in an amount less than $_____ per instance, and together with all expenditures permitted under this policy, may not exceed $_____ on an annual aggregate basis per individual.

(ii) For the avoidance of doubt, reasonable capital investments in technology, equipment, and similar items that expand the long-term capability of an ECIP recipient to provide products and services to its customers and community are not excessive or luxury expenditures.

(iii) The principal executive officer may establish or delegate to an appropriate executive officer the authority to establish processes for the evaluation and approval of expenditures in the preceding categories that are not luxury or excessive expenditures and that are not otherwise exempt from this policy. These processes must be reviewed by executive management no less frequently than annually, as well as any additional threshold expenditure amounts per item, activity, or event, or a threshold expenditure amount per employee receiving the item or participating in the activity or event under this policy. Such approvals must be reported to the board of directors (which may be in an appropriate summary form) no less frequently than annually.

F. Exceptions or Violations

(1) Any exception or violation of this policy must be promptly reported to the Organization's (i) principal executive officer, (ii) officer with primary responsibility for the Organization's compliance function, or (iii) officer designated with primary responsibility for overseeing the administration, monitoring, and compliance with this policy. Exceptions and violations must be reported to the board of directors no less frequently than annually, or more frequently as the nature and severity of violation may warrant. All employees, officers, and directors of the Organization must adhere to this policy and will be held accountable for compliance. Any employee or officer who violates this policy may be subject to disciplinary action up to and including termination of employment.

(2) Any employee or officer that is aware of any circumstance that may indicate a violation of this policy is required to report such circumstance to their supervisor or the Organization's principal compliance officer or compliance group. The Organization prohibits retaliation against any employee or officer for making a good faith report of actual or suspected violations of the Organization's code of conduct, laws, regulations, or other Organization policies, including this policy. A finding of retaliation against any such employee or officer may result in disciplinary action up to and including termination. Failure to promptly report known violations by others may also be deemed a violation of the Organization's code of conduct.

(3) Employees and officers may ask questions, raise concerns, or report instances of non-compliance with this policy and/or any of the existing underlying relevant policies by contacting the following: [COMPLIANCE HELP LINE OR E–MAIL].

G. Certification

On an annual basis, the ECIP recipient will deliver to the Department of the Treasury a certification, executed by two senior executive officers (one of which must be either the ECIP recipient's principal executive officer or principal financial officer) certifying that (i) the Organization is in compliance with this policy and (ii) the approval of any expenditure requiring the prior approval of any senior executive officer, any executive officer of a substantially similar level of responsibility, or the board of directors (or a committee of such board), was properly obtained with respect to each such expenditure.

David Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2021–04900 Filed 3–5–21; 11:15 am]

BILLING CODE 4810–AK–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2019–0527.; FRL–10020–90–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Emissions From Existing Sewage Sludge Incineration Units; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) issued a final rule on February 9, 2021 entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Emissions from Existing Sewage Sludge Incineration Units.'' This document corrects an error in the rule language of the final rule pertaining to EPA's approval of Maryland's negative declaration regarding the existence of Sewage Sludge Incineration (SSI) units in the state submitted by the State of Maryland.

DATES: Effective on March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Matthew Willson, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5795. Mr. Willson can also be reached via electronic mail at *Willson.Matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 9, 2021, (86 FR 8699), EPA published a final rule action announcing our approval of Maryland's negative declaration regarding the existence of SSI units in the state. In the document, we inadvertently indicated that a section should be added to the Code of Federal Regulations (CFR) at 40 CFR 62.4690 for air emissions from existing SSI units. The intent of the rule was to add a section for air emissions from existing SSI units at 40 CFR 62.5170. This document corrects the erroneous language.

Need for Correction

As published, the final rule would amend subpart T, which is for the approval of state plans for designated facilities and pollutants for the state of Louisiana. The intent of the final rule was to change the approval of state plans for designated facilities and pollutants for the State of Maryland. This correction will ensure that the correct section of the CFR, which for Maryland is subpart V, is amended.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

In FR doc. 2021–02617 appearing on page 8699 in the **Federal Register** of Tuesday, February 9, 2021 the following corrections are made:

Subpart V—[Corrected]

■ 1. On page 8700, in the third column, in part 62, in amendment 2, the instruction ''Add an undesignated center heading and § 62.4690 to read as follows:'' is corrected to read ''Add an undesignated center heading and § 62.5170 to read as follows:''

■ 2. On page 8700, in the third column, the section heading ''§ 62.4690 Identification of plan—negative declaration.'' is corrected to read ''§ 62.5170 Identification of plan—negative declaration.''

Dated: March 3, 2021.

Diana Esher,

Acting Regional Administrator EPA Region III.

[FR Doc. 2021–04827 Filed 3–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0551; FRL–10019–19]

Fluindapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluindapyr in or on multiple commodities which are identified and discussed later in this document. FMC Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 9, 2021. Objections and requests for hearings must be received on or before May 10, 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–2018–0551, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main

telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0551 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 10, 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–2018–0551, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 9, 2019 (84 FR 20320) (FRL–9992–36), 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 8F8685) by FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide, fluindapyr, 3-(difluoromethyl)-N-(7-fluoro-2,3-dihydro-1,1,3-trimethyl-1H-inden-4-yl)-1-methyl-1H-pyrazole-4-carboxamide, in or on almond, hulls at 15 parts per million (ppm); aspirated grain fractions at 60 ppm; cattle, fat at 0.15 ppm; cattle, meat byproducts at 0.6 ppm; field corn, grain at 0.01 ppm; field corn, oil at 0.03 ppm; fruit, small vine-climbing except fuzzy kiwifruit, crop subgroup 13–07F at 3 ppm; grain, cereal, crop group 15, except rice and corn at 0.9 ppm; grain, cereal, forage, crop group 16, except rice, forage at 15 ppm; grain, cereal, hay, crop group 16 except rice, hay at 8 ppm; grain, cereal, stover, crop group 16 except rice, stover, and sweet corn stover at 4 ppm; grain, cereal, straw, crop group 16, except rice, straw at 20 ppm; poultry, meat byproducts at 0.03 ppm; soybean, forage at 15 ppm; soybean, hay at 30 ppm; soybean, hulls at 0.6 ppm; soybean, seed at 0.2 ppm; sweet corn, K+CWHR at 0.01 ppm; sweet corn, stover at 20 ppm; swine, meat byproducts at 0.02 ppm; and tree nuts, crop group 14–12 at 0.04 ppm. That document referenced a summary of the petition prepared by FMC Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i) to establish tolerances that vary from what was requested, EPA is establishing several tolerances at different levels than were requested, including additional livestock commodities as necessary. In addition, tolerances for fruit, small vine-climbing except fuzzy kiwifruit crop group 13–07F and soybeans were removed. 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 fluindapyr including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluindapyr follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable

subgroups of consumers, including infants and children.

The target organs of fluindapyr are the liver and thyroid. Liver effects include hepatocellular hypertrophy, increased liver weights, and bile duct hyperplasia with correlated increases in alkaline phosphatase (ALP), alanine aminotransferase (ALT), and gamma glutamyl transferase (GGT) at the highest dose tested. Liver effects progress with time in treated dogs, while similar effects are not seen in rats and mice at high dose levels. Liver effects are seen in the mouse carcinogenicity study at a higher dose level than the liver effects observed in dogs; the effects consisted of increased incidence of hepatocellular alterations (basophilic, eosinophilic, vacuolated), necrosis, and pigmented macrophages. Thyroid effects include increased instances of follicular hypertrophy/hyperplasia.

In the acute neurotoxicity study, potential evidence of neurotoxicity in the form of decreases in total and ambulatory motor activities and in rearing were seen in the rat. However, no additional functional observation (FOB) parameters were affected, and no neuropathological findings of both central and peripheral nerves were observed.

There is no evidence of increased quantitative or qualitative susceptibility in the developmental toxicity studies in rabbits or rats; or the reproductive toxicity study in rats. With *in-utero* exposure in the developmental toxicity studies, fluindapyr did not produce any adverse effects in either rat or rabbit parental animals or fetuses at or approaching the limit dose. In the reproduction study, in parental animals (P and F1 males and females), fluindapyr induced an increase in thyroid follicular hypertrophy/hyperplasia. It also induced adverse effects on a host of reproductive parameters. It also produced adverse offspring effects as indicated by decreases in F1 and F2 pup body weights in both sexes; thymus and spleen weights were also decreased. The parental, reproductive, and offspring effects all occurred at the same dose levels. The increased incidence of thyroid follicular hypertrophy/hyperplasia raised concerns for the potential of thyroid effects on the developing animals. EPA applied a 10X safety factor to the appropriate exposure scenarios to account for the uncertainties associated with the life stage susceptibility.

In the chronic toxicity/carcinogenicity studies in rats and mice, there was no evidence of carcinogenicity. The mutagenicity battery was negative. Fluindapyr is classified as ''Not Likely to be Carcinogenic to Humans''.

Specific information on the studies received and the nature of the adverse effects caused by fluindapyr as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Fluindapyr: Human Health Risk Assessment for Section 3 Registration and Tolerance Requests for a New Active Ingredient Proposed for Use on Cereal Grains Crop Group 15 except Rice; Forage, Fodder and Straw of Cereal Grains Crop Group 16; and Soybean'' (hereinafter ''Fluindapyr Human Health Risk Assessment'') on pages 14–20 in docket ID number EPA–HQ–OPP–2018–0551.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticide*.

A summary of the toxicological endpoints for fluindapyr used for human risk assessment can be found in the Fluindapyr Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluindapyr, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from fluindapyr in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fluindapyr. In estimating acute dietary exposure, EPA used 2003–2008 food consumption information from the United States Department of Agriculture (USDA) Nationwide Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, the acute analysis assumed 100% crop treated (PCT) for all commodities, highest average field trial (HAFT) residue values, empirical and default processing factors, and anticipated livestock residues based on calculated livestock dietary burden and tissue transfer rates from the livestock feeding studies.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the USDA's NHANES/WWEIA. As to residue levels in food, chronic analysis assumed 100 PCT for all commodities, field trial mean residue values, empirical and default processing factors, and anticipated livestock residues based on calculated livestock dietary burden and tissue transfer rates from the livestock feeding studies and metabolite ratios from the metabolism studies.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that fluindapyr does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E)

and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

EPA did not use information on the percent of food actually treated in the dietary assessment for fluindapyr; 100 PCT was assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fluindapyr in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fluindapyr. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide*.

Using the Pesticide Water Calculator (PWC, version 1.52), the estimated drinking water concentrations (EDWCs) of fluindapyr were determined to be higher in groundwater than in surface water for both acute and chronic exposure durations. The following groundwater EDWCs were used directly in the dietary exposure model to account for the contribution of fluindapyr and relevant transformation products (3–OH–F9990 and 1–COOH–F9990) residues in drinking water as follows: 254.1 ppb was used in the acute assessment and 217.8 ppb was used in the chronic assessment.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fluindapyr is currently registered for the following use that could result in residential exposures: Golf course turf. The currently registered use on golf courses will result in short-term (1 to 30 days) residential post-application dermal exposures to adult, youth 11 to less than 16 years old, and children 6 to less than 11 years old. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to fluindapyr and any other substances and fluindapyr does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that fluindapyr has a common mechanism of toxicity with other substances.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In the developmental toxicity studies (rat and rabbit), fluindapyr did not produce any adverse effects in parental animals or fetuses at or approaching the limit dose (1,000 mg/kg/day). In the reproduction study, in parental animals (P and F1 males and females), fluindapyr induced an increase in thyroid follicular hypertrophy/hyperplasia. It also induced adverse effects on a host of reproductive parameters. There is no evidence of increased quantitative or qualitative susceptibility in the developmental toxicity studies in rabbits or rats or the reproductive toxicity study in rats. In the 2-generation reproduction study in rats, reproductive effects were observed, and offspring toxicity (decreased pup weights in F1 and F2 generation; thymus and spleen weights were decreased) was observed in the presence (same dosage) of parental toxicity (increase in thyroid follicular hypertrophy/hyperplasia and reproductive effects).

3. *Conclusion.* Due to the uncertainties concerning the potential life stage susceptibility related to adverse thyroid effects seen in parental animals of the reproductive study, EPA is retaining the FQPA 10X SF for exposure scenarios that rely on the reproductive study in which such effects were seen. For purposes of this safety assessment, those scenarios are the post-application short-term dermal exposures and the short-term aggregate risk assessment. For the acute and chronic dietary assessments, EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fluindapyr is complete. Fluindapyr caused an increased in the thyroid follicular hypertrophy/hyperplasia in the 2-generation reproduction study. The results of these findings raised concerns about the potential impact to the developing brain in response to changing thyroid levels brought on by thyroid effect in the parents. A database uncertainty factor of 10X is placed on fluindapyr to address this concern.

ii. In the acute neurotoxicity study (ACN), decreases in total and ambulatory motor activities and in rearing were seen and could be considered as potential evidence for neurotoxicity. However, concern with fluindapyr is low because (1) no other effects were observed in database including in the subchronic neurotoxicity study (SCN); (2) no neurohistopathology was found in the ACN, SCN or any toxicity study in the fluindapyr database; and (3) the toxicity endpoints and PoD selected for risk assessment are protective of the effects seen in the ACN.

iii. There is no evidence that fluindapyr results in increased quantitative or qualitative susceptibility in the developmental toxicity studies in rabbits or rats or the reproductive toxicity study in rats. In the 2-generation reproduction study in rats, reproductive effects were observed, and offspring toxicity (decreased pup weights in F1 and F2 generation; thymus and spleen weights were decreased) was observed in the presence (same dosage) of parental toxicity. Based on the effects in the 2-generation reproduction study, there is some uncertainty about the potential thyroid-related effects on the developing fetus or child. While EPA is retaining the 10X FQPA SF for short-term aggregate risk assessment, there is no concern for this uncertainty for the acute dietary exposure assessment because perturbation of thyroid after a single dose is not anticipated to impact the developing fetus or offspring. Nor is there a concern for this uncertainty in the chronic dietary assessment because the chronic dietary endpoint, based on

effects in dogs, is protective of potential thyroid-related effects observed in developing rats or offspring.

iv. There are no residual uncertainties identified in the exposure databases. The dietary risk assessments are based on high-end assumptions such as 100 PCT assumptions, HAFT and field trial mean residue values, empirical and default processing factors, anticipated livestock residues based on calculated livestock dietary burden and tissue transfer rates from the livestock feeding studies and modeled, high-end estimates of residues in drinking water. All of the exposure estimates are based on high-end assumptions and are not likely to underestimate risk. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fluindapyr in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children. These assessments will not underestimate the exposure and risks posed by fluindapyr.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fluindapyr will occupy 8.9% of the aPAD for all infants (<1 year old), the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluindapyr from food and water will utilize 33% of the cPAD for infants <1 year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fluindapyr is not expected.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short-term and intermediate-term endpoints and residential exposure estimates are identical, and so short-term aggregate exposure is considered protective of intermediate-term aggregate exposures. The three population subgroups assessed for residential post-application exposures are: Adults, youth 11 to <16 years old, and children 6 to <11 years old. Of the three population subgroups, the children 6 to <11 years old represent the highest dermal exposure from post-application exposures and the highest background dietary exposure. Therefore, this population subgroup is considered protective of the other two population subgroups.

For adults, intermediate-term exposure is not expected for the residential exposure pathway. Therefore, the intermediate-term aggregate risk would be equivalent to the chronic dietary exposure estimate. For children, all intermediate-term aggregate risks are equivalent to short-term aggregate risks.

Using the exposure assumptions described in this unit for short-term and intermediate-term exposures, EPA has concluded the combined short- and intermediate term food, water, and residential exposures result in aggregate MOEs of 720 for youth (6 to <11 yrs. old) with dermal exposure from post-application exposure to residue from treated golf course. Because EPA's level of concern for fluindapyr is a MOE of 100 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fluindapyr is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluindapyr residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner has proposed a liquid chromatography with tandem mass spectrometer (LC/MS/MS) for determination of fluindapyr and metabolites 3–OH–F9990, F9990–DM-glucoside, 1–OH-Me-F9990, 1–OH-Me-DM–F9990, and 1–COOH–F9990 in plant commodities. For livestock commodities, adequate enforcement methodology using LC/MS/MS is available for determination of residues of fluindapyr and its metabolites.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for fluindapyr.

C. Response to Comments

One comment was received in response to the notice of filing that argued against the use fluindapyr on several commodities and the overall toxicity of pesticides. In addition, the commenter raised three additional concerns: The lack of tests involving the combination of fluindapyr and other chemicals; fluindapyr a potential cancer-causing agent; and fluindapyr is a fluoride compound. 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 Federal Food, Drug, and Cosmetic Act (FFDCA) authorized EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that these fluindapyr tolerances are safe. The commenter has provided no information supporting a contrary conclusion.

In its assessment of safety under the FFDCA, EPA considers combinations of pesticides by evaluating the cumulative effects of pesticides that have a common mechanism of toxicity. At this time, EPA has not identified a common

mechanism of toxicity between fluindapyr and other pesticides and thus there are no combinations of pesticides to consider at this time.

EPA has evaluated available data concerning carcinogenicity and determined that fluindapyr is not likely to be carcinogenic to humans. This conclusion is based on a lack of treatment-related tumors seen in male or female rats or mice and no concern for mutagenicity. The commenter has provided no additional information about potential carcinogenicity.

Fluindapyr contains a difluoromethyl group and a fluorine-substituted phenyl group. The difluoromethyl group remains intact on the compounds identified in crop (primary and rotational), livestock, and environmental fate studies, including the compounds identified as the residues of concern for tolerance enforcement and risk assessment purposes for crop and livestock commodities. While the metabolism studies show the phenyl group does degrade, it is extremely unlikely for the fluorine to form a free fluorine because the stability of the bond between the fluorine and carbon atom. Therefore, applications of fluindapyr are not expected to result in dietary exposure to fluoride.

D. Revisions to Petitioned-For Tolerances

Based on EPA's review of the data supporting the petition, EPA is establishing tolerances that vary from what the petitioner requested under its authority in FFDCA section 408(d)(4)(A)(i). Some commodity terms are altered to be consistent with Agency nomenclature. EPA is not establishing tolerances for corn oil since EPA determined that residues on this commodity will be adequately covered under corn, field, grain due to the lack of concentration during processing. EPA is also not establishing tolerances for fruit, small vine-climbing except fuzzy kiwifruit, crop subgroup 13–07F and the soybean commodities as initially requested since they are not necessary at this time, due to the withdrawal of the proposed uses by the petitioner.

EPA is establishing tolerance levels lower than what the petitioner requested for grain, aspirated fractions; grain, cereal, group 15, except rice and corn from 0.9 ppm; and cattle, fat based on the submitted field trial data for those commodities using the OEDC MRL (Maximum Residue Limit) calculator.

Because of potential increase of fluindapyr (including metabolites and degradates) in livestock diet, largely due to cereal grain crop group 15 and 16 use, and based on updated maximum reasonably balanced diet (MRBD) calculations for livestock, the Agency has determined that finite residues will be incurred in poultry (egg, fat, meat, and meat byproducts), ruminants (fat, milk, meat, and meat byproducts), hog (fat, meat, and meat byproducts), and horse (fat, meat, and meat byproducts); therefore, under 40 CFR 180.6, EPA is establishing tolerances for those commodities.

V. Conclusion

Therefore, tolerances are established for residues of fluindapyr, 3-(difluoromethyl)-N-(7-fluoro-2,3-dihydro-1,1,3-trimethyl-1H-inden-4-yl)-1-methyl-1H-pyrazole-4-carboxamide, in or on almond, hulls at 15 ppm ; corn, field, grain at 0.01 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, stover at 20 ppm; grain, aspirated fractions at 20 ppm; grain, cereal, forage, fodder, and straw, group 16 forage, except rice at 15 ppm; grain, cereal, forage, fodder, and straw, group 16, hay, except rice at 8 ppm; grain, cereal, forage, fodder, and straw, group 16, stover, except rice at 4 ppm; grain, cereal, forage, fodder, and straw, group 16, straw, except rice at 20 ppm; grain, cereal, group 15, except rice and corn at 0.8 ppm; nut, tree, group 14–12 at 0.04 ppm; egg at 0.01 ppm; milk at 0.01 ppm; cattle, fat at 0.03 ppm; cattle, meat at 0.01; goat, fat at 0.03 ppm; goat, meat at 0.01 ppm; hog, fat at 0.01 ppm; hog, meat at 0.01 ppm; horse, fat at 0.03 ppm; horse, meat at 0.01 ppm; poultry, fat at 0.01 ppm; poultry, meat at 0.01 ppm; sheep, fat at 0.03 ppm; and sheep, meat at 0.01 ppm. In addition, tolerances are established for residues of fluindapyr, 3-(difluoromethyl)-*N*-(7-fluoro-1,1,3-trimethyl-2,3-dihydro-1*H*-inden-4-yl)-1-methyl-1*H*-pyrazole-4-carboxamide, and 3-(difluoromethyl)-*N*-(7-fluoro-1-hydroxymethyl-1,3-dimethyl-2,3-dihydro-l*H*-inden-4-yl)-1-methyl-l*H*-pyrazole-4-carboxamide, in or on cattle, meat byproducts at 0.3 ppm; goat, meat byproducts at 0.3 ppm; horse, meat byproducts at 0.3 ppm; hog, meat byproducts at 0.01 ppm; poultry, meat byproducts at 0.01 ppm; and sheep, meat byproducts at 0.3 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

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.

Edward Messina,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended 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. Add § 180.716 to subpart C to read as follows:

§ 180.716 Fluindapyr; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the fungicide fluindapyr, including its metabolites and degradates, in or on the commodities in Table 1 of this section. Compliance with the tolerance levels specified in Table 1 is to be determined by measuring only fluindapyr, 3-(difluoromethyl)-*N*-(7-fluoro-1,1,3-trimethyl-2,3-dihydro-1*H*-inden-4-yl)-1-methyl-1*H*-pyrazole-4-carboxamide, in or on the commodity.

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Almond, hulls	15
Cattle, fat	0.03
Cattle, meat	0.01
Corn, field, grain	0.01
Corn, sweet, kernel plus cob with husks removed	0.01
Corn, sweet, stover	20
Egg	0.01
Goat, fat	0.03
Goat, meat	0.01
Grain, aspirated fractions	20
Grain, cereal, forage, fodder, and straw, group 16, forage, except rice	15
Grain, cereal, forage, fodder, and straw, group 16, hay, except rice	8
Grain, cereal, forage, fodder, and straw, group 16, stover, except rice	4
Grain, cereal forage, fodder, and straw, group 16, straw, except rice	20

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Commodity	Parts per million
Grain, cereal group 15, except rice and corn	0.8
Hog, fat	0.01
Hog, meat	0.01
Horse, fat	0.03
Horse, meat	0.01
Milk	0.01
Nut, tree, group 14–12	0.04
Poultry, fat	0.01
Poultry, meat	0.01
Sheep, fat	0.03
Sheep, meat	0.01

(2) Tolerances are established for residues of the fungicide fluindapyr, including its metabolites and degradates, in or on the commodities in Table 2 of this section. Compliance with the tolerance levels specified in Table 2 is to be determined by measuring the sum of fluindapyr, 3-(difluoromethyl)-*N*-(7-fluoro-1,1,3-trimethyl-2,3-dihydro-1*H*-inden-4-yl)-1-methyl-1*H*-pyrazole-4-carboxamide, and 3-(difluoromethyl)-*N*-(7-fluoro-1-hydroxymethyl-1,3-dimethyl-2,3-dihydro-l*H*-inden-4-yl)-1-methyl-l*H*-pyrazole-4-carboxamide, calculated as the stoichiometric equivalent of fluindapyr, in or on the commodity.

TABLE 2 TO PARAGRAPH (a)(2)

Commodity	Parts per million
Cattle, meat byproducts	0.3
Goat, meat byproducts	0.3
Horse, meat byproducts	0.3
Hog, meat byproducts	0.01
Poultry, meat byproducts	0.01
Sheep, meat byproducts	0.3

(b)–(d) [Reserved]

[FR Doc. 2021–04786 Filed 3–8–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R3–ES–2018–0056; FF09E21000 FXES11110900000 212]

RIN 1018–BD26

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Missouri Distinct Population Segment of Eastern Hellbender

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for the Missouri distinct population segment (DPS) of eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), a salamander species. This rule adds this DPS of this species to the Federal List of Endangered and Threatened Wildlife.

DATES: This rule is effective April 8, 2021.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R3–ES–2018–0056 and *https://www.fws.gov/midwest/endangered/amphibians/eastern_hellbender/.* 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.* Comments, materials, and documentation that we considered in this rulemaking will be available by appointment, during normal business hours, at: U.S. Fish and Wildlife Service, Columbia, Missouri Ecological Services Field Office, 101 Park DeVille Drive, Suite A, Columbia, MO 65203–0057; telephone 573–234–2132.

FOR FURTHER INFORMATION CONTACT: Karen Herrington, Field Supervisor, Missouri Ecological Services Field Office, 101 Park DeVille Drive, Suite A, Columbia, MO 65203; telephone 573–234–2132. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On April 4, 2019, we published a proposed rule (84 FR 13223) to add the Missouri DPS of the eastern hellbender as an endangered species to the List of Endangered and Threatened Wildlife in part 17 of title 50 of the Code of Federal Regulations (at 50 CFR 17.11(h)). We concurrently published a not warranted finding on the listing of the eastern hellbender subspecies as a whole. See the proposed listing rule for the Missouri DPS of the eastern hellbender for more information regarding the previous Federal actions on the hellbender species and related subspecies.

Background

The Missouri DPS of the eastern hellbender lies completely within the boundaries of the State of Missouri with eastern hellbenders known to occur in Big River, Big Piney River, Courtois

Creek, Gasconade River, Huzzah Creek, Meramec River, Niangua River, and Osage Fork of the Gasconade River (figure 1). The Meramec River watershed, which includes the Big River and Courtois Creek, drains directly into the Mississippi River; whereas all of the other watersheds in the Missouri DPS drain directly into the Missouri River. Please refer to our April 4, 2019, proposed rule (84 FR 13223) for a summary of species background information available to the Service at the time that it was published.

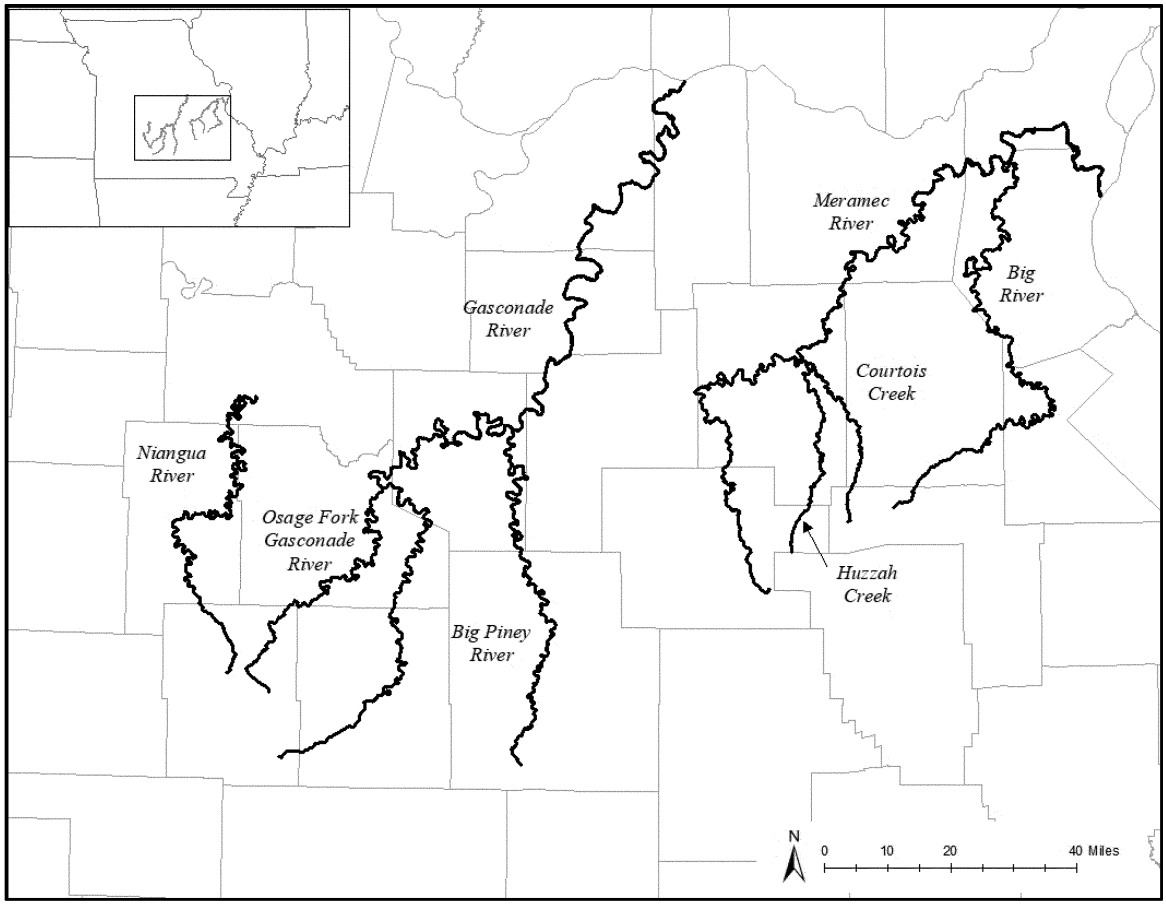


Figure 1. Streams within the Missouri DPS in which the eastern hellbender is known to occur.

Regulatory and Analytical Framework

Regulatory Framework

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

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

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

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

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

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

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

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an

individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

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

Analytical Framework

The Eastern Hellbender (*Cryptobranchus alleganiensis alleganiensis*) Species Status Assessment Report (SSA report) documents the results of our comprehensive biological status review for the eastern hellbender subspecies as a whole, including an assessment of the potential stressors to the species (U.S. Fish and Wildlife Service 2018, entire). The SSA report does not represent a decision by the Service on whether the subspecies (or the DPS) warrants listing as an endangered or threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report, specifically related to the Missouri DPS of the eastern hellbender; the full SSA report can be found at Docket No. FWS–R3–ES–2018–0056 on *http://www.regulations.gov* and at *https://www.fws.gov/midwest/endangered/amphibians/eastern_hellbender.*

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

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

Summary of Biological Status and Threats

We identified four geographical units (referred to in the SSA report as adaptive capacity units (ACUs)), based on Hime *et al.'s* (2016, entire) evaluation of genetic markers, to delineate variation in genetic and ecological traits within the eastern hellbender's historical range (*i.e.,* evolutionary lineages; figure 2). The units are: (1) Missouri River drainage (MACU), (2) Ohio River-Susquehanna River drainages (OACU), (3) Tennessee River drainage (TACU), and (4) Kanawha River drainage (KACU). Through the DPS analysis described in the proposed rule (84 FR 13223, April 4, 2019), the Service determined that the MACU adaptive capacity unit was a distinct population segment and that the DPS met the definition of endangered. Any reference to the MACU in the SSA can be understood to mean the Missouri DPS of eastern hellbender. The term MACU is used throughout this document (and the SSA report) but references the same geographic areas as the Missouri DPS of the eastern hellbender.

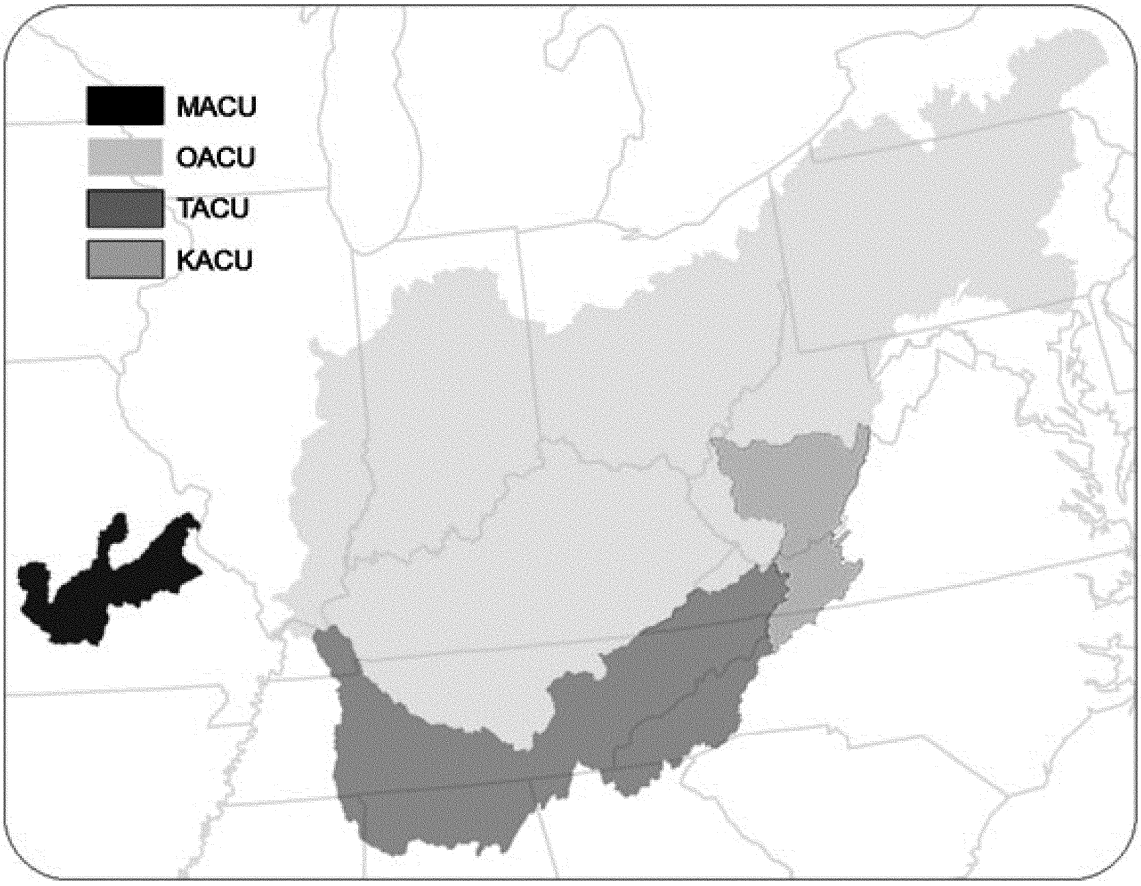


Figure 2. Evolutionary distinct lineages identified within the eastern hellbender subspecies by Hime *et al.* (2016, pp. 4–13). (1) Missouri (MACU), (2) Ohio River-Susquehanna River drainages (OACU), (3) Tennessee River drainage (TACU), and (4) Kanawha River drainage (KACU).

The Missouri DPS of eastern hellbender (or MACU) historically had five populations. One of the populations is considered functionally extirpated (*i.e.,* the number of individuals remaining is so low that the population is no longer considered to be viable; while the four other populations are declining and not in healthy condition. As noted in our DPS analysis in the proposed rule, eastern hellbenders occupy small home ranges, and the populations within the Missouri DPS are disjoined from other populations of eastern hellbender by such a large geographic distance (200 river miles) that there is no feasible way other populations could act as a source for any populations within this DPS (84 FR 13232, April 4, 2019). The Missouri DPS's current condition is most strongly influenced by sedimentation, poor water quality, disease, habitat disturbance, small population size, and direct mortality. Additionally, collection and sale of eastern hellbenders continues to be a threat to the species. Augmentation is an important positive influence, but even with introductions ongoing, all extant populations have a declining trend in abundance. Though redundancy has declined with the functional extirpation of eastern hellbenders in one stream of the DPS, we have concluded that DPS-wide extirpation is unlikely due to a catastrophic chemical pollution event (Service 2018, p. 37). One of the largest freshwater oil spills in the nation (863,268 gallons of crude oil) occurred within the range of the Missouri DPS of eastern hellbender in 1988. The DPS persisted after the spill, but resiliency and redundancy have both declined since the spill. We have also concluded that the Missouri DPS of eastern hellbender likely has lower viability and greater vulnerability to current and potential future stressors, compared to other segments of the species' range. We summarize the major influences to the Missouri DPS of eastern hellbender viability below; for more detail see chapter 5 of the SSA report (Service 2018, pp. 34–56).

Influences on the Missouri DPS of Eastern Hellbender

In consultation with species' experts, we identified the past and current negative and beneficial factors that have led to the eastern hellbender's current condition and which may influence population dynamics into the future. Factors having a negative impact on eastern hellbender individuals are referred to as risk factors (also as threats or stressors), while factors having a beneficial effect are referred to as conservation factors. We referred to risk and conservation factors collectively as ''influences.'' A brief summary of the most influential factors is presented below; for a full description of these factors, refer to chapter 5 of the SSA report (Service 2018, pp. 26–48).

Sedimentation

Sedimentation was identified as the factor most impacting the status of the

Missouri DPS of eastern hellbender. Sedimentation is the addition of fine soil particles (*e.g.,* sands, silts, clays) to streams. These sediments bury shelter and nest rocks (Blais 1996, p. 11; Lipps 2009, p. 10; Hopkins and DuRant 2011, p. 112), suffocate eggs (Nickerson and Mays 1973, pp. 55–56), alter habitat for crayfish (the primary food source of adult eastern hellbenders) (Santucci *et al.* 2005, pp. 986–987; Kaunert 2011, p. 23), and degrade habitat for larval and juvenile hellbenders, as well as habitat for macroinvertebrates, which are an important food source for larval hellbenders (Cobb and Flannagan 1990, pp. 35–37; Nickerson *et al.* 2003, p. 624). Because sedimentation affects all life stages of the eastern hellbender, impairs or prevents successful reproduction, and is pervasive throughout the subspecies' range, it has specifically been implicated as a cause of eastern hellbender declines and as a continuing threat throughout much of the Missouri DPS range.

Water Quality Degradation

Degraded water quality was estimated as having the second highest impact on the Missouri DPS's status because it can cause direct mortality of eastern hellbenders and, at sublethal levels, can alter physiological processes and increase vulnerability to other threats (Maitland 1995, p. 260). Major sources of aquatic pollutants include domestic wastes, agricultural runoff, coal mining activities, road construction, and unpermitted industrial discharges. There are a few documented cases of eastern hellbender kills (Williams, Chapman, and Floyd 2017, pers. comm.; Feller and Thompson 2011, entire) and many examples of fish and mussel kills from chemical pollution within the eastern hellbender range (USFWS 2013, pp. 59279–59284; Henley et al. 2002, entire). However, there is no information available to estimate how frequently chemical pollution events occur or the likelihood of this causing catastrophic decline in the Missouri DPS. Several databases track reported chemical spill events, 303(d) listed streams, and chemical pollution; however, the effects of chemicals on eastern hellbender remain largely unknown (Burgmeier et al. 2011b, p. 836; Pugh et al. 2015, pp. 105–6). While it is unlikely that a single chemical spill could cause catastrophic loss of the entire DPS, such loss is possible if multiple spills occur in the Missouri DPS of eastern hellbender. For further discussion about water quality degradation see Risk and Conservation Factors of the SSA report (Service 2018, pp. 34–56).

Disease

Disease (specifically, *Bd*) was estimated to be strongly contributing to the current condition of the Missouri DPS of the eastern hellbender and was ranked fourth in threats currently affecting eastern hellbenders by species experts (Service 2018, p. 36). Diseases can act as stressors and have the potential to cause catastrophic loss of hellbender populations. Emerging infectious diseases (EID), especially fungal EIDs in wildlife (discussed below), are on the rise (Fisher *et al.* 2012, p. 188). Salamanders are especially susceptible given the high magnitude of legal and illegal trade in herpetofauna. The importation of wildlife is a known pathway for transmission of pathogens.

Batrachochytrium dendrobatidis (*Bd*) is a fungal pathogen responsible for causing chytridiomycosis, a highly infectious amphibian disease associated with mass die-offs, population declines and extirpations, and potentially species extinctions on multiple continents (Berger *et al.* 1998, pp. 9031–9036; Bosch *et al.* 2001, pp. 331–337; Lips *et al.* 2006, pp. 3165–3166). The range of occurrence within eastern hellbenders in the Missouri DPS ranges among the rivers from 3–8 percent (Briggler 2019, pers. comm), and Bodinof *et al.* (2011, p. 3) found the earliest detection in Missouri occurred in 1975. Although the exact impact of *Bd* remains unclear, species experts believe that even mild chronic *Bd* infections may negatively impact eastern hellbenders and may increase susceptibility of eastern hellbenders to other infections. While *Bd* currently does not appear to be causing large-scale mortality events in populations of eastern hellbenders in the Missouri DPS, other stressors, such as environmental contaminants or rising water temperatures, can weaken animals' immune systems, leading to outbreaks of clinical disease, and cause mortality events in the future (Briggler *et al.* 2007, p. 18; Regester *et al.* 2012, p. 19).

Batrachochytrium salamandrivorans (*Bsal*) is a fungal pathogen that invaded Europe from Asia around 2010 and has caused mass die-offs of fire salamanders (*Salamandra salamandra*) in northern Europe (Martel *et al.* 2014, p. 631; Fisher 2017, pp. 300–301). Given extensive unregulated trade and the discovery of *Bsal* in Europe in 2010, the introduction of this novel pathogen could cause extirpations of naïve salamander populations in North America (Yap *et al.* 2017, entire) were *Bsal* to be introduced here. Given the high risk of *Bsal* invasion, on January 13, 2016, the Service published in the **Federal Register** (81 FR 1534) an interim rule to list 20 amphibian genera known to carry *Bsal* as injurious under the Lacey Act to limit importation into the United States. Despite this protection, it is possible that an unknown carrier or illegal import could introduce this pathogen into eastern hellbender populations. The Missouri DPS of the eastern hellbender has a low to moderate risk of *Bsal* introduction based on proximity to areas with a high volume of amphibian trade (Richgels *et al.* 2016, p. 5); unregulated trade of amphibians occurs in the range of the DPS and releases of infected amphibians could lead to the introduction of *Bsal* to this area.

Habitat Disturbance

Anthropogenic disturbance in the form of rock-moving by people recreating on rivers is a stressor on eastern hellbenders and can cause mortality. Large shelter rocks are removed to reduce obstructions to recreational canoeing or tubing. Additionally, collection of boulders, rocks, and cobble for landscaping has been suspected in some areas in Missouri (Briggler *et al.* 2007, p. 62). Because large rocks serve as shelter and nesting habitat for adults, and smaller rocks and cobble provide larval and juvenile habitat, moving rocks of any size has the potential to lead to mortality of some life stage. For example, Unger *et al.* (2017, entire) documented a deceased adult eastern hellbender under a recently constructed rock stack and a deceased larval eastern hellbender under freshly moved cobble at the base of a small, artificial dam. Both structures were presumed to have been constructed by recreational visitors to the small, heavily used stream (Unger *et al.* 2017, entire).

Small Populations, Population Fragmentation, and Isolation

Populations of the Missouri DPS of eastern hellbender are small and isolated from one another by impoundments and large reaches of unsuitable habitat. This isolation restricts movement among populations and precludes natural recolonization from other populations (Dodd 1997, p. 178; Benstead *et al.* 1999, pp. 662–664; Poff and Hart 2002, p. 660).

Increased Abundance of Species of Predators

Some native predators of the eastern hellbender, such as raccoons, have increased in abundance due to anthropogenic influences, while others have recently been reintroduced into

hellbender streams within the range of the Missouri DPS (*e.g.,* river otters) (Briggler *et al.* 2007, p. 17). Nonnative predators are also present within a large portion of the Missouri DPS of eastern hellbender's range and include predatory fish stocked for recreation, such as rainbow trout (*Oncorhynchus mykiss*) and brown trout (*Salmo trutta*) (Mayasich *et al.* 2003, p. 20). Species experts presume nonnative trout species directly impact eastern hellbenders by predating on eggs, larvae, and subadults (Briggler *et al.* 2007, p. 23).

Direct Mortality or Permanent Removal of Animals

Large numbers of eastern hellbenders have historically been removed from some streams within the Missouri DPS for scientific and educational purposes (Peterson 1985, p. 59; Ingersol 1991, pp. 61, 63). Though there is no documentation of collection of eastern hellbenders within the Missouri DPS for the pet trade, we presume that individuals were also collected for this purpose based on documentation of the large number of Ozark hellbenders illegally collected for the pet trade (Nickerson and Briggler 2007, entire) and the proximity of the Missouri DPS to Ozark hellbenders. These removals likely contributed to the population declines seen in some streams. The current rate of permanent removal of eastern hellbenders is likely significantly lower than it has been historically. However, collection and sale of eastern hellbenders continues to be a threat, with internet advertisements as recent as 2010 soliciting purchase of wholesale lots of eastern hellbenders (Briggler 2010, pers. comm.). Killing of eastern hellbenders by some anglers and the removal of individuals for personal use and the pet trade also continues in some areas (Briggler *et al.* 2007, pp. 18, 59). Even though many eastern hellbenders targeted by scientists and nature enthusiasts are returned to the stream, the act of searching for eastern hellbenders can result in increased egg and larval mortality. Eastern hellbenders are typically captured by lifting large shelter rocks and catching individuals by hand. Many researchers have speculated that rock lifting to collect eastern hellbenders results in adverse impacts to all life stages, especially when done during the breeding season (Williams *et al.* 1981b, p. 26; Lindberg and Soule 1991, p. 8; Williams 2012, pers. comm.).

As a long-lived species, removing adult eastern hellbenders from stream populations may be particularly detrimental, as stable populations of long-lived species typically have high adult survival rates, which compensates for correspondingly low rates of recruitment into the adult populations (Miller 1976, p. 2). In eastern hellbender populations with low densities and little evidence of recent recruitment into the adult population, the removal of any individuals from a population may be deleterious (Pfingsten 1988, p. 16). Because many populations within the Missouri DPS of eastern hellbender are already stressed by habitat degradation, compensation for high adult mortality through high recruitment of juveniles is even less likely. Although the magnitude of the threat of removing individuals from the wild is not known with certainty, its occurrence is commonly noted by field researchers, suggesting that it is a relatively common occurrence in some portions of the subspecies' range. Furthermore, as the number of populations decline and become concentrated on public lands, locations and animals might be easier to find (discussed below in the Conservation Efforts section and the SSA report; Service 2018, p. 56).

Synergistic Effects

In some instances, effects from one threat may increase effects of another threat, resulting in what is referred to as synergistic effects. Synergistic effects often include an increased susceptibility to predation (Moore and Townsend 1998, pp. 332–333), disease (Kiesecker and Blaustein 1995, pp. 11050–11051; Taylor *et al.* 1999, pp. 539–540), or parasites (Kiesecker 2002, pp. 9902–9903; Gendron *et al.* 2003, pp. 472–473). In addition, chronic, increased levels of stress hormones have been shown to inhibit immune response (Rollins-Smith and Blair 1993, pp. 156–159; Romero and Butler 2007, pp. 93–94). Other stressors present in the eastern hellbender's environment (*e.g.,* habitat modification, degraded water quality) could reduce immune response and thereby increase vulnerability to disease and parasites.

Conservation Efforts

Beneficial efforts, primarily of population augmentation, were also ranked by species' experts as an important influence on the Missouri DPS's status. Captive-rearing increases the survival rate of young by raising them in captivity to 2 to 4 years of age (Briggler 2019, pers. comm.). Once reared, young are released into the wild to augment existing populations or reintroduced into areas where the species has been extirpated. However, we currently have no data on whether released individuals have successfully reproduced or can successfully reproduce, or the survival rates of any resulting offspring.

In addition, artificial nest boxes have been successfully used for reproduction by hellbenders in Missouri (Briggler 2016, p. 1). However, the survival of fertilized eggs and larvae from these nest boxes is unknown. Because nest boxes may present a curiosity to stream recreationists, hellbenders occupying the nests are susceptible to disturbance, persecution, and collection if the nest boxes are not properly camouflaged.

Lastly, the eastern hellbender (including the Missouri DPS) is listed on Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international agreement among governments with the purpose of ensuring that international trade in wild animals and plants does not threaten their survival. Appendix III includes native species that at least one Party country (*i.e.,* a country that is part of CITES) has identified as requiring regulation to prevent or restrict exploitation. Under Appendix III, that Party country requests the help of other Parties to monitor and control the trade of that species.

Summary

In summary, stressors are pervasive across the range of the Missouri DPS of the eastern hellbender. The primary stressors affecting the Missouri DPS of eastern hellbender include sedimentation, water quality degradation, disease, habitat disturbance, small population size, and direct mortality. Although augmentation has the potential to influence the status of the DPS, little data exist as to whether successful sustained reproduction and recruitment can be achieved and whether augmentation is logistically possible throughout the range. With regard to redundancy, there is high vulnerability for DPS-wide extirpation due to the low number (four) and reduced distribution of populations.

Populations of the Missouri DPS eastern hellbender have declined as much as 77 percent over a twenty-year period in the Big Piney River, Gasconade River and Niangua River (Wheeler et al. 2003, p. 155). The threats described above have already resulted in the functional extirpation of one of five populations of the eastern hellbender in Missouri and the declining condition of the remaining four populations. Of the four remaining populations, none are currently healthy, contributing to their low resiliency. The lack of healthy populations, the limited spatial extent of the Missouri DPS and the likely functional loss of

population(s) in the event of a catastrophic event greatly reduce the DPS's resiliency and redundancy (the ability of a species to withstand normal environmental variation, periodic disturbances, stressors, and catastrophes currently and into the future). Based on threats currently affecting the Missouri DPS, we expect all populations to continue to decline in health (Service 2018, Chapter 6). Additionally, under two out of three future scenarios, we expect an additional population to become extirpated within 10 years (Service 2018, Chapter 6).

Population resiliency is low due to the unhealthy condition of the four remaining populations of the Missouri DPS of eastern hellbender. The functional loss of a population has decreased the overall redundancy of the DPS and the limited geographic extent (5 streams closely located to one another) of the DPS leads to low overall redundancy as well.

The eastern hellbender SSA report (Service 2018, entire) contains a more detailed discussion of our evaluation of the biological status of the eastern hellbender in Missouri and the influences that may affect its continued existence. Our conclusions are based upon the best available scientific and commercial data, including the expert opinion of the species' experts (fishery biologists, aquatic ecologists, and geneticists from State and Federal agencies and academic institutions) and the SSA team members. Please see the proposed listing rule and its supporting materials for a complete list of the species experts and peer reviewers and their affiliations (84 FR 13231, April 4, 2019; Docket No. FWS–R3–ES–2018–0056).

Summary of Comments and Recommendations

In the April 4, 2019, proposed rule (84 FR 13223), we requested that all interested parties submit written comments on the proposal by June 3, 2019. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. We did not receive any requests for a public hearing.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review actions under the Act (16 U.S.C. 1531 *et seq.*), we solicited expert opinion from five knowledgeable individuals with scientific expertise that included familiarity with the eastern hellbender and its habitat, biological needs, and threats. We received responses from two peer reviewers.

We updated the SSA report based on the peer reviewer's comments. The changes consisted of clarifications and corrections to the SSA report, including typographical edits, and incorporation of omitted references.

Public Comments

We received eight public comments on the proposed rule and more than five thousand form letters expressing support for the listing of the eastern hellbender under the Act. One of the comments received during the public comment period did not address or provide any information concerning the Missouri DPS of the eastern hellbender. The remaining commenters did not provide substantive comments or new information concerning the proposed listing of the Missouri DPS of the eastern hellbender. We note the SSA report, a list of literature referenced, the public comments and the peer reviewer reports, all of which helped inform this listing decision, are available to the public on *http://www.regulations.gov* under Docket No. FWS–R3–ES–2018–0056.

(1) Comment: A commenter suggested that, when making a final determination, the Service should consider all feedback it receives at the 2019 Hellbender Symposium, a biennial gathering of researchers and species experts from across the country.

Our Response: We received no new information at the symposium pertaining to the Missouri DPS of the eastern hellbender.

Two public commenters expressed opposition to the Service's proposed determination not to designate critical habitat for the eastern hellbender. These comments were generally centered on five main topics and are addressed individually below.

(2) Comment: The commenters opined that information in the SSA report demonstrates that collection pressure is among the least influential of the primary factors impacting population health in Missouri; whereas sedimentation and water quality impairment are the two strongest and together make up 32 percent of the relative influence of all factors on population status. This information suggests that concerns about Federal activities that may degrade habitat and water quality dramatically outweigh concerns about collection pressure.

Our Response: The commenters stated that collection pressure was not ranked as a factor currently having a high influence on eastern hellbender population health in Missouri because various measures have been implemented to restrict the disclosure of specific locations of occupied sites. If the exact location of occupied sites were publically available, we expect the threat of illegal collection would be much higher. Collection, as a threat, is discussed further above in the Summary of Biological Status and Threats section and the SSA report (Service 2018, pp. 48–50)

(3) Comment: The commenters stated that designating critical habitat would not increase the risk of unlawful eastern hellbender collection because eastern hellbender locations are already widely available on the internet via articles published in scientific journals. These articles and other sources identify waterways where eastern hellbenders live and include maps, verbal descriptions, and capture techniques.

Our Response: Though the streams in which eastern hellbenders occur are readily available to the public, the identification of these streams does not provide sufficient detail to facilitate illegal collection. Disclosure of the exact location of occupied sites within these rivers, however, would facilitate illegal collection. Therefore, disclosure of this information to the public is limited. The exact location of some sites has been published in scientific journals, but these sites constitute only a small proportion of the total number of sites occupied by eastern hellbenders, and species experts now recommend that exact locations no longer be published due to the threat of illegal collection. The designation of critical habitat would result in publishing of site-specific information and maps in the **Federal Register**. The Service is already aware of instances in which the publication of locality information for Ozark hellbender (*Cryptobranchus alleganiensis bishopi*) occupied sites resulted in the removal of almost all individuals from the location. Thus, we have concluded that publishing location information for eastern hellbender would further facilitate illegal collection and result in similar consequences.

(4) Comment: The commenters stated that designating critical habitat would not increase the risk of unlawful eastern hellbender collection because the Service can designate critical habitat without revealing exact locations of eastern hellbenders.

Our Response: When designating critical habitat, the Service must determine the physical or biological features that are essential to the conservation of the species and which may require special management

considerations or protection. Essential physical and biological features are the features that occur in specific areas and that are essential to support the life-history needs of the species. Appropriate cover rocks or other crevices are necessary features to fulfill the life-cycle needs of the eastern hellbender because they provide protection and nesting habitat. Stream reaches with suitable habitat for the eastern hellbender are not continuous, and areas with suitable habitat are often separated by miles (kilometers) of unsuitable habitat (data from mark-recapture studies indicate that hellbenders rarely move between sites). Therefore, by mapping the critical habitat and describing the physical and biological features essential to the conservation of the species, the Service would disclose the specific location of occupied sites and subject the Missouri DPS of eastern hellbenders to collection.

(5) Comment: The commenters stated that designating critical habitat would provide significant benefits to the eastern hellbender because the Act imposes an additional consultation requirement where an action will result in the ''destruction or adverse modification'' of critical habitat.

Our Response: In consultations for species with critical habitat, Federal agencies are required to ensure that their activities do not destroy or adversely modify critical habitat. However, once a species is listed under the Act, the provisions prohibiting take come into effect where the species is present. In most cases, ''take'' refers to a direct effect on an individual of the species. ''Take'' may also apply to actions that result in modification of the habitat of the species where such modification may be considered to constitute ''harm'' to the listed species. These prohibitions are completely independent of the designation of critical habitat. That is, the prohibition against take of the listed species applies regardless of whether critical habitat is designated. Although eastern hellbenders are considered functionally extirpated in one population within the Missouri DPS, species experts believe that a small number of individuals may still be present. Thus, there are no areas within the eastern hellbender range in the Missouri DPS that are considered unoccupied and for which section 7 consultation would not apply.

(6) Comment: The commenters stated that given the predicted future impacts to habitat throughout the MACU, the benefits of critical habitat designation far outweigh any concerns about additional collection pressure in the MACU. Even when there is no Federal nexus requiring consultation, critical habitat has value because it educates landowners, State and local governments, and the public about the conservation value of an area.

Our Response: The benefits provided by the designation of critical habitat can duplicate those already provided to the species without the designation of critical habitat by the ''jeopardy standard,'' especially in the cases of species with smaller ranges. The Service recognizes that, in some instances, designation of critical habitat could provide some benefits to the Missouri DPS of the eastern hellbender. However, these benefits do not outweigh the increased illegal collection that is likely to occur if critical habitat maps are published and the specific locations of currently occupied sites are disclosed.

Comments From States

We received a comment letter from the State of Missouri Department of Conservation that supported our decision to seek Federal listing of the Missouri DPS of the eastern hellbender. The State also expressed agreement with our finding that the designation of critical habitat was not prudent. They did not provide further substantive information during the comment period that would influence a change in the Service's decision from the proposed rule.

Summary of Changes From the Proposed Rule

As discussed above, we made no changes to this final rule after consideration of the comments we received.

Distinct Population Segment (DPS) Analysis

Please see our proposed listing rule for the Missouri DPS of the eastern hellbender published on April 4, 2019, for the full description of our DPS analysis (84 FR 13223). We did not receive substantive additional information during the open comment period regarding whether or not the Missouri DPS of eastern hellbender is a valid distinct population segment.

Determination of Missouri DPS of Eastern Hellbender 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.'' The Act requires that we determine whether a species meets the definition of ''endangered species'' or ''threatened species'' because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. For a more detailed discussion on the factors considered when determining whether a species meets the definition of ''endangered species'' or ''threatened species'' and our analysis on how we determine the foreseeable future in making these decisions, please see the *Regulatory Framework* section above.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Missouri DPS of the eastern hellbender. Our analysis of this information indicates that the most important risk factors affecting the eastern hellbender's current and future status and trends in Missouri are habitat destruction and modification from sedimentation and water quality degradation (Factor A), disease and pathogens (Factor C), and habitat disturbance (Factor A), and these factors are the primary causes of the decrease in the population health within the Missouri DPS of eastern hellbender now and into the future. The unauthorized collection of eastern hellbenders, especially for the pet trade (Factor B), remains a concern. Other factors, such as an overabundance of predators (Factor C) or population isolation (Factor E), are also affecting the Missouri DPS of eastern hellbenders but to a lesser degree. Although conservation efforts, such as population augmentation, artificial nest boxes, and listing under the Convention on International Trade in Endangered Species of Fauna and Flora, are being implemented, it is unclear if they will improve population viability in the long term.

Populations of Missouri DPS eastern hellbender have declined as much as 77 percent over a twenty year period in the Big Piney River, Gasconade River and

Niangua River (Wheeler et al. 2003, pg. 155). The threats described above have already resulted in the functional extirpation of one of five populations of the eastern hellbender in Missouri and the declining condition of the remaining four populations. The lack of healthy populations, the limited spatial extent of the Missouri DPS and the likely loss of population(s) in the event of a catastrophic event greatly reduce the DPS's resiliency and redundancy (the ability of eastern hellbenders to withstand normal environmental variation, periodic disturbances, stressors, and catastrophes currently and into the future). Based on threats currently affecting the Missouri DPS, we expect all populations to continue to decline in health (Service 2018, Chapter 6). Additionally, under two out of three future scenarios, we expect an additional population to become extirpated within 10 years (Service 2018, Chapter 6). Thus, after assessing the best available information, we determine that the Missouri DPS of the eastern hellbender is in danger of extinction 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. We have determined that the Missouri DPS of the eastern hellbender is in danger of extinction throughout all of its range, and accordingly, did not undertake an analysis of any significant portion of its range. Because we have determined that the Missouri DPS of the eastern hellbender warrants listing as endangered throughout all of its range, our determination is consistent with the decision in *Center for Biological Diversity* v. *Everson,* 2020 WL 437289 (D.D.C. Jan. 28, 2020), in which the court vacated the aspect of the 2014 Significant Portion of its Range Policy that provided the Services do not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range.

Determination of Status

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

Available Conservation Measures

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

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning consists of preparing draft and final recovery plans, beginning with the development of a recovery outline and making it available to the public within 30 days of a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for delisting, and methods for monitoring recovery progress, which may include downlisting criteria when appropriate. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*http://www.fws.gov/endangered*), or from our Missouri Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally needs the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include addressing factors contributing to sedimentation (*e.g.,* streambank stabilization, restoring riparian corridors, excluding cattle from streams), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

Now that the Missouri DPS of the eastern hellbender listing is final, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of Missouri will be eligible for Federal funds to implement management actions that promote the protection or recovery of the Missouri DPS of the eastern hellbender. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Please let us know if you are interested in participating in recovery efforts for the Missouri DPS of the eastern hellbender. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a

proposed threatened or endangered species or result in destruction or adverse modification of its proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the range of the Missouri DPS of the eastern hellbender habitat that may require consultation as described in the preceding paragraph include, but are not limited to, management and any other landscape-altering activities, particularly those affecting water quality or instream habitat, on Federal lands administered by the U.S. Forest Service and Department of Defense; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

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

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a final listing on proposed and ongoing activities within the range of a listed species.

Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Activities authorized, funded, or carried out by Federal agencies, when such activities are conducted in accordance with an incidental take statement issued by us under section 7 of the Act;

(2) Any action carried out for scientific research or to enhance the propagation or survival of the Missouri DPS of the eastern hellbender that is conducted in accordance with the conditions of a permit issued by the Service under 50 CFR 17.22; and

(3) Any incidental take of Missouri eastern hellbenders resulting from an otherwise lawful activity conducted in accordance with the conditions of an incidental take permit issued by the Service under 50 CFR 17.22. Non-Federal applicants may design a habitat conservation plan (HCP) for the DPS and apply for an incidental take permit. HCPs may be developed for listed species and are designed to minimize and mitigate impacts to the species to the maximum extent practicable.

We will review other activities not identified above on a case-by-case basis to determine whether they may be likely to result in a violation of section 9 of the Act. We do not consider these lists to be exhaustive and provide them as information to the public.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act; this list is not comprehensive:

(1) Unauthorized killing, collecting, handling, or harassing of individual eastern hellbenders at any life stage in Missouri;

(2) Sale or offer for sale of any Missouri eastern hellbender, as well as delivering, receiving, carrying, transporting, or shipping any Missouri eastern hellbender in interstate or foreign commerce and in the course of a commercial activity;

(3) Unauthorized destruction or alteration of the DPS' habitat (for example, instream dredging, channelizing, impounding of water, streambank clearing, removing large rocks from or flipping large rocks within streams, discharging fill material) that actually kills or injures individual eastern hellbenders in Missouri by significantly impairing their essential behavioral patterns, including breeding, feeding, or sheltering;

(4) Any discharge or water withdrawal within the DPS' occupied range that results in the death or injury of individual eastern hellbenders by significantly impairing their essential behavioral patterns, including breeding, feeding, or sheltering; and

(5) Discharge or dumping of toxic chemicals or other pollutants into waters supporting the DPS that actually kills or injures individual eastern hellbenders by significantly impairing their essential behavioral patterns, including breeding, feeding, or sheltering.

Questions regarding whether specific activities might constitute a violation of section 9 of the Act should be directed to the Missouri Ecological Services Field Office, 101 Park DeVille Drive, Suite A, Columbia, MO 65203; telephone 573–234–2132.

Critical Habitat

In our proposed listing rule for the Missouri DPS of the eastern hellbender we found that designating critical habitat was not prudent, in accordance with 50 CFR 424.12(a)(1), because the Missouri DPS faces a threat of unauthorized collection and trade, and designation can reasonably be expected to increase the degree of these threats to the DPS. Please refer to the proposed rule for the full prudency determination analysis (84 FR 13223, April 4, 2019; Docket No. FWS–R3–ES–2018–0056).

On August 27, 2019, we published a final rule in the **Federal Register** (84 FR 45020) to amend our regulations concerning the procedures and criteria we use to designate and revise critical habitat. That rule became effective on September 26, 2019, but, as stated in that rule, the amendments it sets forth apply to ''rules for which a proposed rule was published after September 26, 2019.'' We published our proposed critical habitat designation for the Missouri DPS of the eastern hellbender on April 4, 2019 (84 FR 13223); therefore, the amendments set forth in the August 27, 2019, final rule at 84 FR 45020 do not apply to this final determination regarding critical habitat for the Missouri DPS of the eastern hellbender.

The Service's 2019 revisions to 50 CFR 424.12 did not change the language that allows us to determine that critical habitat may not be prudent if ''the species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species.'' The Service relied upon this language in making the prudency determination for designation of critical habitat for the Missouri DPS of eastern hellbender.

Required Determinations

National Environmental Policy Act

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

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 no records of the Missouri DPS of the eastern hellbender occurring on tribal lands.

References Cited

A complete list of references cited in this final rule is available on the internet at *http://www.regulations.gov* and upon request from the Missouri Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Service's Great Lakes Regional Office and the Columbia, Missouri, Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. Amend § 17.11(h) by adding an entry for ''Hellbender, eastern [Missouri DPS]'' to the List of Endangered and Threatened Wildlife in alphabetical order under Amphibians to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* *	* *	* *	*	* *
AMPHIBIANS				
* *	* *	* *	*	* *
Hellbender, eastern [Missouri DPS]	*Cryptobranchus alleganiensis alleganiensis.*	Missouri	E	86 FR [*Insert* **Federal Register** *page where the document begins*]; 3/9/2021.
* *	* *	* *	*	* *

Martha Williams,

Principal Deputy Director Exercising the Delegated Authority of the Director U.S. Fish and Wildlife Service.

[FR Doc. 2021–04629 Filed 3–8–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 210303–0037]

RIN 0648–BK30

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes as regulations the 2021 annual management measures governing the Pacific halibut fishery that have been recommended by the IPHC and accepted by the Secretary of State. This action is intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

DATES: The IPHC's 2021 annual management measures took effect February 18, 2021. The 2021 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W. Commodore Way, Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802; or Sustainable Fisheries Division, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232. This final rule also is accessible via the internet at the Federal eRulemaking portal at *http://www.regulations.gov,* identified by docket number NOAA–NMFS–2021–0017.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Kurt Iverson, 907–586–7210; or, for waters off the U.S. West Coast, Kathryn Blair, 503–231–6858.

SUPPLEMENTARY INFORMATION:

Background

The IPHC has recommended regulations that would govern the Pacific halibut fishery in 2021, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention (Halibut Act, Sections 773–773k). The Secretary of State, with the concurrence of the Secretary of Commerce, accepted the 2021 IPHC regulations as provided by the Halibut Act.

The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority in developing halibut management programs for three fisheries that harvest halibut in Alaska: the subsistence, sport, and commercial fisheries. The PFMC has exercised this authority by developing a catch sharing plan governing the allocation of halibut and management of sport fisheries on the U.S. West Coast.

The IPHC apportions catch limits for the Pacific halibut fishery among regulatory areas (Figure 1): Area 2A (Oregon, Washington, and California), Area 2B (British Columbia), Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into 5 areas, 4A through 4E, in the Bering Sea and Aleutian Islands of Western Alaska).

Subsistence and sport halibut fishery regulations for Alaska are codified at 50 CFR part 300. Commercial halibut fisheries off Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679) regulations, and the area-specific catch sharing plans (CSPs) for Areas 2C, 3A, and Areas 4C, 4D, and 4E.

The NPFMC implemented a CSP among commercial IFQ and CDQ halibut fisheries in IPHC Regulatory Areas 4C, 4D, and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary of Commerce approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State.

The NPFMC recommended and NMFS implemented through rulemaking a CSP for guided sport (charter) and commercial IFQ halibut fisheries in IPHC Regulatory Area 2C and Area 3A on January 13, 2014 (78 FR 75844, December 12, 2013). The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance, specifies a public process for setting annual management measures, and authorizes limited annual leases of commercial IFQ for use in the charter fishery as guided angler fish (GAF).

The IPHC held its annual meeting remotely by video conference on January 25 through 29, 2021, and recommended a number of changes to the previous IPHC regulations (85 FR 14586, March 13, 2020, and revisions at 85 FR 37024, June 19, 2020). The Secretary of State accepted the annual management measures, including the following changes to sections of the 2021 IPHC regulations:

1. New commercial halibut fishery opening and closing dates in Section 9;
2. Minor changes to Section 12 to ensure the regulatory text of that section aligns with the fishing season dates established in Section 9;
3. New halibut catch limits in all regulatory areas. The catch limits are presented in two tables in Section 5 that distinguish between limits resulting from Commission decisions and those that are from catch limits that are the responsibility of the respective United States and Canada governments;
4. New management measures for Area 2C and Area 3A guided sport fisheries in Section 29; and
5. An addition to regulatory language in Section 22 to clarify that authorized representatives of the IPHC may sample halibut that are being unloaded and weighed.

Pursuant to regulations at 50 CFR 300.62, the 2021 IPHC annual management measures are published in the **Federal Register** to provide notice of their regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS may implement more restrictive regulations for the fishery for halibut or components of it; therefore, anglers are advised to check the current Federal and IPHC regulations prior to fishing.

Catch Limits

The IPHC recommended to the governments of Canada and the United States fishery catch limits (FCEY) for 2021 totaling 30,340,000 lb (17,661.99 mt). Overall, this represents a 10.4 percent increase over catch limits implemented in 2020. The catch limits in most regulatory areas increased, with the exception of the combined Areas 4CDE, which decreased slightly relative to the 2020 catch limits. A description of the process the IPHC used to set these catch limits follows.

In 2020, the IPHC conducted its annual stock assessment using a range of updated data sources as described in detail in the IPHC overview of data sources for the Pacific halibut stock assessment, harvest policy, and related analyses (IPHC–2021–AM097–06; available at *www.iphc.int*). To evaluate the Pacific halibut stock, the IPHC used an ''ensemble'' of four equally weighted

models, comprised of two long time-series models, and two short time-series models incorporating data from 1996 to the present. Each time-series length used data series that are divided either by four geographical regions or aggregated into coastwide summaries. These models incorporate data from the 2020 IPHC Fishery Independent Setline Survey (FISS), the 2020 commercial halibut fishery, the most recent NMFS trawl survey, sex-specific recreational age composition data from Area 3A, weight-at-age and male/female sex ratio estimates by region in the directed commercial fisheries and in the FISS, commercial fishery logbook information, and age distribution information for bycatch, sport, and sublegal discard removals.

As has been the case since 2012, the results of the ensemble models are integrated and incorporate uncertainty in natural mortality rates, environmental effects on recruitment, and other structural and parameter categories. The data and assessment models used by the IPHC are reviewed by the IPHC's Scientific Review Board comprised of non-IPHC scientists who provide an independent scientific review of the stock assessment data and models and provide recommendations to IPHC staff and to the Commissioners. The Scientific Review Board did not identify any substantive errors in the data or methods used in the 2021 stock assessment. NMFS believes the IPHC's data and assessments models constitute best available science on the status of the Pacific halibut resource.

The IPHC's data, including the FISS, indicate that the Pacific halibut stock declined continuously from the late 1990s to around 2012, largely as a result of decreasing size at a given age (size-at-age), higher harvest rates in early 2000s, as well as somewhat weaker recruitment strengths than those observed during the 1980s. Results from the 2020 stock assessment incorporate data from an expansion of the FISS throughout the survey range over the 2011–2019 period. Among other things, improvements in the setline spatial coverage have helped gain a greater understanding of the degree of spatial and temporal Pacific halibut density, and has helped reduce the uncertainty in the weight per unit effort (WPUE) and number per unit effort (NPUE) indices.

Overall, the biomass of spawning females is estimated to have increased gradually to 2016, then decreased to approximately 192,000,000 lb (87,243.96 mt) at the beginning of 2021. This level is currently estimated to be 33 percent (with a 95% credible interval of 22% to 52%) of unfished levels. This estimate reflects updated calculations recommended during stock assessment external review and review by the Scientific Review Board, as well as developments in the IPHC Management Strategy Evaluation.

The IPHC's current interim management procedure strives to maintain the total mortality of halibut across its range from all sources based on a reference level of fishing intensity so that the Spawning Potential Ratio (SPR) is equal to 43 percent. The reference fishing intensity of F43 percent SPR seeks to allow a level of fishing intensity that is expected to result in approximately 43 percent of the spawning stock biomass per recruit compared to an unfished stock (*i.e.,* no fishing mortality). Lower values indicate higher fishing intensity. The 2020 stock assessment and estimates of fishing intensity were enhanced by newly available data on the male/female sex ratio for the 2019 commercial fishery landings. Combined with similar data collected from the 2017 and 2018 commercial fisheries, the refined and quantified information on the sex ratio affected the treatment of the stock assessment data for the directed commercial fishery in the stock assessment models; it did not change the treatment or sex ratio estimates of mortalities associated with the recreational, subsistence, or non-directed halibut fisheries. Additional information on the status of the halibut resource under these catch limit alternatives is provided in the Analysis (see **ADDRESSES**).

The IPHC harvest decision table (Table 3 in: Summary of the Data, Stock Assessment, and Harvest Decision Table for the Pacific Halibut Stock at the End of 2020; IPHC–2021–AM097–08) provides a comparison of the relative risk of a decrease in stock biomass, status, or fishery metrics, for a range of alternative harvest levels for 2021. The harvest decision table employs two metrics of fishing mortality: (1) The Total Constant Exploitation Yield (TCEY), which includes harvests and incidental wastage from directed commercial fisheries, plus mortality estimates from sport, subsistence, personal use, and estimates of non-directed discard mortality of halibut over 26 inches; and, (2) Total Mortality, which includes all the above sources of mortality, plus estimates of non-directed discard mortality of halibut less than 26 inches (U26). Although U26 halibut mortality is factored into the stock assessment and harvest strategy calculations, there is currently no reliable tool for describing the annual distribution of halibut under 26 inches across the entire coastwide area.

For 2021, the IPHC adopted a TCEY totaling 39,000,000 lb (17,690.10 mt) coastwide. This corresponds to a fishing intensity of approximately F43 percent, which is similar to the projected fishing intensity of approximately F42 percent used by the IPHC to establish the 2020 TCEY. The 2021 TCEY is 2,400,000 lb (1,088.62 mt) greater than the TCEY adopted in 2020.

The IPHC noted this management approach represents a relatively conservative level of harvest that considers the inherent uncertainties in the stock assessment models. The IPHC notes that under a broad range of catch limits, including highly restrictive catch limits, the halibut stock is likely to experience a continued decrease in spawning stock biomass given the best available scientific information. In making its recommendation, the IPHC considered likely stock status, and uncertainties in the status of the stock as well as the significant social and economic impacts of catch limits among areas.

At a 39,000,000 lb TCEY, the IPHC estimates that the spawning stock biomass will likely decrease over the period from 2022 to 2024 relative to 2021. Specifically, the IPHC estimates there is a 65 percent probability that the spawning stock biomass will decrease in 2022 relative to 2021, and that there is a 39 percent probability that the decrease in 2022 will be at least 5 percent of the 2021 spawning stock biomass. The factors that the IPHC considered in making their TCEY recommendations are described in the 2021 Annual Meeting Report (IPHC–2021–AM097_R) and the key recommendations are briefly summarized here.

This final rule does not establish the combined commercial and recreational catch limit for Area 2B (British Columbia), which is subject to rulemaking by the Canada and British Columbia governments. However, the IPHC's recommendation for the Area 2B catch limit is directly related to the current and future U.S. catch limits established by this final rule and is therefore discussed herein. The IPHC recommended a 2021 TCEY of 7,000,000 lb (3,175.15 mt) for Area 2B, which equates to 19.1 percent of the total coastwide TCEY. The IPHC made this recommendation after considering recent historic harvests in Area 2B, the distribution of the TCEY in Area 2B as estimated from the FISS under the current interim management procedure, and other factors described in the 2021

IPHC Annual Meeting Report (IPHC–2021–AM097_R).

The IPHC recommended an allocation to Area 2A that would provide a TCEY of 1,650,000 lb (748.43 mt) with a combined commercial, subsistence, and recreational catch limit of 1,510,000 lb (684.92 mt). This allocation is larger than the catch limit that would apply to Area 2A under the adopted fishing intensity of F43 percent and the proportion of the stock as estimated from the FISS under the current interim management procedure. To achieve the Area 2A and Area 2B allocations and still maintain the target coastwide fishing intensity of F43 percent, the IPHC recommended an overall reduction in catch limits in other IPHC regulatory areas in U.S. waters that are intended to maintain total mortality to the adopted fishing intensity of F43 percent.

After the allocations for Areas 2A and 2B are accounted for, the IPHC apportioned the remaining TCEY to the Alaska regulatory areas (Areas 2C through Area 4) after considering the distribution of harvestable biomass of halibut based on the Fishery Independent Setline Survey, as well as 2020 harvest rates, the recommendations from the IPHC's advisory boards, public input, and social and economic factors. The only U.S. area with a decreased TCEY relative to 2020 is Area 2C (−0.9 percent; see Table 1). Areas 3A, 4A, 4B, and 4CDE received increases over 2020 levels that ranged from +2.5 percent in Areas 4CDE to +17.1 percent in Area 4A. The TCEY in Area 3B remained the same for 2021 as in 2020. The IPHC determined that the 2021 catch limit recommendations are consistent with its conservation objectives for the halibut stock and its management objectives for the halibut fisheries.

The IPHC also considered the Catch Sharing Plan for Area 4CDE developed by the NPFMC in its catch limit recommendation. The Area 4CDE catch limit is determined by subtracting estimates of the Area 4CDE subsistence harvests, commercial discard mortality, and non-directed discard mortality of halibut over 26 inches from the area TCEY. When the resulting Area 4CDE catch limit is greater than 1,657,600 lb (751.87 mt), a direct allocation of 80,000 lb (36.29 mt) is made to Area 4E to provide CDQ fishermen in that area with additional harvesting opportunity. After this 80,000 lb allocation is deducted from the catch limit, the remainder is divided among Areas 4C, 4D, and 4E according to the percentages specified in the CSP. Those percentages are 46.43 percent each to 4C and 4D, and 7.14 percent to 4E. For 2021, the IPHC recommended a catch limit for Area 4CDE of 1,670,000 lb (757.50 mt).

TABLE 1—PERCENT CHANGE IN TCEY MORTALITY LIMITS FROM 2020 TO 2021 BY IPHC REGULATORY AREA

Regulatory area	2020 Total mortality limit (lb)	2021 Total mortality limit (lb)	Change from 2020 (percent)
2A	1,650,000	1,650,000	0.0
2B	6,830,000	7,000,000	2.5
2C	5,850,000	5,800,000	−0.9
3A	12,200,000	14,000,000	14.8
3B	3,120,000	3,120,000	0.0
4A	1,750,000	2,050,000	17.1
4B	1,310,000	1,400,000	6.9
4CDE	3,900,000	3,980,000	2.1
Coastwide	36,600,000	39,000,000	6.6

Commercial Halibut Fishery Opening and Closing Dates

The IPHC considers advice from the IPHC's two advisory boards, as well as direct testimony from the public, when selecting opening and closing dates for the commercial halibut fishery. The opening date for all IPHC regulatory areas is March 6, 2021, which is eight days earlier than the 2020 opening date of March 14. The closing date for the commercial halibut fisheries in all regulatory areas is December 7, 2021, which is 22 days later than the 2020 closing date of November 15. By adopting a longer fishing season, the IPHC was persuaded by considerable public testimony that cited the increased harvest flexibility and potential market advantages of a longer season. No detrimental conservation effects were identified by the change. The new dates also take into account the anticipated time required to fully harvest the commercial halibut catch limits, seasonal holidays, and adequate time for IPHC staff to review the complete record of 2021 commercial catch data for use in the stock assessment process. It also takes into account the administrative tasks that are linked to halibut regulations developed independently by the domestic partners.

For Area 2A, the IPHC recommended that the non-treaty directed commercial fishery will open for 58 hours, beginning at 0800 hours on June 22 and closing at 1800 hours on June 24. After this first opening, if the IPHC determines that the fishing limit has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on Tuesday two weeks after the first period. Specific fishing period limits (vessel quota) will be determined and communicated by IPHC.

Area 2A Catch Sharing Plan

The NMFS West Coast Region has published a proposed rule to approve the Pacific Halibut Catch Sharing Plan (CSP) for Area 2A off Washington, Oregon, and California and implement annual management measures for Area 2A as recommended by the PFMC in the CSP. These annual management measures include the sport fishery allocations and management measures for Area 2A which are not implemented through the IPHC. Public comments will be accepted for 30 days following publication of the proposed rule and NMFS will address any comments received in a final rule. The proposed and final rules for the Area 2A CSP will be available on the NOAA Fisheries West Coast Region's website at *https://www.fisheries.noaa.gov/action/2021-pacific-halibut-catch-sharing-plan* and also at *www.regulations.gov.*

Catch Sharing Plan for Area 2C and Area 3A

In 2014, NMFS implemented a CSP for Area 2C and Area 3A. The CSP defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and Area 3A, and establishes allocations for

each fishery. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ as GAF to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC recommends combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. Each CCL includes estimates of discard mortality (wastage) for each fishery. The CSP was implemented to achieve the halibut fishery management goals of the NPFMC. More information is provided in the final rule implementing the CSP (78 FR 75844, December 12, 2013). Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are located in Tables 1 through 4 of subpart E of 50 CFR part 300.

At its January 2021 meeting, the IPHC recommended a CCL of 4,410,000 lb (2,000.34 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of subpart E of 50 CFR part 300, the charter fishery is allocated 810,000 lb (367.41 mt) of the CCL and the remainder of the CCL, 3,600,000 lb (1,632.93 mt), is allocated to the commercial fishery. Wastage in the amount of 70,000 lb (31.75 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 3,530,000 lb (1,601.18 mt). The commercial allocation (including wastage) increased by 120,000 lb (54.43 mt) or 3.4 percent, from the 2020 allocation of 3,480,000 lb (1,578.50 mt). The charter allocation for 2021 increased by 30,000 lb (13.60 mt), or 3.8 percent more than the 2020 charter sector allocation of 780,000 lb (353.80 mt).

The IPHC recommended a CCL of 11,140,000 lb (5,053.02 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the charter fishery is allocated 1,950,000 lb (885.51.64 mt) of the CCL and the remainder of the CCL, 9,190,000 lb (4,168.51 mt), is allocated to the commercial fishery. Wastage in the amount of 240,000 lb (108.86 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 8,950,000 lb (4,059.65 mt). The commercial allocation (including wastage) increased by about 1,850,000 lb (839.15 mt) or 25.2 percent, from the 2020 allocation of 7,340,000 lb (3,329.37 mt). The charter allocation increased by 240,000 lb (108.86 mt), or 14.0 percent, from the 2020 allocation of 1,710,000 lb (775.65 mt).

Charter Halibut Management Measures for Area 2C and Area 3A

Guided (charter) recreational halibut anglers are managed under different regulations than unguided recreational halibut anglers in Areas 2C and 3A in Alaska. According to Federal regulations at 50 CFR 300.61, a charter vessel angler means a person, paying or non-paying, receiving sport fishing guide services for halibut. Sport fishing guide services means assistance, for compensation or with the intent to receive compensation, to a person who is sport fishing, to take or attempt to take halibut by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a charter vessel fishing trip. A charter vessel fishing trip is the time period between the first deployment of fishing gear into the water from a charter vessel by a charter vessel angler and the offloading of one or more charter vessel anglers or any halibut from that vessel. The charter fishery regulations described below apply only to charter vessel anglers receiving sport fishing guide services during a charter vessel fishing trip for halibut in Area 2C or Area 3A. These regulations do not apply to unguided recreational anglers in any regulatory area in Alaska, or guided anglers in areas other than Areas 2C and 3A.

The NPFMC formed the Charter Halibut Management Committee as an industry advisory body to provide recommendations for annual management measures intended to limit charter harvest to the charter catch allocation. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A.

The 2020 charter fishing season was greatly impacted by the coronavirus pandemic and the resulting unexpected and substantial drop in fishing effort, which in turn affected the anticipated results of the pre-season analysis and adopted management measures for that year. In May and June of 2020, the NPFMC and IPHC responded with revised management measures that were published on June 19, 2020 (85 FR 37024). The revised management measures relaxed the halibut size limits in both Area 2C and 3A, and in Area 3A the new regulations rescinded an annual limit on retained halibut and allowed halibut retention on all days of the week. Preliminary estimates indicate that the final 2020 charter halibut harvests were 36.0 percent below the Area 2C allocation, and 6.6 percent below the Area 3A allocation.

In November 2020, the Charter Halibut Management Committee began the process of reviewing the analysis for various alternatives for the upcoming 2021 fishing year. Because the 2021 charter season was expected to be similarly impacted by reduced charter angler effort as the 2020 season, the Committee requested the analysis should contain elements that would allow a consideration of options that could address this likelihood. After reviewing all the analyses of the effects of the alternative measures on estimated charter removals, the committee made conservative recommendations for preferred management measures to the NPFMC for 2021 that are intended to provide harvest opportunity and stimulate charter business while also maintaining total charter harvests within the 2021 allocations for both Areas 2C and 3A. The NPFMC considered the recommendations of the committee along with public testimony to develop its recommendation to the IPHC, and the IPHC took action consistent with the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests. For 2021, the IPHC concluded that in Area 3A, with a 14 percent increase in the catch limit from 2020, and factoring in a drop in fishing effort relative to years prior to 2020, the 2021 management measures should be similar to the revised measures adopted in 2020, with the addition of a closure to halibut retention on all Wednesdays. For Area 2C, the 2021 charter catch limits are also higher than 2020. However, the effect of management measures over the 2018–2020 period has resulted in under-harvests of the charter allocation by 18.9 percent, 11.6 percent, and 36.0 percent, respectively. Consequently, the IPHC determined that the charter management measures in Area 2C could be slightly less restrictive than the revised 2020 measures. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would meet the conservation and allocation objectives.

Management Measures for Charter Vessel Fishing in Area 2C

As noted above, the preliminary estimate of 2020 charter removals in Area 2C was below the 2020 charter allocation by 280,465 lb (127.22 mt) or

36.0 percent, indicating that the management measures were effective at limiting harvest by charter vessel anglers to the charter allocation, but given the sharp drop in angler effort in 2020, could have been less restrictive than the revised measures. The two primary management measures in Area 2C in 2020 were a daily bag limit of 1 halibut per charter angler, and size limits where retained halibut were required to be less than or equal to 38 inches (96.5 cm), which was revised in June to 45 inches (114.3 cm), or greater than or equal to 80 inches (203.2 cm). The effect of these regulations was to limit both the number and pounds of retained halibut. The analysis also indicates that in most years since 2014 when the CSP was implemented, the Area 2C harvest has been less than the allocation. When these considerations were balanced with the combined increase in charter allocation in 2021 and a reduced charter angler effort relative to the pre-2020 period, the IPHC concluded that less restrictive management measures for Area 2C in 2021 are appropriate.

Specifically, for 2021 in Area 2C, the IPHC recommended the continuation of a one-fish daily bag limit with a reverse slot limit that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 50 inches (127.0 cm) and less than 72 inches (182.9 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. These measures, combined with a reduction in fishing effort that is estimated to be 35 percent below the pre-2020 levels, are projected to yield 786,000 lb (356.52 mt) of charter removals, which is 24,000 lb (10.87 mt) and 3.0 percent below the charter allocation.

Management Measures for Charter Vessel Fishing in Area 3A

The preliminary estimate of charter removals in Area 3A in 2020 was below the charter allocation by 113,303 lb (51.39 mt), or 6.6 percent. Starting in 2014, charter vessel anglers in Area 3A have been limited to a two-fish daily bag limit with a maximum size limit on one fish. One effect of the maximum size limit has been that the number of fish harvested per angler has steadily decreased, but the average weight of harvested fish has increased as many anglers opted to maximize the size of retained fish.

This final rule changes the revised management measures adopted by the IPHC for the charter halibut fishery in Area 3A in 2020. The NPFMC and IPHC considered information on charter removals in 2020 and for previous years, as well as the projections of charter harvest, and increase in the charter allocation, and a consideration for a reduction in effort in 2021. With this information, the NPFMC and IPHC determined that slightly more restrictive management measures in Area 3A, relative to the revised 2020 measures, were appropriate to limit charter removals to the 2021 allocation.

For 2021, the IPHC recommended the following management measures for Area 3A: (1) A two-fish bag limit with a 32-inch (81.3 cm) maximum size limit on one of the halibut; (2) a one-trip per day limit for charter vessels and for charter halibut permits for the entire season; and, (3) prohibition on halibut retention by charter vessel anglers on all Wednesdays. The projected charter harvest for 2021 under this combination of recommended measures is 1,853,000 lb (840.51 mt), which is 97,000 lb (44.0 mt) and 5.0 percent below the charter allocation. Each of these management measures is described in more detail below.

Size Limit for Halibut Retained on a Charter Vessel in Area 3A

The 2021 charter halibut fishery in Area 3A will be managed under a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be 32 inches or less, as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw to the extreme end of the middle of the tail. This is the same as the revised regulations adopted in June 2020, and an increase from a 28 inch (71.1 cm) maximum size limit that was in place from 2016 through 2019. This daily bag and size limit will be combined with additional restrictions to limit charter halibut removals to the 2021 allocation.

Trip Limit for Charter Vessels Harvesting Halibut in Area 3A

Charter halibut permits and charter vessels in 2021 are only authorized for use to catch and retain halibut on one charter halibut fishing trip per day in Area 3A. If no halibut are retained during a charter vessel fishing trip, the charter halibut permit and vessel may be used to take an additional trip to catch and retain halibut that day. These regulations have been in place each year since 2016, and have proven to be effective in controlling halibut harvests.

For purposes of the trip limit in Area 3A in 2021, a charter vessel fishing trip will end when anglers or halibut are offloaded, or at the end of the calendar day, whichever occurs first. Charter operators are still able to conduct overnight trips and anglers may retain a bag limit of halibut on two calendar days, but operators are not allowed to begin another overnight trip until the day after the trip ends. GAF halibut are exempt from the trip limit. Therefore, GAF could be used to harvest halibut on a second trip in a day, but only if exclusively GAF halibut were harvested on that trip.

Day-of-Week Closures in Area 3A

The NPFMC and the IPHC recommended a closure on retaining halibut by charter vessel anglers on all Wednesdays for Area 3A in 2021. Only the retention of GAF halibut will be allowed on charter vessels on Wednesdays; all other halibut that are caught while fishing on a charter vessel must be released. The Wednesday closures are expected to effectively decrease the charter halibut harvest, relative to previous years.

Other Regulatory Amendments

Minor Revisions To Address Changes for the Application of Halibut Fishing Season Dates

As noted above, the regulatory text in Section 9 establishes the opening and closing dates of the commercial halibut fishery. Subsections 12(3) and 12(4) address when the fishery shall close, and formerly named a specific date of November 15. The text in subsections 12(3) and 12(4) now refers back to the fishery closure dates established in Section 9, so that the dates in Section 9 and Section 12 are aligned.

Clarifying That IPHC May Obtain Samples During Halibut Offloads and Weighing

To ensure regulatory compliance, Section 22 authorizes officers to supervise the offloading and weighing of halibut from fishing vessels. Section 22 is amended by adding subsection 22(2) to clarify that authorized representatives of the IPHC may also access the offloading and weighing of halibut in order to obtain biological samples.

Annual Halibut Management Measures

The following annual management measures for the 2021 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary of Commerce.

1. Short Title

These Regulations may be cited as the International Pacific Halibut

Commission (IPHC) Fishery Regulations (2021).

2. Application

(1) These Regulations apply to persons and vessels fishing for Pacific halibut in, or possessing Pacific halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 8 and 30 apply generally to all Pacific halibut fishing.

(3) Sections 8 to 23 apply to commercial fishing for Pacific halibut.

(4) Section 24 applies to Indigenous fisheries in British Columbia.

(5) Section 25 applies to customary and traditional fishing in Alaska.

(6) Sections 26 to 29 apply to recreational (also called sport) fishing for Pacific halibut.

(7) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) ''authorized officer'' means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NOAA Fisheries), Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), the Oregon State Police (OSP), and California Department of Fish and Wildlife (CDFW);

(b) ''authorized clearance personnel'' means an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor;

(c) ''charter vessel'' outside of Alaska waters means a vessel used for hire in recreational (sport) fishing for Pacific halibut, but not including a vessel without a hired operator, and in Alaska waters means a vessel used while providing or receiving recreational (sport) fishing guide services for Pacific halibut;

(d) ''commercial fishing'' means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) recreational (sport) fishing; (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23, (iii) Indigenous groups fishing in British Columbia as referred to in section 24; and (iv) customary and traditional fishing as referred to in section 25 and defined by and regulated pursuant to NOAA Fisheries regulations published at 50 CFR part 300;

(e) ''Commission'' or ''IPHC'' means the International Pacific Halibut Commission;

(f) ''daily bag limit'' means the maximum number of Pacific halibut a person may take in any calendar day from Convention waters;

(g) ''fishing'' means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of gear anywhere in the maritime area;

(h) ''fishing period limit'' means the maximum amount of Pacific halibut that may be retained and landed by a vessel during one fishing period;

(i) ''land'' or ''offload'' with respect to Pacific halibut, means the removal of Pacific halibut from the catching vessel;

(j) ''license'' means a Pacific halibut fishing license issued by the Commission pursuant to section 15;

(k) ''maritime area,'' in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) ''net weight'' of a Pacific halibut means the weight of Pacific halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a Pacific halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) ''operator,'' with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) ''overall length'' of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) ''person'' includes an individual, corporation, firm, or association;

(p) ''regulatory area'' means an IPHC Regulatory Area referred to in section 4;

(q) ''setline gear'' means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) ''sport fishing'' or ''recreational fishing'' means all fishing other than (i) commercial fishing; (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23; (iii) Indigenous groups fishing in British Columbia as referred to in section 24; and (iv) customary and traditional fishing as referred to in section 25 and defined in and regulated pursuant to NOAA Fisheries regulations published in 50 CFR part 300;

(s) ''tender'' means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) ''VMS transmitter'' means a NOAA Fisheries-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NOAA Fisheries-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. IPHC Regulatory Areas

The following areas within the IPHC Convention waters shall be defined as IPHC Regulatory Areas for the purposes of the Convention (see Figure 1):

(1) IPHC Regulatory Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) IPHC Regulatory Area 2B includes all waters off British Columbia;

(3) IPHC Regulatory Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′56″ N latitude, 136°38′26″ W longitude) and south and east of a line running 205° true from said light;

(4) IPHC Regulatory Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N latitude, 155°35′00″ W longitude) to Cape Ikolik (57°17′17″ N latitude, 154°47′18″ W longitude), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N latitude, 154°08′44″ W longitude), then 140° true;

(5) IPHC Regulatory Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N latitude, 164°20′00″ W longitude) and south of 54°49′00″ N latitude in Isanotski Strait;

(6) IPHC Regulatory Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W longitude and south of 56°20′00″ N latitude;

(7) IPHC Regulatory Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of IPHC Regulatory Area 4A and south of 56°20′00″ N latitude;

(8) IPHC Regulatory Area 4C includes all waters in the Bering Sea north of

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NOAA Fisheries-approved VMS transmitters and communications service providers.

IPHC Regulatory Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W longitude, south of 58°00′00″ N latitude, and west of 168°00′00″ W longitude;

(9) IPHC Regulatory Area 4D includes all waters in the Bering Sea north of IPHC Regulatory Areas 4A and 4B, north and west of IPHC Regulatory Area 4C, and west of 168°00′00″ W longitude; and

(10) IPHC Regulatory Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W longitude, and south of 65°34′00″ N latitude.

5. Mortality and Fishery Limits

(1) The Commission has adopted the following distributed mortality (TCEY) limits:

IPHC regulatory area	*Distributed mortality limits (TCEY) (net weight)*	
	Tonnes (t)	Million pounds (Mlb)
Area 2A (California, Oregon, and Washington)	748	1.65
Area 2B (British Columbia)	3,175	7.00
Area 2C (southeastern Alaska)	2,631	5.80
Area 3A (central Gulf of Alaska)	6,350	14.00
Area 3B (western Gulf of Alaska)	1,415	3.12
Area 4A (eastern Aleutians)	930	2.05
Area 4B (central/western Aleutians)	635	1.40
Areas 4CDE (Bering Sea)	1,805	3.98
Total	17,690	39.00

(2) The fishery limits resulting from the IPHC-adopted distributed mortality (TCEY) limits and the existing Contracting Party catch sharing arrangements are as follows, recognizing that each Contracting Party may implement more restrictive limits:

IPHC regulatory area	*Fishery limits (net weight)*	
	Tonnes (t)	Million pounds (Mlb) *
Area 2A (California, Oregon, and Washington)	685	1.51
Non-treaty directed commercial (south of Pt. Chehalis)	116	**256,122*
Non-treaty incidental catch in salmon troll fishery	21	**45,198*
Non-treaty incidental catch in sablefish fishery (north of Pt. Chehalis)	32	**70,000*
Treaty Indian commercial	225	**496,300*
Treaty Indian ceremonial and subsistence (year-round)	15	**32,200*
Recreational—Washington	127	**279,414*
Recreational—Oregon	132	**291,506*
Recreational—California	18	**39,260*
Area 2B (British Columbia)	2,790	6.15
Commercial fishery	2,372	5.23
Recreational fishery	417	0.92
Area 2C (southeastern Alaska) (combined commercial/guided recreational)	2,000	4.41
Commercial fishery (3.53 Mlb catch and 0.70 Mlb incidental mortality)	1,633	3.60
Guided recreational fishery (includes catch and incidental mortality)	367	0.81
Area 3A (central Gulf of Alaska) (combined commercial/guided recreational)	5,053	11.14
Commercial fishery (8.95 Mlb catch and 0.24 Mlb incidental mortality)	4,169	9.19
Guided recreational fishery (includes catch and incidental mortality)	885	1.95
Area 3B (western Gulf of Alaska)	1,161	2.56
Area 4A (eastern Aleutians)	753	1.66
Area 4B (central/western Aleutians)	558	1.23
Areas 4CDE	757	1.67
Area 4C (Pribilof Islands)	335	0.738
Area 4D (northwestern Bering Sea)	335	0.738
Area 4E (Bering Sea flats)	88	0.194
Total	13,757	30.33

* Allocations resulting from the IPHC Regulatory Area 2A Catch Share Plan are listed in *pounds.*

6. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the fishery limit established preseason for each IPHC Regulatory Area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States of America; and

(c) is consistent, to the maximum extent practicable, with any domestic

catch sharing plans or other domestic allocation programs developed by the governments of Canada or the United States of America.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

(a) Closed areas;

(b) fishing periods;

(c) fishing period limits;

(d) gear restrictions;

(e) recreational (sport) bag limits;

(f) size limits; or

(g) vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major Pacific halibut processors; Federal, State, United States of America treaty Indian, and Provincial fishery officials; and the media.

7. Careful Release of Pacific Halibut

(1) All Pacific halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

(a) Hook straightening;

(b) cutting the gangion near the hook; or

(c) carefully removing the hook by twisting it from the Pacific halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of Pacific halibut on board a vessel that has been brought aboard to be measured to determine if the applicable size limit of the Pacific halibut is met and, if not legal-sized, is promptly returned to the sea with a minimum of injury.

8. Retention of Tagged Pacific Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a Pacific halibut that bears a Commission external tag at the time of capture, if the Pacific halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the Pacific halibut:

(a) May be retained for personal use; or

(b) may be sold only if the Pacific halibut is caught during commercial Pacific halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Any Pacific halibut that bears a Commission external tag will not count against commercial fishing period limits, Individual Vessel Quotas (IVQ), Individual Transferable Quota (ITQ), Community Development Quotas (CDQ), or Individual Fishing Quotas (IFQ), and are not subject to size limits in these regulations, but should still be recorded in the landing record.

(4) Any Pacific halibut that bears a Commission external tag will not count against recreational (sport) daily bag limits or possession limits, may be retained outside of recreational (sport) fishing seasons, and are not subject to size limits in these regulations.

(5) Any Pacific halibut that bears a Commission external tag will not count against daily bag limits, possession limits, or fishery limits in the fisheries described in section 23, paragraph (1)(c), section 24, or section 25.

9. Fishing Periods

(1) The fishing periods for each IPHC Regulatory Area apply where the fishery limits specified in section 5 have not been taken.

(2) Unless the Commission specifies otherwise, commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier in the year than 1200 local time on 6 March.

(3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 1200 local time on 7 December.

(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery [2] shall begin at 0800 on the fourth Tuesday in June and terminate at 1800 local time on the subsequent Thursday, unless the Commission specifies otherwise. If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in Section 5 has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on Tuesday two weeks after the first period, and, if necessary, a third fishing period of up to three fishing days to begin on Thursday four weeks after the first period.

(5) Notwithstanding paragraph (4), and paragraph (6) of section 12, an incidental catch fishery [3] is authorized during the sablefish seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

(6) Notwithstanding paragraph (4), and paragraph (6) of section 12, an incidental catch fishery is authorized during salmon troll seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N latitude, 164°55′42″ W longitude) to a point at 56°20′00″ N latitude, 168°30′00″ W longitude; thence to a point at 58°21′25″ N latitude, 163°00′00″ W longitude; thence to Strogonof Point (56°53′18″ N latitude, 158°50′37″ W longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to Pacific halibut fishing and no person shall fish for Pacific halibut therein or have Pacific halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N latitude and 54°49′00″ N latitude are closed to Pacific halibut fishing.

11. Closed Periods

(1) No person shall engage in fishing for Pacific halibut in any IPHC Regulatory Area other than during the fishing periods set out in section 9 in respect of that area.

(2) No person shall land or otherwise retain Pacific halibut caught outside a fishing period applicable to the IPHC Regulatory Area where the Pacific halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 18, these Regulations do not prohibit fishing for any species of fish other than Pacific halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have Pacific halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any Pacific halibut fishing gear during a closed period if the vessel has any Pacific halibut on board.

(6) A vessel that has no Pacific halibut on board may retrieve any Pacific halibut fishing gear during the closed period after the operator notifies an

[2] The non-tribal directed fishery is restricted to waters that are south of Point Chehalis, Washington, (46°53.30′ N latitude) under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

[3] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington, (46°53.30′ N latitude) under regulations promulgated by NOAA Fisheries at 50 CFR 300.63. Landing restrictions for Pacific halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of Pacific halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any Pacific halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess Pacific halibut on board a vessel in an IPHC Regulatory Area during a closed period unless that vessel is in continuous transit to or within a port in which that Pacific halibut may be lawfully sold.

12. Application of Commercial Fishery Limits

(1) Notwithstanding the fishery limits described in section 5, regulations pertaining to the division of the IPHC Regulatory Area 2A fishery limit between the directed commercial fishery and the incidental catch fishery as described in paragraphs (5) and (6) of section 9 will be promulgated by NOAA Fisheries and published in the **Federal Register**.

(2) The Commission shall determine and announce to the public the date on which the fishery limit for IPHC Regulatory Area 2A will be taken.

(3) Notwithstanding the fishery limits described in section 5, the commercial fishing in IPHC Regulatory Area 2B will close only when all Individual Vessel Quotas (IVQ) and Individual Transferable Quotas (ITQ) assigned by DFO are taken, or on the date when fishing must cease as specified in Section 9, whichever is earlier.

(4) Notwithstanding the fishery limits described in section 5, IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQ issued by NOAA Fisheries have been taken, or on the date when fishing must cease as specified in Section 9, whichever is earlier.

(5) If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in section 5 would be exceeded in an additional directed commercial fishing period as specified in paragraph (4) of section 9, the fishery limit for that area shall be considered to have been taken and the directed commercial fishery closed as announced by the Commission.

(6) When under paragraphs (1), (2), and (5) the Commission has announced a date on which the fishery limit for IPHC Regulatory Area 2A will be taken, no person shall fish for Pacific halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for Pacific halibut fishing.

(7) Notwithstanding the fishery limits described in section 5, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4E directed commercial fishery is equal to the combined annual fishery limits specified for the IPHC Regulatory Areas 4D and 4E CDQ fisheries and any IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization. The annual IPHC Regulatory Area 4D fishery limit will decrease by the equivalent amount of CDQ and IFQ received by transfer by a CDQ organization taken in IPHC Regulatory Area 4E in excess of the annual IPHC Regulatory Area 4E fishery limit.

(8) Notwithstanding the fishery limits described in section 5, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4D directed commercial fishery is equal to the combined annual fishery limits specified for IPHC Regulatory Areas 4C and 4D. The annual IPHC Regulatory Area 4C fishery limit will decrease by the equivalent amount of Pacific halibut taken in IPHC Regulatory Area 4D in excess of the annual IPHC Regulatory Area 4D fishery limit.

13. Fishing in Regulatory IPHC Regulatory Areas 4D and 4E

(1) Section 13 applies only to any person fishing for, or any vessel that is used to fish for, IPHC Regulatory Area 4E Community Development Quota (CDQ) Pacific halibut, IPHC Regulatory Area 4D CDQ Pacific halibut, or IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization provided that the total annual Pacific halibut catch of that person or vessel is landed at a port within IPHC Regulatory Areas 4E or 4D.

(2) A person may retain Pacific halibut taken with setline gear that are smaller than the size limit specified in section 19, provided that no person may sell or barter such Pacific halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest Pacific halibut in the IPHC Regulatory Area 4E or 4D CDQ fisheries or IFQ received by transfer by a CDQ organization must report to the Commission the total number and weight of undersized Pacific halibut taken and retained by such persons pursuant to section 13, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to 1 November of the year in which such Pacific halibut were harvested.

14. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more Pacific halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut to a commercial fish processor, completely offload all Pacific halibut on board said vessel to that processor and ensure that all Pacific halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut other than to a commercial fish processor, completely offload all Pacific halibut on board said vessel and ensure that all Pacific halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the Pacific halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) the vessel's overall length in feet and associated length class;

(b) the average performance of all vessels within that class; and

(c) the remaining fishery limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in IPHC Regulatory Area 2A apply only to the directed Pacific halibut fishery referred to in paragraph (4) of section 9.

15. Licensing Vessels for IPHC Regulatory Area 2A

(1) No person shall fish for Pacific halibut from a vessel, nor possess Pacific halibut on board a vessel, used either for commercial fishing or as a charter vessel in IPHC Regulatory Area 2A, unless the Commission has issued

a license valid for fishing in IPHC Regulatory Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in IPHC Regulatory Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid IPHC Regulatory Area 2A commercial license cannot be used to recreationally (sport) fish for Pacific halibut in IPHC Regulatory Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in IPHC Regulatory Area 2A shall be valid for one of the following:

(a) The directed commercial fishery during the fishing periods specified in paragraph (4) of section 9;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (5) of section 9; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (6) of section 9.

(5) A vessel with a valid license for the IPHC Regulatory Area 2A incidental catch fishery during the sablefish fishery described in paragraph (4)(b) may also apply for or be issued a license for the directed commercial fishery described in paragraph (4)(a).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel from its office in Seattle, Washington, upon receipt of a completed ''Application for Vessel License for the Pacific Halibut Fishery'' form.

(8) A vessel operating in the directed commercial fishery in IPHC Regulatory Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 30 April, or the first weekday in May if 30 April is a Saturday or Sunday.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in IPHC Regulatory Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 29 May, or the next weekday in May if 29 May is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in IPHC Regulatory Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(11) Applications are submitted on the IPHC Secretariat web page.

(12) Information on the ''Application for Vessel License for the Pacific Halibut Fishery'' form must be accurate.

(13) The ''Application for Vessel License for the Pacific Halibut Fishery'' form shall be completed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

(15) A new license is required for a vessel that is sold, transferred, renamed, or for which the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States of America or any of its States.

(17) The United States of America may suspend, revoke, or modify any license issued under this section under policies and procedures in U.S. Code Title 15, CFR part 904.

16. Vessel Clearance in IPHC Regulatory Area 4

(1) The operator of any vessel that fishes for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any Pacific halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor, or Akutan, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(8) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any Pacific halibut caught in IPHC Regulatory Areas 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 17 for possessing Pacific halibut on board a vessel that was caught in more than one regulatory area in IPHC Regulatory Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in IPHC Regulatory Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance

will list the areas in which the vessel will fish; and

(b) before unloading any Pacific halibut from IPHC Regulatory Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800, local time.

(12) No Pacific halibut shall be on board the vessel at the time of the clearances required prior to fishing in IPHC Regulatory Area 4.

(13) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4A and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4B and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Areas 4C or 4D or 4E and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Areas 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a NOAA Fisheries observer, a NOAA Fisheries electronic monitoring system, or a transmitting VMS transmitter while fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and until all Pacific halibut caught in any of these IPHC Regulatory Areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NOAA Fisheries' observer or electronic monitoring regulations published at 50 CFR Subpart E, or vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

17. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel Pacific halibut caught in more than one IPHC Regulatory Area.

(2) Pacific halibut caught in more than one of the IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E may be possessed on board a vessel at the same time only if:

(a) Authorized by NOAA Fisheries regulations published at 50 CFR Section 679.7(f)(4); and

(b) the operator of the vessel identifies the regulatory area in which each Pacific halibut on board was caught by separating Pacific halibut from different areas in the hold, tagging Pacific halibut, or by other means.

18. Fishing Gear

(1) No person shall fish for Pacific halibut using any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined in the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may retain Pacific halibut taken with longline or single pot gear if such retention is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(2) No person shall possess Pacific halibut taken with any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined by the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may possess Pacific halibut taken with longline or single pot gear if such possession is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(3) No person shall possess Pacific halibut while on board a vessel carrying any trawl nets.

(4) All gear marker buoys carried on board or used by any United States of America vessel used for Pacific halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All gear marker buoys carried on board or used by a Canadian vessel used for Pacific halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season shall catch or possess Pacific halibut anywhere in those areas until the vessel has removed all of its gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season may be used to catch or possess Pacific

halibut anywhere in those areas until the vessel has removed all of its gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of Pacific halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NOAA Fisheries.

19. Size Limits

(1) No person shall take or possess any Pacific halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, Pacific halibut in any IPHC Regulatory Area shall possess any Pacific halibut that has had its head removed, except that Pacific halibut frozen at sea with its head removed may be possessed on board a vessel by persons in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E if authorized by Federal regulations.

(3) The size limit in paragraph (1)(b) will not be applied to any Pacific halibut that has had its head removed after the operator has landed the Pacific halibut.

20. Logs

(1) The operator of any U.S. vessel fishing for Pacific halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of Pacific halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: The Groundfish/IFQ Longline and Pot Gear Daily Fishing Logbook, in electronic or paper form, provided by NOAA Fisheries; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADFG) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in IPHC Regulatory Area 2A must use either the WDFW Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADFG, WDFW, ODFW, or CDFW) or Tribal ID number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of Pacific halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental Pacific halibut fishery during the salmon troll season in IPHC Regulatory Area 2A defined in paragraph (6) of section 9.

(5) The operator of any Canadian vessel fishing for Pacific halibut shall maintain an accurate record in the British Columbia Integrated Groundfish Fishing Log.

(6) The log referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set.

(7) The log referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed;

(e) submitted to the DFO within seven days of offloading; and

(f) submitted to the Commission within seven days of the final offload if not previously collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

21. Receipt and Possession of Pacific Halibut

(1) No person shall receive Pacific halibut caught in IPHC Regulatory Area 2A from a United States of America vessel that does not have on board the license required by section 15.

(2) No person shall possess on board a vessel a Pacific halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) Pacific halibut cheeks cut from Pacific halibut caught by persons authorized to process the Pacific halibut on board in accordance with NOAA Fisheries regulations published at 50 CFR part 679;

(b) fillets from Pacific halibut offloaded in accordance with section 21 that are possessed on board the harvesting vessel in the port of landing up to 1800 local time on the calendar day following the offload [4]; and

(c) Pacific halibut with their heads removed in accordance with section 19.

(3) No person shall offload Pacific halibut from a vessel unless the gills and entrails have been removed prior to offloading.[5]

(4) It shall be the responsibility of a vessel operator who lands Pacific halibut to continuously and completely offload at a single offload site all Pacific halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NOAA Fisheries and codified at 50 CFR part 679) who receives Pacific halibut harvested in IFQ and CDQ fisheries in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such Pacific halibut must weigh all the Pacific halibut received and record the

[4] DFO has more restrictive regulations; therefore, section 21 paragraph (2)(b) does not apply to fish caught in IPHC Regulatory Area 2B or landed in British Columbia.

[5] DFO did not adopt this regulation; therefore, section 21 paragraph (3) does not apply to fish caught in IPHC Regulatory Area 2B.

following information on Federal catch reports: Date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of Pacific halibut purchased by the registered buyer, the scale weight (in pounds) of Pacific halibut offloaded in excess of the IFQ or CDQ, the scale weight of Pacific halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of Pacific halibut discarded as unfit for human consumption. All Pacific halibut harvested in IFQ or CDQ fisheries in Areas IPHC Regulatory 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, must be weighed with the head on and the head-on weight must be recorded on Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(6) The first recipient, commercial fish processor, or buyer in the United States of America who purchases or receives Pacific halibut directly from the vessel operator that harvested such Pacific halibut must weigh and record all Pacific halibut received and record the following information on State fish tickets: The date of offload; vessel number (State or Federal, not IPHC vessel number) or Tribal ID number; total weight obtained at the time of offload including the weight (in pounds) of Pacific halibut purchased; the weight (in pounds) of Pacific halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of Pacific halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of Pacific halibut discarded as unfit for human consumption. All Pacific halibut harvested in fisheries in IPHC Regulatory Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E must be weighed with the head on and the head-on weight must be recorded on State fish tickets as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(7) For Pacific halibut landings made in Alaska, the requirements as listed in paragraphs (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings, in accordance with NOAA Fisheries regulation published at 50 CFR part 679.

(8) The master or operator of a Canadian vessel that was engaged in Pacific halibut fishing must weigh and record all Pacific halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports: The date; locality; name of vessel; the name(s) of the person(s) from whom the Pacific halibut was purchased; and the scale weight obtained at the time of offloading of all Pacific halibut on board the vessel including the pounds purchased, pounds in excess of IVQs or ITQs, pounds retained for personal use, and pounds discarded as unfit for human consumption. All Pacific halibut must be weighed with the head on and the head-on weight must be recorded on the Provincial fish tickets or Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(9) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (8) of this section.

(10) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (8) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(11) No person shall possess any Pacific halibut taken or retained in contravention of these Regulations.

(12) When Pacific halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that Pacific halibut was caught, in compliance with paragraph (10).

(13) No person shall tag Pacific halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

22. Supervision of Unloading and Weighing

(1) The unloading and weighing of Pacific halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

(2) The unloading and weighing of Pacific halibut may be subject to sampling by an authorized representative of the Commission.

23. Fishing by United States Indian Tribes

(1) Pacific halibut fishing in IPHC Regulatory Area Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

(a) Subarea 2A–1 includes the usual and accustomed fishing areas for Pacific Coast treaty tribes off the coast of Washington and all inland marine waters of Washington north of Point Chehalis (46°53.30′ N lat.), including Puget Sound. Boundaries of a tribe's fishing area may be revised as ordered by a United States Federal court.

(b) Section 15 (Licensing Vessels for IPHC Regulatory Area 2A) does not apply to commercial fishing for Pacific halibut in Subarea 2A–1 by Indian tribes.

(c) Ceremonial and subsistence fishing for Pacific halibut in Subarea 2A–1 is permitted with hook and line gear from 1 January through 31 December.

(2) In IPHC Regulatory Area 2C, the Metlakatla Indian Community has been authorized by the United States Government to conduct a commercial Pacific halibut fishery within the Annette Islands Reserve. Fishing periods for this fishery are announced by the Metlakatla Indian Community and the Bureau of Indian Affairs. Landings in this fishery are accounted with the commercial landings for IPHC Regulatory Area 2C.

(3) Section 7 (careful release of Pacific halibut), section 18 (fishing gear), except paragraphs (7) and (8) of section 18, section 19 (size limits), section 20 (logs), and section 21 (receipt and possession of Pacific halibut) apply to commercial fishing for Pacific halibut by Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by WDFW and ADFG.

(5) Commercial fishing for Pacific halibut is permitted with hook and line gear between the dates specified in section 9 paragraphs (2) and (3), or until the applicable fishery limit specified in section 5 is taken, whichever occurs first.

24. Indigenous Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for Pacific halibut for food, social and ceremonial purposes by Indigenous groups in IPHC Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for Pacific halibut in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NOAA

Fisheries and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from 1 January through 31 December.

26. Recreational (Sport) Fishing for Pacific Halibut—General

(1) No person shall engage in recreational (sport) fishing for Pacific halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any size limit promulgated under IPHC or domestic regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail as depicted in Figure 2.

(3) Any Pacific halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the Pacific halibut.

(4) No person may possess Pacific halibut on a vessel while fishing in a closed area.

(5) No Pacific halibut caught by recreational (sport) fishing shall be offered for sale, sold, traded, or bartered.

(6) No Pacific halibut caught in recreational (sport) fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by an angler on board said vessel. In Alaska, the charter vessel guide, as defined in 50 CFR 300.61 and referred to in 50 CFR 300.65, 300.66, and 300.67, shall be liable for any violation of these Regulations committed by an angler on board a charter vessel.

27. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Area 2A

(1) The Commission shall determine and announce closing dates to the public for any area in which the fishery limits promulgated by NOAA Fisheries are estimated to have been taken.

(2) When the Commission has determined that a subquota under paragraph (7) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall recreational (sport) fish for Pacific halibut in that area after that date for the rest of the year, unless a reopening of that area for recreational (sport) Pacific halibut fishing is scheduled in accordance with the Catch Sharing Plan for IPHC Regulatory Area 2A, or announced by the Commission.

(3) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(4) The possession limit on a vessel for Pacific halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit for Pacific halibut on land in Washington is two daily bag limits.

(5) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for Pacific halibut on land in Oregon is three daily bag limits.

(6) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of California is one daily bag limit. The possession limit for Pacific halibut on land in California is one daily bag limit.

(7) Specific regulations describing fishing periods, fishery limits, fishing dates, and daily bag limits are promulgated by NOAA Fisheries and published in the **Federal Register**.

28. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Area 2B

(1) In all waters off British Columbia:[6] [7]

(a) The recreational (sport) fishing season will open on 1 February unless more restrictive regulations are in place;

(b) the recreational (sport) fishing season will close when the recreational (sport) fishery limit allocated by DFO is taken, or 31 December, whichever is earlier; and

(c) the daily bag limit is two Pacific halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for Pacific halibut in the waters off the coast of British Columbia is three Pacific halibut.[6] [7]

[6] DFO could implement more restrictive regulations for the recreational (sport) fishery, therefore anglers are advised to check the current Federal or Provincial regulations prior to fishing.

[7] For regulations on the experimental recreational fishery implemented by DFO check the current Federal or Provincial regulations.

29. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska:[8] [9]

(a) The recreational (sport) fishing season is from 1 February to 31 December.

(b) The daily bag limit is two Pacific halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, Pacific halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each Pacific halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each piece, naturally attached.

(e) Pacific halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain recreational (sport) fishing gear, fishing rods, hand lines, or gaffs.

(f) Pacific halibut harvested on a charter vessel fishing trip in IPHC Regulatory Areas 2C or 3A must be retained on board the charter vessel on which the Pacific halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

(g) Guided angler fish (GAF), as described at 50 CFR 300.65, may be used to allow a charter vessel angler to harvest additional Pacific halibut up to the limits in place for unguided anglers, and are exempt from the requirements in paragraphs (2) and (3) of this section.

(2) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 2C:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one Pacific halibut per calendar day.

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any Pacific halibut that with head on is greater than 50 inches (127.0 cm) and less than 72 inches (182.9 cm) as measured in a straight line, passing over the pectoral

[8] NOAA Fisheries could implement more restrictive regulations for the recreational (sport) fishery or components of it, therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

[9] Charter vessels are prohibited from harvesting Pacific halibut in IPHC Regulatory Areas 2C and 3A during one charter vessel fishing trip under regulations promulgated by NOAA Fisheries at 50 CFR 300.66.

fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail.

(3) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 3A:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two Pacific halibut per calendar day.

(b) At least one of the retained Pacific halibut must have a head-on length of no more than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If a person recreational (sport) fishing on a charter vessel in IPHC Regulatory Area 3A retains only one Pacific halibut in a calendar day, that Pacific halibut may be of any length.

(c) A ''charter halibut permit'' (as referred to in 50 CFR 300.67) may only be used for one charter vessel fishing trip in which Pacific halibut are caught and retained per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(d) A charter vessel on which one or more anglers catch and retain Pacific halibut may only make one charter vessel fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(e) No person on board a charter vessel may catch and retain Pacific halibut on any Wednesday.

30. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

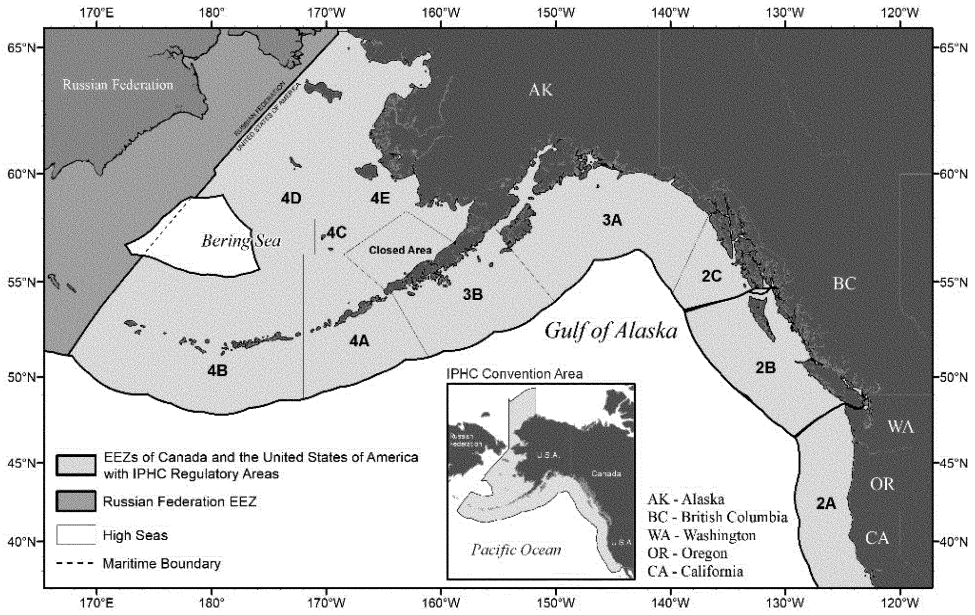


Figure 1. IPHC Regulatory areas for the Pacific halibut fishery.

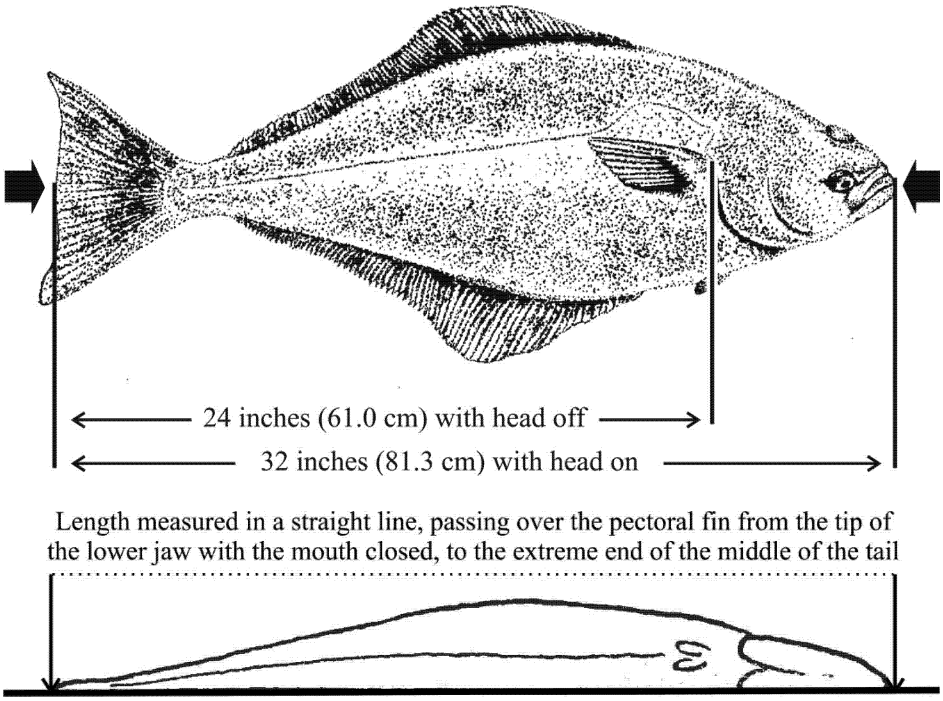


Figure 2. Minimum commercial size.

Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. Pursuant to Section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may ''accept or reject'' but not modify these recommendations of the IPHC. These regulations become effective upon that acceptance. The notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(b) and (d), are inapplicable to IPHC management measures because these regulations involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). As stated above, the Secretary of State has no discretion to modify the recommendations of the IPHC. The additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international conservation and management of the halibut fishery pursuant to the Convention and the Northern Pacific Halibut Act of 1982. The publication of these regulations in the **Federal Register** provide the affected public with notice that the IPHC management measures are in effect. Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared. This final rule has been determined to be not significant for the purposes of Executive Order 12866.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 3, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–04821 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 191125–0090; RTID 0648–XA895]

Atlantic Highly Migratory Species; Commercial Aggregated Large Coastal Sharks and Hammerhead Sharks in the Western Gulf of Mexico Sub-Region; Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial fishery for the aggregated large coastal sharks (LCS) and hammerhead shark management groups in the western Gulf of Mexico sub-region. This action is necessary because the commercial landings of sharks in the aggregated LCS management group in the western Gulf of Mexico sub-region for the 2021 fishing season have reached 80 percent of the available commercial quota, and the aggregated LCS and hammerhead shark management groups quotas are linked under the regulations. This closure will affect anyone

commercially fishing for sharks in the western Gulf of Mexico sub-region.

DATES: The commercial fishery for the aggregated LCS and hammerhead shark management groups in the western Gulf of Mexico sub-region are closed effective 11:30 p.m. local time March 8, 2021, until the end of the 2021 fishing season on December 31, 2021, or until and if NMFS announces via a notice in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford, *lauren.latchford@noaa.gov,* and Derek Kraft *derek.kraft@noaa.gov* at 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(4), the quotas of certain species and/or management groups are linked. If quotas are linked, when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)). The quotas for the aggregated LCS and hammerhead shark management groups in the western Gulf of Mexico sub-region are linked (§ 635.28(b)(4)(iii)).

Under § 635.28(b)(3), when NMFS calculates that the landings for any linked species and/or management group have reached or are projected to reach a threshold of 80 percent of the available quota, and are projected to reach 100 percent of the relevant quota by the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure, as applicable, for the linked species and/or management groups that will be effective no fewer than 4 days from date of filing for public inspection. From the effective date and time of the closure until and if NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years.

On December 1, 2020 (85 FR 77007), NMFS announced that for 2021, the commercial western Gulf of Mexico aggregated LCS sub-regional quota was 72.0 metric tons (mt) dressed weight (dw) (158,724 pounds (lb) dw) and the western Gulf of Mexico hammerhead sharks sub-regional quota was 11.9 mt dw (26,301 lb dw). Dealer reports received through March 3, indicate that 81 percent (58.2 mt dw) of the available western Gulf of Mexico aggregated LCS management group sub-regional quota has been landed and that less than 6 percent (<1.0 mt dw) of the available western Gulf of Mexico hammerhead sharks sub-regional quota has been landed. Dealer reports, however also indicate that daily landing rates of aggregated LCS in the sub-region are increasing. Based on these dealer reports, the western Gulf of Mexico aggregated LCS management group sub-regional quota has exceeded 80 percent of the available quota on March 3, 2021. Thus, closure of the commercial western Gulf of Mexico aggregated LCS fishery is warranted at this time under the regulations. While the western Gulf of Mexico hammerhead shark sub-regional quota has reached less than 6 percent of the available quota, it is linked to the aggregated LCS fishery, and therefore, under the regulations closes when the aggregated LCS management group in the western Gulf of Mexico sub-region closes. Accordingly, NMFS is closing the commercial aggregated LCS and hammerhead shark management groups in the western Gulf of Mexico sub-region as of 11:30 p.m. local time March 8, 2021.

All other shark species or management groups in the western Gulf of Mexico sub-region that are currently open remain open at this time, including the commercial blacktip sharks, non-blacknose small coastal sharks, blue sharks, smoothhound sharks, and pelagic sharks other than porbeagle or blue sharks.

The boundary between the Gulf of Mexico region and the Atlantic region is defined at § 635.27(b)(1) as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N lat, proceeding due east. Any water and land to the south and west of that boundary is considered for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region. The boundary between the western and eastern Gulf of Mexico sub-regions is drawn along 88°00′ W long (§ 635.27(b)(1)(ii)). Persons fishing aboard vessels issued a commercial shark limited access permit (LAP) under § 635.4 may still retain sharks in the aggregated LCS and/or hammerhead shark management groups in the eastern Gulf of Mexico sub-region (east of 88°00′ W long).

During the closure, retention of sharks in the aggregated LCS and/or hammerhead shark management groups in the western Gulf of Mexico sub-region is prohibited for persons fishing aboard vessels issued a commercial shark LAP under § 635.4. However, persons aboard a commercially permitted vessel that is also properly permitted to operate as a charter vessel or headboat for HMS, has a shark endorsement, and is engaged in a for-hire trip could fish under the recreational retention limits for sharks and ''no sale'' provisions (§ 635.22 (c)). Persons aboard a commercially permitted vessel that possesses a valid shark research permit under § 635.32 may continue to harvest and sell aggregated LCS and/or hammerhead sharks in the western Gulf of Mexico sub-region pursuant to the terms and conditions of the shark research permit, if a NMFS-approved observer is onboard and the shark research fishery, as applicable, is open.

During this closure, a shark dealer issued a permit pursuant to § 635.4 may not purchase or receive aggregated LCS and/or hammerhead sharks in the western Gulf of Mexico sub-region from a vessel issued an Atlantic shark LAP, except that a permitted shark dealer or processor may possess aggregated LCS and/or hammerhead sharks in the western Gulf of Mexico sub-region that were harvested, off-loaded, and sold, traded, or bartered prior to the effective date of the closure and were held in storage consistent with § 635.28(b)(6). Additionally, a permitted shark dealer may possess aggregated LCS and/or hammerhead sharks in the western Gulf of Mexico sub-region that were harvested by a vessel issued a valid shark research fishery permit per § 635.32 with a NMFS-approved observer onboard during the trip the sharks were taken on as long as the LCS research fishery quota remains open. Similarly, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with relevant State regulations, purchase or receive aggregated LCS and/or hammerhead sharks in the western Gulf of Mexico sub-region if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in State waters and that has

not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA), finds that providing prior notice and public comment for this action is impracticable and contrary to the public interest because the fishery is currently underway and any delay in this action would result in overharvest of the quotas for these species and management groups and thus would be inconsistent with fishery management requirements and objectives. The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of availability on the fishing grounds, the migratory nature of the species, and regional variations. NMFS is not able to give notice sooner nor would sooner notice be practicable given the structure of the regulations, which close the fisheries under specified regulatory criteria or thresholds. Furthermore, closures need to be based on near real-time data to balance fishing opportunities against the management goal of preventing quota overharvests. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if a quota is exceeded, the stock may be negatively affected and fishermen ultimately could experience reductions in the available quota and a lack of fishing opportunities in future seasons. For these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This action is required under § 635.28(b)(3) and § 635.28(b)(4) and is exempt from review under Executive Order 12866.

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

Dated: March 4, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–04876 Filed 3–4–21; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210–0018 and 210217–0141]

RTID 0648–XA883

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

ACTION: Temporary rule; opening.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program and the Community Development Quota (CDQ) Program. The season will open 1200 hours, Alaska local time (A.l.t.), March 6, 2021, and will close 1200 hours, A.l.t., December 7, 2021. This period is the same as the 2021 commercial halibut fishery opening dates adopted by the International Pacific Halibut Commission. The IFQ and CDQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

DATES: Effective 1200 hours, A.l.t., March 6, 2021, until 1200 hours, A.l.t., December 7, 2021.

FOR FURTHER INFORMATION CONTACT: Allyson Olds, 907–586–7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut and sablefish with fixed gear in the IFQ regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, adopted by the International Pacific Halibut Commission (IPHC). The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hours, A.l.t., March 6, 2021, and will close 1200 hours, A.l.t., December 7, 2021. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ and CDQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

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 delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 3, 2021.

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

Dated: March 4, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–04840 Filed 3–4–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 44
Tuesday, March 9, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 701, 703, 704, and 713

RIN 3133–AF32

CAMELS Rating System

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule with request for comments.

SUMMARY: The Board is proposing to add the ''S'' (Sensitivity to Market Risk) component to the existing CAMEL rating system and redefine the ''L'' (Liquidity Risk) component, thus updating the rating system from CAMEL to CAMELS. The proposal to add the ''S'' component will enhance transparency and allow the NCUA, State Supervisory Authorities, and federally insured credit unions to better distinguish between liquidity risk (''L'') and sensitivity to market risk (''S''). The amendment would also enhance consistency between the regulation of credit unions and other financial institutions. The Board is proposing to implement the addition of the ''S'' rating component and a redefined ''L'' rating as early as the first quarter of 2022.

DATES: Comments must be received on or before May 10, 2021.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Website: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Send messages to *regcomments@ncua.gov.* Use the subject line: ''[Your name] Comments on Notice of Proposed Rulemaking Regarding CAMELS Rating System.''
- *Fax:* (703) 518–6319. Include ''[Your name] Comments on Notice of Proposed Rulemaking Regarding CAMELS Rating System'' on the cover page.
- *USPS/Hand Delivery/Courier:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

Public Inspection: All public comments will be made available on the NCUA's website (*http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx*) as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted.

FOR FURTHER INFORMATION CONTACT: Thomas Fay, Director of Capital Markets at (703) 518–1179 or Robert Bruneau, Senior Capital Markets Specialist at 703 945–2491, Office of Examination and Insurance, or Marvin Shaw, Staff Attorney Office of General Counsel at (703) 518–6554.

SUPPLEMENTARY INFORMATION:

I. Background

The NCUA adopted its current rating system, known as CAMEL, in 1987.[1] The current CAMEL rating is based upon an evaluation of five critical elements of a credit union's operations: Capital adequacy, asset quality, management, earnings, and liquidity and asset-liability management. CAMEL is designed to take into account and reflect all significant financial, operational, and management factors examiners assess in their evaluation of a credit union's performance and risk profile.

Under this system, the NCUA assigns each credit union a composite CAMEL rating based on the agency's evaluation and rating of five components of an institution's financial condition and operations. As specified in the 2007 Letter to Credit Unions,[2] these components address a credit union's:

- *C*apital adequacy;
- *A*sset quality;
- *M*anagement;
- *E*arnings; and
- *L*iquidity and asset liability management.

Examiners assign composite and component CAMEL ratings using a scale that ranges from ''1'' to ''5.'' The highest rating is a ''1,'' indicating the strongest performance and risk management practices, and the least degree of supervisory concern. The lowest rating is a ''5,'' indicating the weakest performance, inadequate risk management practices, and the highest degree of supervisory concern. When evaluating these components, examiners use their professional judgement and consider both qualitative and quantitative factors when analyzing a credit unions performance.

In 1997, members of the Federal Financial Institution Examination Council (FFIEC),[3] with the exception of the NCUA, proposed and subsequently adopted revisions to the Uniform Financial Institutions Rating System (UFIRS) and a Policy Statement that reaffirmed the five CAMEL rating system components and added a sixth component, Sensitivity to Market Risk (''S''), to address price and interest rate risks (IRR).[4] The NCUA opted not to use the ''S'' component and retained its existing CAMEL rating system based on the relative lack of complexity in the consolidated balance sheets of credit unions at the time. However, since 1997, credit unions have increased in size and complexity by significantly increasing their mortgage-related assets from 19 percent of total assets to 42 percent at September 2020.

The NCUA has made several pertinent modifications to the CAMEL rating system since 1997. These involve changes to financial ratios,[5] adding and subsequently eliminating a CAMEL matrix,[6] accommodating the adoption of Prompt Corrective Action (PCA),[7] and

[1] NCUA Letter No. 93. Letter to Credit Unions, (September 25, 1987).

[2] NCUA Letter to Credit Unions 07–CU–12 (Dec. 2007).

[3] At the time, the FFIEC was comprised of the Federal Deposit Insurance Corporation (FDIC), the Board of Governors of the Federal Reserve (Federal Reserve), and the Office of Comptroller of the Currency (OCC), the NCUA, and the Office of Thrift Supervision (OTS). OTS merged into OCC as a result of the Dodd Frank Wall Street Reform and Consumer Protection Act. *See* Section 312 of Public Law 111–203.

[4] 62 FR 752, (Jan. 6, 1997).

[5] Letter to Credit Unions 00–CU–08 (Nov. 2000).

[6] NCUA Letter to Credit Unions 07–CU–12 (Dec. 2007).

[7] In 1998, Congress enacted the Credit Union Membership Access Act (''CUMAA''). (Pub. L. 105–219, 112 Stat. 913 (1998). CUMAA amended the Federal Credit Union Act (''the Act'') to require the

incorporating the NCUA's risk-focused exam approach.[8]

As balance sheets of credit unions have become larger and more complex, the NCUA consistently provided supervision and guidance regarding exposures to market risk to the credit union industry. The NCUA also advised credit unions that IRR was a supervisory priority from 2012 through 2019.

Since 2012, the Board implemented regulations that introduced standards and expectations affecting examiner procedures and the NCUA's IRR assessment requirements. The NCUA's IRR rule became effective for credit unions in September 2012.[9] The rule requires credit unions that have more than $50 million in assets to maintain a written IRR policy and an effective risk management program. The NCUA also finalized its derivatives rule in April 2014 providing authority for qualified federal credit unions to use financial derivatives to conduct hedging activities to better optimize their interest rate risk management.[10]

The NCUA also implemented its revised IRR supervision program in January 2017 [11] incorporating the regulatory requirements from parts 741 (IRR) and 703 (derivatives), enhancing examiner guidance, improving the consistency of IRR ratings, and to identify outlier credit unions with excessive risk levels.

II. Rationale for Proposed Rule

The NCUA's existing CAMEL rating process addresses both sensitivity to market risk and liquidity risk within the ''L'' component.[12] While there is an interrelationship between sensitivity to market risk and liquidity risk, there are also differences that support separating the risks into distinct components. The proposed rule would enhance the existing CAMEL rating system by adding an ''S'' component to assess sensitivity to market risk and modify the ''L'' component to include only liquidity evaluation content and rating criteria.

Adding an ''S'' component and modifying the ''L'' component will provide greater clarity and transparency regarding credit unions' sensitivity to market risk and liquidity risk exposures. The proposed addition would make the NCUA's rating system more consistent with the other financial institution regulators' ratings system both at the federal and state levels.[13]

Separating the ''S'' and ''L'' component ratings will allow NCUA to enhance the:

- Monitoring of sensitivity to market risk and liquidity risk in the credit union system;
- Communication of specific concerns to individual credit unions; and
- Allocation of resources.

Evaluating, rating, and disclosing assessments of interest rate and liquidity risks to credit union management is a long-standing examination procedure at the NCUA. The proposed change to add the ''S'' provides greater transparency into the NCUA's evaluation and conclusions regarding these two risks.

In 2015, the NCUA Office of Inspector General (OIG) recommended the addition of an ''S'' component to better capture a credit union's sensitivity to market risk and improve clarity and transparency in the CAMEL rating system.[14] The NCUA OIG also recommended the NCUA revise its ''L'' component rating to reflect only liquidity factors.

Also in 2015, the NCUA initiated a comprehensive restructuring of its supervision activities through the Enterprise Solution Modernization program (ESM). The ESM is a multi-year introduction of emerging and secure technology solutions supporting the NCUA's examination, data collection, and reporting efforts to improve key, integrated business processes. The NCUA planned the implementation of the OIG's 2015 CAMELS recommendations as part of the development of a new examination platform, known as the Modern Examination and Risk Identification Tool, or MERIT. The NCUA anticipates completing the transition from its legacy examination software to MERIT (which has been configured to support the ''S'' in ''CAMELS'') in 2021. Other revisions to examiner supervision guidance and procedures will also be updated as part of the transition.

In general, the NCUA Board expects that adopting a sixth CAMELS rating component will not have any adverse effect on a credit union's CAMEL composite rating. The proposed separation of sensitivity to market risk and liquidity risk into individual CAMELS rating components will reduce potential rating inconsistencies. Currently, examiners combine the risk evaluation of these related, but separate, risk areas into the ''L'' component. The separation into two components provides greater clarity of the assessment of each risk area. The Board anticipates the agency can make this transition smoothly and without significant disruption to the exam process or agency operations as early as the first quarter of 2022.

III. Summary of the Proposed Rule

The Board is proposing to add the ''S'' component to the existing CAMEL rating system and redefine the current ''L'' component. Evaluation of these as individual components will enhance the communication and monitoring of credit unions' sensitivity to market risk and liquidity risk. The Board is requesting comments on this proposal, such as, but not limited to, the definitions of both the ''L'' and ''S'' components and the criteria for each of the specific 1–5 assigned ratings. For example, the Board may consider modifying the rating descriptions used for the ''L'' and ''S'' ratings used by the other banking agencies rating system (The Uniform Financial Institutions Rating System (UFIRS)), detailed below in Sections IIA and IIB of this proposal.[15]

A. ''S'' Component for Sensitivity to Market Risk

The sensitivity to market risk reflects the exposure of a credit union's current and prospective earnings level and economic capital position arising from changes in market prices and the general level of interest rates. Effective risk management programs include comprehensive interest rate risk policies, appropriate and identifiable risk limits, clearly defined risk mitigation strategies, and a suitable governance framework.

Sensitivity to Market Risk ratings are based on, but not limited to, the following evaluation factors:

- Sensitivity of a credit union's current and future earnings and economic value of capital to adverse changes in market prices and interest rates;
- Management's ability to identify, measure, monitor, and control exposure

NCUA to adopt, by regulation, a system of prompt corrective action (PCA) consisting of minimum capital standards and corresponding remedies to improve the net worth of federally-insured ''natural person'' credit unions.

[8] NCUA Letter to Credit Unions –03–CU–04 (March 2003).

[9] 77 FR 5155 (Feb. 2, 2012).

[10] 79 FR 5228 (Jan 31, 2014).

[11] *Revised Interest Rate Risk Supervision √ National Credit Union Administration (ncua.gov)* 16–CU–08/October 2016.

[12] NCUA Letter to Credit Unions 07–CU–12, *CAMEL Rating System.* (Dec. 2007).

[13] The banking regulators (Federal Reserve, FDIC, and OCC) each include the ''S'' component to evaluate sensitivity to market place risk. In addition, 24 state supervisory authorities adopted the ''S'' component.

[14] OIG–15–11 *Review of NCUA's Interest Rate Risk Program.*

[15] *https://www.fdic.gov/regulations/laws/rules/5000-900.html.*

to market risk considering a credit union's size, complexity, and risk profile; and

• The nature and complexity of interest rate risk exposure.

Examiners will rate a credit union's ''S'' CAMELS rating component on a scale of ''1'' to ''5'' using the same rating descriptions for ''S'' as the other banking agencies.

''S'' rating	Description
1	• Market risk sensitivity is well controlled and that there is minimal potential that the earnings performance or capital position will be adversely affected; • Risk management practices are strong for the size, sophistication, and market risk accepted by the institution; and • The level of earnings and capital provide substantial support for the degree of market risk taken by the institution.
2	• Market risk sensitivity is adequately controlled and that there is only moderate potential that the earnings performance or capital position will be adversely affected; • Risk management practices are satisfactory for the size, sophistication, and market risk accepted by the institution; and • The level of earnings and capital provide adequate support for the degree of market risk taken by the institution.
3	• Control of market risk sensitivity needs improvement or that there is significant potential that the earnings performance or capital position will be adversely affected; • Risk management practices need to be improved given the size, sophistication, and level of market risk accepted by the institution; and • The level of earnings and capital may not adequately support the degree of market risk taken by the institution.
4	• Control of market risk sensitivity is unacceptable or that there is high potential that the earnings performance or capital position will be adversely affected; • Risk management practices are deficient for the size, sophistication, and level of market risk accepted by the institution; and • The level of earnings and capital provide inadequate support for the degree of market risk taken by the institution.
5	• Control of market risk sensitivity is unacceptable or that the level of market risk taken by the institution is an imminent threat to its viability; and • Risk management practices are wholly inadequate for the size, sophistication, and level of market risk accepted by the institution.

The Board also requests comments on the proposal to describing the ''L'' component and the criteria used in determining the 1–5 assigned ratings.

B. ''L'' Component for Liquidity Risk

In evaluating the adequacy of a credit union's liquidity profile, examiners consider the current and prospective sources of liquidity compared to funding needs and the adequacy of liquidity risk management relative to a credit union's size, complexity, and risk profile. A credit union's liquidity risk management practices should ensure the credit union maintains sufficient liquidity to timely meet its financial obligations and member share and loan demands. These practices should reflect the credit union's ability to manage unplanned changes in funding sources, changes in market conditions affecting its ability to quickly liquidate assets with minimal loss, ensure liquidity is maintained at a reasonable cost and limit reliance on funding sources that may not be available in times of financial stress or adverse changes in market conditions.

A credit union's liquidity risk management practices should also be commensurate with the complexity of the balance sheet and its capital adequacy. This includes evaluating the reporting mechanisms in place to monitor and control risk, management's response when risk exposure approaches or exceeds the credit union's risk limits, and the prescribed corrective action taken when necessary.

Examiners will rate a credit union's ''L'' CAMELS rating component on a scale of ''1'' to ''5'' using the same rating descriptions for ''L'' as the other banking agencies.

''L'' rating	Description
1	• Strong liquidity levels and well-developed funds management practices; and • The institution has reliable access to sufficient sources of funds on favorable terms to meet present and anticipated liquidity needs.
2	• Satisfactory liquidity levels and funds management practices; • The institution has access to sufficient sources of funds on acceptable terms to meet present and anticipated liquidity needs; and • Modest weaknesses may be evident in funds management practices.
3	• Liquidity levels or funds management practices in need of improvement; and • Institutions rated 3 may lack ready access to funds on reasonable terms or may evidence significant weaknesses in funds management practices.
4	• Deficient liquidity levels or inadequate funds management practices; and • Institutions rated 4 may not have or be able to obtain a sufficient volume of funds on reasonable terms to meet liquidity needs.
5	• Liquidity levels or funds management practices so critically deficient that the continued viability of the institution is threatened; and • Institutions rated 5 require immediate external financial assistance to meet maturing obligations or other liquidity needs.

The CAMEL rating system is not set forth in a separate section or part in the NCUA's regulations. Rather, references to CAMEL appear in several parts in the Code of Federal Regulations (CFR). NCUA regulations regularly refer to CAMEL composite ''1'' or ''2'' rated credit unions, which indicate the ability to safely support additional regulatory flexibility, or CAMEL composite ''4'' or ''5'' rated credit unions, which warrant increased regulatory scrutiny.

The Board is planning technical amendments to the following sections in which the term ''CAMEL'' appears by changing the term to ''CAMELS.'' These sections include:

- Section 700.2 definition of ''Troubled condition''
- Section 701.14 Change in official or senior executive officer in credit unions that are newly chartered or are in troubled condition
- Section 701.23 Purchase, sale, and pledge of eligible obligations
- Section 703.13 Permissible investment activities
- Section 703.14 Permissible investments
- Section 703.108 Eligibility
- Section 704.4 Prompt corrective action
- Section 713.6 Fidelity Bond and Insurance Coverage for FCUS—What is the permissible deductible?

In addition to amendments in the CFR, the Board notes the agency will modify certain documents and systems related to its supervisory activities to reflect the addition of the ''S'' CAMEL rating component.

IV. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.[16] For purposes of this analysis, the NCUA considers small credit unions to be those having under $100 million in assets.[17] This rule would not affect FCUs regardless of asset size because it is not adding any substantive requirement. Accordingly, the associated cost is minimal. The NCUA certifies the rule will not have a significant economic impact on small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.[18] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. This proposed rule imposes no new paperwork-related requirements. Therefore, this proposed rule will not create new paperwork burdens or modify any existing paperwork burdens.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, the NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule will not have a substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has determined this rule does not constitute a policy that has federalism implications for purposes of the executive order.

D. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[19]

List of Subjects

12 CFR Part 700

Credit unions.

12 CFR Part 701

Credit unions. Insurance. Reporting and recordkeeping requirements.

12 CFR Part 703

Credit unions. Investments. Reporting and recordkeeping requirements.

12 CFR Part 704

Corporate Credit Unions, Prompt Corrective Action.

12 CFR Part 713

Bonds. Credit unions. Insurance.

By the National Credit Union Administration Board on January 14, 2021

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons discussed above, the Board proposes to amend 12 CFR parts 700, 701, 703, 704, and 713 as follows:

PART 700—DEFINITIONS

■ 1. The authority citation for part 700 continues to read as follows:

Authority: 12 U.S.C. 1752, 1757(6), 1766.

§ 700.2 [Amended]

■ 2. In § 700.2, amend the definition of ''troubled condition'', by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS'', wherever it appears.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 3. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1786, 1787, 1788, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.14 [Amended]

■ 4. Amend § 701.14(b) by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS'', wherever it appears.

§ 701.23 [Amended]

■ 5. Amend § 701.23(b)(2) by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS.''

PART 703—INVESTMENT AND DEPOSIT ACTIVITIES

■ 6. The authority citation for part 703 continues to read as follows:

Authority: 12 U.S.C. 1757(7), 1757(8), and 1757(15).

§ 703.13 [Amended]

■ 7. Amend § 703.13(d)(3)(iii) by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS.''

§ 703.14 [Amended]

■ 8. Amend § 703.14 by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS'', wherever it appears.

PART 704—CORPORATE CREDIT UNIONS

■ 9. The authority citation for part 704 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1781, 1789.

§ 704.4 [Amended]

■ 10. Amend § 704.4(d)(3)(ii) by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS.''

PART 713—FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL INSURED CREDIT UNIONS

■ 11. The authority citation for part 713 continues to read as follows:

[16] 5 U.S.C. 603(a).

[17] Interpretive Ruling and Policy Statement (''IRPS'') 03–2, 68 FR 31949 (May 29, 2003) *as amended by* IRPS 13–1, 78 FR 4032 (Jan. 18, 2013).

[18] 44 U.S.C. 3507(d); 5 CFR part 1320.

[19] Public Law 105–277, 112 Stat. 2681 (1998).

Authority: 12 U.S.C. 1761a, 1761b, 1766(a), 1766(h), 1789(a)(11).

§ 713.6 [Amended]

■ 12. Amend § 713.6 by removing the word, ''CAMEL'', and adding, in its place, the word, ''CAMELS'', wherever it appears.

[FR Doc. 2021–01396 Filed 3–8–21; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 702 and 703

[NCUA–2021–0010]

RIN 3133–AF35

Simplification of Risk Based Capital Requirements

AGENCY: National Credit Union Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Credit Union Administration (NCUA) Board (Board) is issuing this advance notice of proposed rulemaking (ANPR) to solicit comments on two approaches to simplify its risk-based capital requirements. The Board's risk-based capital requirements are set forth in a final rule dated October 29, 2015, which is currently scheduled to become effective on January 1, 2022. The delayed effective date has provided the Board with additional time to evaluate the capital standards for federally-insured credit unions (FICUs) that are classified as ''complex'' (those with total assets greater than $500 million). The first approach would replace the risk-based capital rule with a Risk-based Leverage Ratio (RBLR) requirement, which uses relevant risk attribute thresholds to determine which complex credit unions would be required to hold additional capital (buffers). The second approach would retain the 2015 risk-based capital rule but enable eligible complex FICUs to opt-in to a ''complex credit union leverage ratio'' (CCULR) framework to meet all regulatory capital requirements. The CCULR approach would be modeled on the ''Community Bank Leverage Ratio'' framework, which is available to certain banks.

DATES: Comments must be received on or before May 10, 2021.

ADDRESSES: You may submit comments, by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* The docket number for this advance notice of proposed rulemaking is NCUA–2021–0010. Follow the instructions for submitting comments.
- *Fax:* (703) 518–6319. Include ''[Your name] Comments on ''Simplification of Risk Based Capital Requirements'' in the transmittal.
- *Mail:* Address to Melane Conyers Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public inspection: All public comments are available on the Federal eRulemaking Portal at *http://www.regulations.gov* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information.

Due to social distancing measures in effect, the usual opportunity to inspect paper copies of comments in the NCUA's law library is not currently available. After social distancing measures are relaxed, visitors may make an appointment to review paper copies by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: *Policy:* Thomas Fay, Director, Division of Capital Markets, Office of Examination and Insurance, at (703) 518–1179; *Legal:* Rachel Ackmann, at (703) 548–2601 or Ariel Pereira, at (703) 548–2778; or by mail at National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314.

SUPPLEMENTARY INFORMATION:

I. Background
II. This ANPR
III. Legal Authority
IV. Risk-Based Leverage Ratio (RBLR)
V. Complex Credit Union Leverage Ratio (CCULR)
VI. Timeline
VII. Conclusion

I. Background

Capital adequacy standards are a prudential tool to protect the safety and soundness of individual credit unions and the credit union system as a whole. Capital serves as a buffer for credit unions to prevent institutional failure during times of stress. During a financial crisis, a buffer can mean the difference between the financial institution surviving or failing. Higher levels of capital insulate credit unions from the effects of adverse developments in assets and liabilities, allowing credit unions to continue to serve as credit providers during times of stress without government intervention. Higher levels of capital also reduce the probability of a systemic crisis, producing benefits that generally outweigh the associated costs.

On August 7, 1998, Congress enacted the Credit Union Membership Access Act (CUMAA).[1] CUMAA addressed credit union capital adequacy standards by adding section 216 to the Federal Credit Union Act (FCUA).[2] Section 216 directed the Board to adopt a regulation to establish a system of prompt corrective action (PCA) to restore the net worth of all FICUs if they are inadequately capitalized. Section 216 requires supervisory actions indexed to five statutory net worth categories, ranging from well capitalized to critically undercapitalized. The mandatory actions and conditions triggering conservatorship and liquidation are expressly prescribed by statute.[3] To supplement the mandatory actions, section 216 charged the NCUA with developing discretionary actions which are comparable to the discretionary safeguards available under section 38 of the Federal Deposit Insurance Act—the statute that applies PCA to other federally insured depository institutions.[4]

Section 216(d)(1) of the FCUA requires that the NCUA's PCA system include, in addition to the statutorily defined net worth ratio requirement, ''a risk-based net worth requirement'' for credit unions that are complex, as defined by the Board.[5] The FCUA directs the NCUA to base its definition of ''complex'' credit unions ''on the portfolios of assets and liabilities of credit unions.''[6] If a credit union is not classified as complex, as defined by the NCUA, it is not subject to a risk-based net worth requirement. The NCUA implemented the regulatory PCA system mandated by section 216 through a final rule published on February 18, 2000.[7] The NCUA's PCA regulations are codified in 12 CFR part 702.

Following the 2007–2009 recession, the NCUA substantially reevaluated the capital adequacy standards codified in part 702. On October 29, 2015, the Board published a final rule restructuring the PCA regulations (2015 Final Rule).[8] The overarching intent of

[1] Public Law 105–219, 112 Stat. 913 (1998).

[2] The FCUA is codified at 12 U.S.C. 1751 *et seq.* Section 216 of the act is codified at 12 U.S.C. 1790d.

[3] 12 U.S.C. 1790d(e), (f), (g), (i); 12 U.S.C. 1786(h)(1)(F), 1787(a)(3)(A).

[4] 12 U.S.C. 1790d(b)(1)(A). Section 38 of the FDI Act, 12 U.S.C. 1831o, was added by section 131 of the Federal Deposit Insurance Corporation Improvement Act, Public Law 102–242, 105 Stat. 2236 (1991).

[5] 12 U.S.C. 1790d(d)(1).

[6] 12 U.S.C. 1790d(d).

[7] 65 FR 8560 (Feb. 18, 2000).

[8] 80 FR 66626 (Oct. 29, 2015).

the 2015 Final Rule was to reduce the likelihood that a relatively small number of high-risk credit unions would exhaust their capital and cause large losses to the National Credit Union Share Insurance Fund (NCUSIF). Under the FCUA, FICUs are collectively responsible for replenishing losses to the NCUSIF.[9]

The 2015 Final Rule restructured the NCUA's current capital adequacy regulations and made various revisions, including amending the agency's risk-based net worth requirement, by replacing a credit union's risk-based net worth ratio with a risk-based capital ratio.[10] The risk-based capital requirements in the 2015 Final Rule are more consistent with the NCUA's risk-based capital ratio measure for corporate credit unions, and are more comparable to the risk-based capital measures implemented by the Federal Deposit Insurance Corporation (FDIC), Board of Governors of the Federal Reserve System (Federal Reserve Board), and Office of the Comptroller of Currency (OCC) (collectively, the other banking agencies).[11]

The risk-based capital provisions of the 2015 Final Rule apply only to credit unions that are ''complex,'' which the rule defined as those with total assets over $100 million.[12] On November 6, 2018,[13] the Board published a supplemental final rule that raised the threshold level for a ''complex'' credit union to $500 million (2018 Supplemental Rule). Therefore, only credit unions with over $500 million in assets are now subject to the risk-based capital requirements of the 2015 Final Rule. The 2018 Supplemental Rule also delayed the effective date of the 2015 Final Rule for one year (from January 1, 2019, to January 1, 2020).

The effective date was delayed a second time through a final rule published on December 17, 2019 (2019 Supplemental Rule).[14] The amendments are now scheduled to become effective on January 1, 2022. The delay has provided credit unions and the NCUA with additional time to implement the 2015 Final Rule. Further, as explained in the 2019 Supplemental Rule, the delay provided the Board additional time to evaluate the NCUA's capital standards for credit unions.[15] The 2019 Supplemental Rule provided several examples of issues the Board would consider during the delay, including asset securitization, the implementation of the Financial Accounting Standards Board's final current expected credit loss (CECL) methodology, and amendments to the 2015 Final Rule for subordinated debt. Additionally, the delay provided additional time for the NCUA to prepare for internal modernization projects to support the 2015 Final Rule.[16] The proposed rule also stated the Board would use the delay to consider whether a community bank leverage ratio (CBLR) analog should be integrated into the NCUA's capital standards.[17]

II. This ANPR

The ANPR is an invitation from the Board to participate in shaping potential changes to the 2015 Final Rule. The Board has interacted with stakeholders on the subject of capital requirements going back to 1998, when Congress established the PCA requirements for FICUs. There have been several NCUA rulemakings regarding capital requirements since 1998. Stakeholders have made it clear to the Board that any capital requirements should be: Tailored to the unique risks of credit unions; simple in structure; and, designed to avoid unnecessary regulatory burden. This consistent feedback, tempered by the Board's ongoing commitment to adapt and improve capital standards based upon stakeholder input and lessons learned, remains a driving impetus behind this ANPR.

As noted above, this ANPR invites comments on the RBLR and CCULR approaches to the risk-based capital requirements. The RBLR approach would replace the 2015 Final Rule in its entirety. The RBLR approach uses relevant risk attribute thresholds to determine which complex FICUs would be required to hold an additional capital buffer above what is currently specified in the PCA regulations. The CCULR approach would retain the 2015 Final Rule, but would enable eligible complex FICUs to opt-into a framework to meet all regulatory capital requirements. Accordingly, the two approaches outlined are mutually exclusive, and the CCULR would not be available under the RBLR.

This ANPR also poses questions designed to garner critical insight into how stakeholders view the implicit tradeoff between a reduction in the complexity and burden of the capital requirements in exchange for holding potentially higher amounts of mandatory capital above the seven percent net worth ratio necessary to be classified as well capitalized. The Board would benefit from hearing the views of FICUs on these possible enhancements now, to allow time to disseminate one of these approaches before the 2015 Final Rule is scheduled to take effect. The Board also invites any other recommendations that might similarly provide regulatory relief without diminishing the efficacy of its capital regulation and standards.

III. Legal Authority

The Board is issuing this ANPR pursuant to its authority under the FCUA. Under the FCUA, the NCUA is the chartering and supervisory authority for Federal credit unions and the federal supervisory authority for state-chartered FICUs.[18] The FCUA grants the NCUA a broad mandate to issue regulations governing both Federal credit unions and all FICUs. For example, section 120 of the FCUA is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCUA.[19] Other provisions of the FCUA, such as section 216, confer specific rulemaking authority to address prescribed issues or circumstances.[20] Accordingly, the FCUA grants the Board broad rulemaking authority to protect the safety and soundness of the credit union industry and the NCUSIF. This ANPR is being issued under both the general

[9] *See* 12 U.S.C. 1782(c)(2)(A). The FCUA requires that each FICU pay an insurance premium equal to a percentage of the FICU's insured shares to establish sufficient reserves in the NCUSIF to pay potential share insurance claims, and to provide assistance in connection with the liquidation or threatened liquidation of FICUs in troubled condition.

[10] For purposes of this ANPR, the term ''risk-based net worth requirement'' is used in reference to the statutory requirement for the Board to design a capital standard that accounts for variations in the risk profile of complex credit unions. The term ''risk-based capital ratio'' is used to refer to the specific standards established in the 2015 Final Rule to function as criteria for the statutory risk-based net worth requirement. The term ''risk-based capital ratio'' is also used by the other banking agencies and the international banking community when referring to the types of risk-based requirements that are addressed in the 2015 Final Rule. This change in terminology throughout the ANPR is intended only to reduce confusion for the reader.

[11] The Federal Reserve Board and OCC issued a joint final rule on October 11, 2013 (78 FR 62018), and the FDIC issued a substantially identical interim final rule on September 10, 2013 (78 FR 55340). On April 14, 2014 (79 FR 20754), the FDIC adopted the interim final rule as a final rule with no substantive changes.

[12] *See, supra* note 8.

[13] 83 FR 55467 (Nov. 6, 2018).

[14] 84 FR 68781 (Dec. 17, 2019).

[15] *Id.* at 68782.

[16] *Id.*

[17] *Id.*

[18] 12 U.S.C. 1752–1775.

[19] 12 U.S.C. 1766(a).

[20] Other provisions of the FCUA providing the Board with specific rulemaking authority include section 207 (12 U.S.C. 1787), which is a specific grant of authority over share insurance coverage, conservatorships, and liquidations. Section 209 (12 U.S.C. 1789) grants the Board plenary regulatory authority to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.

rulemaking authority conferred by section 120 of the FCUA and as discussed in this preamble, the more specific grant of authority under section 216.

IV. Risk-Based Leverage Ratio (RBLR)

A. Overview of RBLR Approach

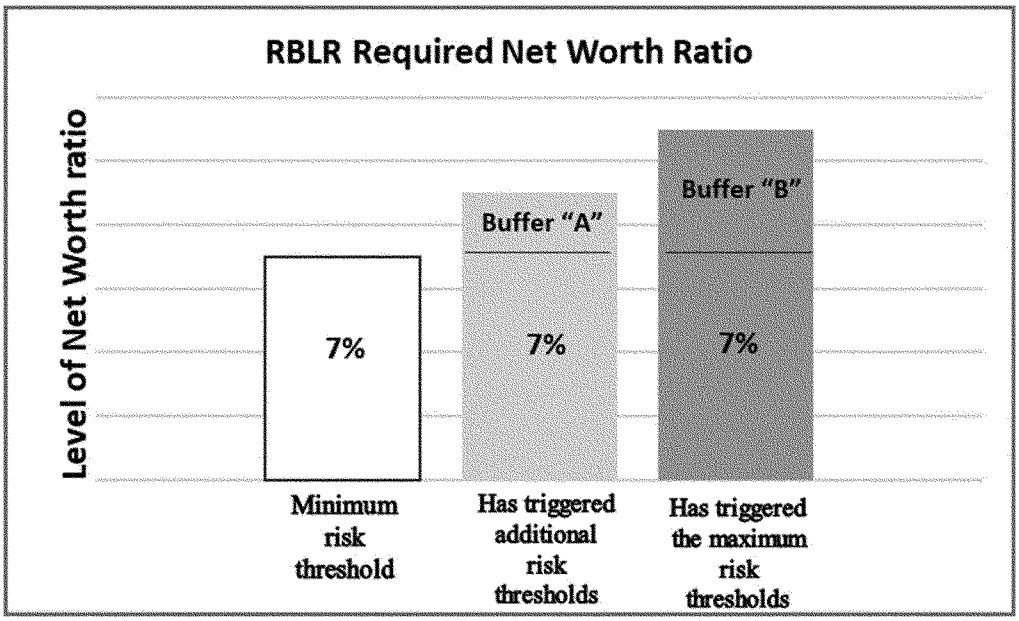
As an alternative to the 2015 Final Rule, the Board is seeking comment on a simplified capital framework that satisfies the risk-based net worth requirement for complex FICUs. The Board's intention for the RBLR approach is to simplify the regulatory risk-based capital requirements, while ensuring the overall capital framework:

(1) Complies with all applicable statutory and legal requirements, including the statutory PCA requirements;

(2) is easier to understand and use; and

(3) effectively identifies risk characteristics that trigger commensurate capital requirements.

The RBLR approach would utilize certain risk characteristics to determine the required capital level. This approach differs from the 2015 Final Rule, where all assets and certain off-balance sheet activities are categorized into risk groups and then risk-weighted to produce a risk-based ratio. The Board is also considering using the net worth ratio as the RBLR measurement, which is already a well-established, simplified, and observable measurement. The net worth ratio would be supplemented with mandatory capital buffers when certain risk factors are triggered. This approach, illustrated in the chart below, would require an extra cushion of capital buffers over and above the seven percent net worth ratio standard for classification as well capitalized when certain characteristics inherent in a FICU's balance sheet exceed specified thresholds. The amount of the capital buffer would be a discreet percentage of net worth-to-total assets over seven percent and would be a mandatory capital requirement.



The Board is considering basing the RBLR risk factors on the asset categories from the 2015 Final Rule, which utilize higher risk weightings. For example, there are a number of risk-based capital categories under the 2015 Final Rule that receive a risk weighting greater than 100 percent. These categories include:

- Non-current loans,
- commercial loans exceeding 50 percent of assets,
- junior lien real estate loans exceeding 20 percent of assets,
- mortgage servicing rights, and
- other investment activities.

The Board may also consider other asset concentration risk factors in developing risk thresholds.

As previously mentioned, the Board seeks a reduction in the administrative burden of categorizing all assets and off-balance balances into risk categories. The RBLR approach would identify certain risk factors and establish thresholds that would trigger a capital buffer. The buffer amount might also vary based on the level of the applicable threshold. For example, if a FICU held a certain amount of commercial loans as a percentage of assets that triggered a ''Buffer A'' capital requirement, then the FICU would be required to hold a higher net worth ratio to maintain a well-capitalized classification. However, if a second and higher threshold were established for commercial loans, then it is possible that the FICU will be required to hold an additional amount of capital above the first buffer amount (Buffer B).

The Board's intention is that the RBLR will streamline compliance with capital requirements without sacrificing the safety and efficacy of the overall capital regime. As envisioned, the greater simplicity would come from converting the current computational framework for complex credit unions into a three-tiered system of minimum leverage ratios for all complex FICUs. The minimum leverage ratio necessary to be well capitalized under RBLR would remain at seven percent, with two higher tiers applied to those complex credit unions exhibiting quantified amounts of higher relative risk. The defining risk attributes would be a function of the types and concentration of underlying assets.

Basing the RBLR on the net worth ratio would significantly reduce the Call Report requirements and utilize a measurement that FICUs are already familiar with. However, while an RBLR approach would be simpler, it may also result in a higher capital requirement for certain FICUs that have riskier assets when compared to the risk-based capital framework. The Board welcomes input on which asset types and concentrations stakeholders view as most significant to establish capital buffers in excess of the

seven percent threshold. The Board also welcomes views on the practicality of having discreet thresholds above seven percent to guard against higher risk, and striking the right balance between adequate buffers and the efficient allocation of capital.

Question 1: The Board invites comments on the merits of incorporating the RBLR approach as an alternative to the risk-based capital framework under the 2015 Final Rule. What risk characteristics should be incorporated into the RBLR? Are the higher risk-weighted asset categories from the risk-based capital framework the correct starting point, or should the Board consider a different approach?

Question 2: The Board invites comments on what risk thresholds should be used for the risk factors. What measurements should be used and how would the measurement be reported and monitored? Should there be more than one capital buffer for a risk factor based on the measurement? How would multiple measurements be combined or weighted to determine the threshold?

Question 3: The Board invites comments on what capital buffers over the well-capitalized seven percent threshold should be used?

B. Impact of RBLR on Subordinated Debt Final Rule

The Board recognizes that any changes to the regulatory capital framework have potential consequences for other NCUA rulemakings. Other than the changes required to implement any regulatory capital framework changes, the Board believes the RBLR approach would require the NCUA to modify its recent final rulemaking regarding subordinated debt (Subordinated Debt Rule).[21] The Subordinated Debt Rule is a direct amendment to the 2015 Final Rule. As such, elimination of the 2015 Final Rule would alter the form and structure of the Subordinated Debt Rule. Further, the current Subordinated Debt Rule allows a complex credit union that is not designated as a ''low-income credit union'' (LICU) to issue subordinated debt to include in the risk-based capital numerator.[22] In an RBLR approach, non-LICU complex credit unions may or may not be able to apply subordinated debt towards a capital calculation, depending on the ultimate design of the approach and the relevant legal and policy considerations.

The Board would be required to evaluate the ability of non-LICU complex credit unions to use a subordinated debt instrument for the RBLR, as the FCUA includes a definition of ''net worth,'' which only allows LICUs to include such instruments in their net worth. The potential absence of utility for non-LICU complex credit unions and the structural changes resulting from the repeal of the 2015 Final Rule may require amendments to the Subordinated Debt Rule. However, the Board notes the Subordinated Debt rule would not need to be modified with respect to non-complex LICUs and new credit unions. Changes to the Subordinated Debt rule would be focused on moving the rule from its current location in the 2015 risk-based capital rule, removing references to the risk-based capital rule, and amending the rule for possible use by complex credit unions of Subordinated Debt to meet any proposed RBLR.

Question 4: The Board invites comments on how a non-LICU complex credit union may be able to apply subordinated debt towards an RBLR capital calculation.

V. Complex Credit Union Leverage Ratio (CCULR)

Section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act directed the other banking agencies to propose a simplified, alternative measure of capital adequacy for certain federally insured banks.[23] On November 13, 2019, the other banking agencies issued a final rule implementing this statutory directive (CBLR Final Rule).[24]

The CBLR is an optional framework to the risk-based capital requirements for depository institutions and depository institution holding companies that meet the following criteria:

1. A leverage ratio (equal to tier 1 capital divided by average total consolidated assets) of greater than nine percent; [25]
2. Total consolidated assets of less than $10 billion;
3. Total off-balance sheet exposures of 25 percent or less of its total consolidated assets;
4. Trading assets plus trading liabilities of five percent or less of its total consolidated assets; and
5. Not an advanced approaches banking organization.[26]

The CBLR Final Rule refers to the depository institutions and depository institution holding companies that meet these regulatory criteria as ''qualifying community banking organizations.'' Qualifying community banking organizations that opt into the CBLR framework are considered to be in compliance with the other banking agencies' generally applicable risk-based and leverage capital requirements. Further, for the purposes of section 38 of the Federal Deposit Insurance Act,[27] these qualifying banking organizations will have met the well-capitalized ratio requirements. In exchange, the qualifying banking organization must maintain a greater amount of capital than normally required to be deemed well capitalized. Qualifying community banking organizations may opt into or out of the CBLR framework at any time.

The CBLR Final Rule includes a two-quarter grace period during which a qualifying community banking organization that temporarily fails to meet any of the qualifying criteria, including the greater than nine percent leverage ratio requirement, will still be deemed well capitalized. However, the qualifying community banking organization must maintain a leverage ratio greater than eight percent. At the end of the grace period, the banking organization must meet all qualifying criteria to remain in the CBLR framework or otherwise must comply with and report under the generally applicable risk-based and leverage capital requirements. Similarly, a banking organization that fails to maintain a leverage ratio greater than eight percent will not be permitted to use the grace period and must comply with the generally applicable capital requirements and file the appropriate regulatory reports.

In March 2020, the CBLR was temporarily set to eight percent by statute.[28] Accordingly, effective the second quarter of 2020, the CBLR requirement was eight percent or greater.[29] Banking organizations are still

[21] The final rule was approved by the Board at the December 17, 2020 meeting. *See, https://www.ncua.gov/files/agenda-items/AG20201217Item5b.pdf.*

[22] Subject to a 20 percent per annum discounting of outstanding Subordinated Debt once the remaining maturity is less than five years.

[23] Public Law 115–174 (May 24, 2018). Section 201 is codified at 12 U.S.C. 5371 note.

[24] 84 FR 61776 (Nov. 13, 2019).

[25] Under section 4012 of Public Law 116–136 (Mar. 27, 2020), the CBLR was temporarily set to 8 percent. *See,* 85 FR 22924 (Apr. 23, 2020). Under the statute, the temporary CBLR of 8 percent expired on December 31, 2020. The CBLR will transition back to 9 percent during calendar year 2021. *See,* 85 FR 22930 (Apr. 23, 2020).

[26] Advanced approaches banking organizations are generally those with at least $250 billion in total consolidated assets or at least $10 billion in total on-balance sheet foreign exposure, and depository institution subsidiaries of those firms.

[27] As noted previously, this is the statute that applies PCA to federally insured depository institutions, as defined under the Federal Deposit Insurance Act.

[28] *Supra,* note 22.

[29] *See,* 85 FR 22924 (Apr. 23, 2020).

subject to a two-quarter grace period if they do not meet any of the eligibility criteria and may remain under the CBLR framework, provided that their leverage ratio is above seven percent during the grace period. Beginning in 2021, the CBLR requirement will be 8.5 percent or greater and the minimum requirement during the grace period will be 7.5 percent.[30] Beginning in 2022, the CBLR requirement will return to nine percent and the minimum requirement during the grace period will return to eight percent.

In the preamble to the 2019 Supplemental Rule, the Board explained that it might consider a capital standard analog to the CBLR framework developed by the other banking agencies—referred to in this ANPR as CCULR. The CCULR approach would be based on the principles of the CBLR framework and, for complex credit unions that meet specified qualifying criteria and have opted into the approach, would provide relief from the requirement to calculate a risk-based capital ratio, as implemented by the 2015 Final Rule. In exchange, the qualifying complex credit union would be required to maintain a higher net worth ratio than is otherwise required for the well-capitalized classification. This is a similar trade-off to the one made by qualifying community banking organizations under the CBLR.

As noted above, the 2015 Final Rule is scheduled to take effect on January 1, 2022. Accordingly, a CCULR approach would be parallel to the 2015 Final Rule and would not take effect until January 1, 2022. Qualifying complex credit unions would not be able to opt into the proposed CCULR approach prior to this effective date.

In designing the CCULR, the Board would seek to further the goal of the FCUA's PCA requirements by requiring that complex credit unions continue to hold capital commensurate with their risks, while minimizing the burden associated with complying with the NCUA's risk-based capital requirement. The Board welcomes comments on a possible adoption of the CCULR and, in particular, seeks input on the following issues:

Question 5: The Board invites comments on the merits of incorporating the CCULR in its capital adequacy regulations. Should the NCUA capital framework be amended to adopt an ''off-ramp'' such as the CCULR to the risk-based capital requirements of the 2015 Final Rule?

Question 6: The Board invites comment on the criteria for CCULR eligibility. Should the Board adopt the same qualifying criteria as established by the other banking agencies for the CBLR? In recommending qualifying criteria regarding a credit union's risk profile, please provide information on how the qualifying criteria should be considered in conjunction with the calibration of the CCULR level under question 7, below.

Question 7: What assets and liabilities on a FICU's Call Report should the Board consider in determining the net worth threshold? How should each of these items be weighted?

Question 8: What are the advantages and disadvantages of using the net worth ratio as the measure of capital adequacy under the CCULR? Should the Board consider alternative measures for the CCULR? For example, instead of the existing net worth definition, the CCULR could use the risk-based capital ratio numerator from the 2015 Final Rule, similar to the ''Tier 1 Capital'' measure used for banking institutions.

Question 9: Should all complex credit unions be eligible for the CCULR, or should the Board limit eligibility to a subset of these credit unions? For example, the Board could consider limiting eligibility to the CCULR approach to only complex credit unions with less than $10 billion in total assets.

Question 10: The Board invites comment on the procedures a qualifying complex credit union would use to opt into or out of the CCULR approach. What are commenters' views on the frequency with which a qualifying complex credit union may opt into or out of the CCULR approach? What are the operational or other challenges associated with switching between frameworks?

Question 11: The Board invites comment on the treatment for a complex credit union that no longer meets the definition of a qualifying complex credit union after opting into the CCULR approach. Should the Board consider requiring complex credit unions that no longer meet the qualifying criteria to begin to calculate their assets immediately according to the risk-based capital ratio? Should the Board provide a grace period for these credit unions to come back into compliance with the CCULR and, if so, how long of a grace period is appropriate? What other alternatives should the Board consider with respect to a complex credit union that no longer meets the definition of a qualifying complex credit union and why? Is notification that a credit union will not meet the qualifying criteria necessary?

[30] *See,* 85 FR 22930 (Apr. 23, 2020).

VI. Timeline

As discussed above, the 2015 Final Rule will be effective January 1, 2022. The Board expects that any final rule developed in response to this ANPR would be issued before the effective date of the 2015 Final Rule. Accordingly, the Board expects that any notice of proposed rulemaking issued in response to this ANPR would be issued by midyear of 2021. Once comments are received, the Board will evaluate the comments and direct NCUA staff to move forward in drafting any proposed rule to meet this timeline.

VII. Conclusion

The Board is committed to tailoring its capital requirements to the unique features of credit unions. The two approaches outlined in this ANPR are designed to accomplish this goal without reducing the effectiveness of the Board's capital standards. The RBLR approach would replace the 2015 Final Rule risk-based capital requirements using relevant risk attribute thresholds that would require additional capital buffers. The CCULR would enable eligible complex FICUs to opt-into a framework to meet all regulatory capital requirements. The Board invites comments on these two options, as well as on any other recommendations that might similarly accomplish the goals outlined in this ANPR. All comments will be considered in the development of a future proposed rule.

By the National Credit Union Administration Board, this 14th day of January, 2021.

Melane Conyers Ausbrooks,

Secretary of the Board.

[FR Doc. 2021–01397 Filed 3–8–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0991; Project Identifier AD–2020–00539–A]

RIN 2120–AA64

Airworthiness Directives; Mooney International Corporation 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 Mooney International

Corporation (Mooney) Model M20V airplanes. This proposed AD was prompted by reports of short circuit and arcing of the alternator main power cable in the engine compartment. This condition, if unaddressed, could result in a fire hazard, loss of engine thrust control, and reduced control of the airplane. This proposed AD would require inspecting the alternator main power cable and the exhaust crossover tube for damage, replacing damaged parts as necessary, and installing an additional alternator cable clamp. 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 23, 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 Mooney International Corporation, 165 Al Mooney Road, North Kerrville, TX 78028; phone: (800) 456–3033; email: *support@mooney.com.* 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0991; 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: Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: (817) 222–4130; fax: (817) 222–5245; email: *jacob.fitch@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–2020–0991; Project Identifier AD–2020–00539–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 this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177. 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 received a report that two Mooney Model M20V airplanes had short circuit arcing of the alternator main power cable in the engine compartment. Mooney determined the alternator main power cable was incorrectly positioned with slack in the cable and allowed contact between the alternator main power cable and turbocharger right-hand (RH) exhaust crossover tube. In one instance, this contact caused arcing of the alternator main power cable and created a hole in the RH exhaust crossover tube, which may result in a fire hazard. A damaged crossover tube may also decrease effectiveness of the turbochargers and cause complete loss of engine power at higher altitudes (above 9,000 ft. above sea level). This condition, if not addressed, could result in an inflight fire and loss of engine thrust control, which may lead to reduced control of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Mooney International Corporation Service Bulletin M20–340C, dated February 14, 2020 (SB M20–340C). The service information specifies inspecting the alternator main power cable and the exhaust crossover tube for damage and replacing damaged parts as necessary. The service information also contains procedures for modifying the alternator main power cable routing by installing an additional alternator cable clamp, part number MS21919WCJ6.

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

The FAA is issuing this NPRM after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

Differences Between This Proposed AD and the Service Information

SB M20–340C specifies sending a compliance card to Mooney upon completing the actions in the service information. This proposed AD would not require that action.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 18 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
Inspect the cable and exhaust crossover tube for damage.	.5 work-hour × $85 per hour = $42.50	$0	$42.50	$765
Install additional cable clamp	.5 work-hour × $85 per hour = $42.50	10	52.50	945

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace alternator main power cable	8 work-hours × $85 per hour = $680	$1,000	$1,680
Replace exhaust crossover tube	8 work-hours × $85.00 per hour = $680	2,500	3,180

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 proposing 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:

Mooney International Corporation: Docket No. FAA–2020–0991; Project Identifier AD–2020–00539–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Mooney International Corporation Model M20V airplanes, serial numbers 33–0001 through 33–0018, certificated in any category.

(d) Subject

Joint Aircraft System Component Code 2400, Electrical Power System.

(e) Unsafe Condition

This AD was prompted by reports of short circuit and arcing of the alternator main power cable in the engine compartment. The FAA is issuing this AD to prevent arcing of the alternator main power cable in the engine compartment. This condition, if not addressed, could result in an inflight fire and loss of engine thrust control, which may lead to reduced control of the airplane.

(f) Compliance

Comply with this AD before further flight after the effective date of this AD, unless already done.

(g) Required Actions

(1) Inspect the alternator main power cable and the exhaust crossover tube for burn marks, chafing, holes, and cracks, and replace any cable and crossover tube that has a burn mark, chafing, a hole, or a crack.

(2) Install an additional alternator cable clamp part number MS21919WCJ6 and ensure correct routing of the alternator main power cable by following steps 1.5. through 1.9. of the Instructions in Mooney International Corporation Service Bulletin M20–340C, dated February 14, 2020.

(h) Special Flight Permit

A special flight permit may be issued with the following limitations:

(1) Flights must not carry passengers;

(2) Operation in daytime visual meteorological conditions only;

(3) Straight and level flight must be maintained;

(4) Operation in areas of known turbulence prohibited; and

(5) Altitude limited to 9,000 ft. above sea level.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth 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 Related Information.

(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 Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: (817) 222–4130; fax: (817) 222–5245; email: *jacob.fitch@faa.gov.*

(2) For service information identified in this AD, contact Mooney International Corporation, 165 Al Mooney Road, North Kerrville, TX 78028; phone: (800) 456–3033; email: *support@mooney.com.* You may view this referenced 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 March 1, 2021.

Ross Landes,

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

[FR Doc. 2021–04591 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0449; Project Identifier AD–2020–01464–R]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada 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 Bell Helicopter Textron Canada Model 206A, 206B, and 206B3 helicopters. The NPRM was prompted by the need for corresponding operating limitations prohibiting flight, including hover, with the litter doorpost removed when certain litter kits are installed. The NPRM would have required revising the Operating Limitations, Section 1, of the existing Rotorcraft Flight Manual (RFM) for your helicopter to add an operating limitation when a litter kit is installed to prohibit flight with the doorpost removed to prevent loss of structural integrity of the fuselage. Since issuance of the NPRM, the FAA has determined that an unsafe condition no longer exists. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published May 13, 2011 (76 FR 27958), as of March 9, 2021.

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–2011–0449; 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: 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 FAA has issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on May 13, 2011 (76 FR 27958). The NPRM was prompted by the need for corresponding operating limitations prohibiting flight, including hover, with the litter doorpost removed when certain litter kits are installed.

The NPRM proposed to require revising the existing RFM for your helicopter by inserting into the Operating Limitations, Section 1, of the existing RFM for your helicopter the following statement: ''Flight, including hover, with litter doorpost removed is prohibited.'' This revision would have been made by pen and ink changes, inserting a copy of this AD into the existing RFM for your helicopter, or inserting a copy of the RFM Supplement (RFMS) dealing with Litter Kits into the existing RFM for your helicopter as follows: For Model 206A helicopters—inserting RFMS BHT–206A–FMS–8, dated December 30, 2009, into RFM BHT–206A–FM–1, dated July 2, 2009; for Model 206B helicopters—inserting RFMS BHT–206B–FMS–8, dated December 30, 2009, into RFM BHT–206B–FM–1, dated July 2, 2009; and for Model 206B3 helicopters—inserting RFMS BHT–206B3–FMS–2, dated December 30, 2009, into RFM BHT–206B3–FM–1, dated March 24, 2010. The proposed actions were intended to add an operating limitation when a litter kit is installed to prohibit flight with the doorpost removed to prevent loss of structural integrity of the fuselage.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, reevaluation of current fleet safety data indicates that there is not an unsafe condition and AD action is no longer necessary. There are no recent records of safety issues related to the unsafe condition previously described. Therefore, the FAA has determined that AD action is not required. Withdrawal of the NPRM constitutes only such action and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

The FAA's Aircraft Certification Service has also changed its organizational structure. The new structure replaces product directorates with functional divisions. We have revised some of the office titles and nomenclature throughout this proposed AD to reflect the new organizational changes. Additional information about the new structure can be found in the Notice published on July 25, 2017 (82 FR 34564).

Lastly, the identification of ''Directorate Identifier 2010–SW–021–AD'' has been changed to ''Project Identifier AD 2020–01464–R.''

Comments

The FAA gave the public the opportunity to comment on the NPRM. The FAA received no comments on the NPRM or on the determination of the cost to the public.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM is unnecessary. 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–2011–0449, which was published in the **Federal Register** on May 13, 2011 (76 FR 27958), is withdrawn.

Issued on February 26, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04508 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 5

[Docket No. RM20–21–000]

Removing Profile Drawing Requirement for Qualifying Conduit Notices of Intent and Revising Filing Requirements for Major Hydroelectric Projects 10 MW or Less

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to revise its regulations governing the filing requirements for qualifying conduits and certain major hydroelectric power projects. Specifically, the Commission is proposing to remove the requirement that a notice of intent to construct a qualifying conduit include a profile drawing showing the source of the hydroelectric potential in instances where a dam would be constructed in association with the facility and extend the licensing requirements that currently apply to major projects up to 5 MW to major projects 10 MW or less, consistent with the amended definition of a small hydroelectric power project in the Hydropower Regulatory Efficiency Act of 2013.

DATES: Comments are due May 10, 2021

ADDRESSES: You may send comments, identified by RM20–21–000, by one of the following methods:

- *Electronic Filing (eFiling) at the Commission's website: http://www.ferc.gov.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426.
- Delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to the Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures section of this document.

FOR FURTHER INFORMATION CONTACT:

Heather Campbell (Technical Information) Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6182, *heather.e.campbell@ferc.gov*

Kelly Houff (Technical Information) Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6063, *kelly.houff@ferc.gov*

John Matkowski (Technical Information) Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8576, *john.matkowski@ferc.gov*

Rachael Warden (Legal Information) Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8717, *rachael.warden@ferc.gov*

SUPPLEMENTARY INFORMATION:

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I. Background and Discussion

1. By this Notice of Proposed Rulemaking, the Federal Energy Regulatory Commission (Commission or FERC) proposes to amend Parts 4 and 5 of its regulations governing the filing requirements for qualifying conduits and certain major hydroelectric power projects.

2. The Commission, under Part I of the Federal Power Act (FPA), licenses hydropower projects that are developed by non-Federal entities including individuals, private entities, states, municipalities, electric cooperatives, and others.

3. The Hydropower Regulatory Efficiency Act of 2013 (2013 HREA) [1] was signed into law on August 9, 2013. As explained below, changes implemented in response to the 2013 HREA form the basis for these proposed revisions to the Commission's regulations.

A. Qualifying Conduits

4. The 2013 HREA amended section 30 of the FPA to create a subset of small conduit facilities that are categorically excluded from the licensing and exemption requirements of the FPA. In September 2014, the Commission issued Order No. 800, which became effective February 23, 2015, defining a ''qualifying conduit hydropower facility'' at section 4.30(b)(26) of its regulations.[2] Subsequently, section 30 of the FPA was amended by the America's Water Infrastructure Act of 2018.[3]

5. In accordance with section 30(a)(2)(A),[4] any person, State, or municipality proposing to construct a ''qualifying conduit hydropower facility'' must file a notice of intent demonstrating the facility meets the following ''qualifying criteria'': [5]

- Be located on and use only the hydroelectric potential of a non-federally-owned conduit;
- have a proposed installed capacity that does not exceed 40 Megawatts (MW); [6] and
- be proposed for construction and, as of the date of enactment of the 2013 HREA, not be licensed under, or exempted from, the licensing requirements of Part I of the FPA.

6. Under the 2013 HREA, as amended by the America's Water Infrastructure Act of 2018,[7] the Commission is required to determine whether proposed projects meet the criteria to be considered qualifying conduit hydropower facilities. Qualifying conduit hydropower facilities are not required to be licensed or exempted by

[1] Public Law 113–23, 127 Stat. 493 (2013).

[2] *See Revisions and Technical Corrections to Conform the Commission's Regulations to the Hydropower Regulatory Efficiency Act of 2013,* Order No. 800, 79 FR 59105 (Oct. 1, 2014), 148 FERC ¶ 61,197 (2014).

[3] Public Law 115–270, 132 Stat. 3765 (2018).

[4] 16 U.S.C. 823a(a)(2)(A).

[5] *Id.* 823a(a)(3)(C). The qualifying conduit hydropower facility must also meet the requirements for a small conduit facility as defined in section 30(a)(3)(A) of the FPA. *Id.* 823a(a)(3)(A).

[6] The 2013 HREA required that qualifying conduit hydropower facilities not exceed 5 MW. This limit was revised to 40 MW at section 3002(2) in the America's Water Infrastructure Act of 2018 (codified at 16 U.S.C. 823a(a)(3)(C)(ii)).

[7] Public Law 115–270, 132 Stat. 3765.

the Commission; however, the entity proposing to construct a facility that meets the criteria must file a Notice of Intent (NOI) to Construct a Qualifying Conduit Hydropower Facility with the Commission that demonstrates the facility meets the qualifying criteria discussed above.

7. The NOI must contain: An introductory statement; a statement that the proposed project will use the hydroelectric potential of a non-federally owned conduit; a statement that the proposed facility has not been licensed or exempted on or before August 9, 2013; a description of the facility proposal; project drawings; the preliminary permit project number of the proposed facility, if applicable; and verification in a sworn notarized statement or an unsworn statement.[8] Specifically with respect to the project drawings, the NOI must include a plan (or overhead view); a location map showing the facilities and their relationship to the nearest town; and if a dam would be constructed in association with the facility, a profile drawing showing that the conduit, and not the dam, creates the hydroelectric potential.[9]

8. On June 18, 2015, in *Soldier Canyon Filter Plant,*[10] the Commission stated:

> In determining whether a proposed qualifying conduit hydropower facility meets the requirement of FPA section 30(a) that it use ''only the hydroelectric potential of a non-federally owned conduit'' and (if it meets the other section 30(a) requirements) is thus excluded from the licensing requirements of the FPA, we see no reason to apply a different, more stringent standard than was established in 1980 for small conduit facility exemptions. We view small conduit facilities and qualifying conduits as simply generating hydroelectricity by using the water within a conduit operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity. Whether, or in what proportion, the conduit's ability to generate hydropower is due to the conduit's gradient or the head from an upstream dam is not relevant.[11]

This holding indicates that the profile drawings are no longer relevant and should not be required as part of the NOI submittal. Consequently, the Commission proposes to amend its regulations to remove this requirement.

B. Major Projects Greater Than 5 MW and up to and Including 10 MW

9. Section 405 of the Public Utility Regulatory Policies Act of 1978 (PURPA)[12] provided that certain hydropower projects that produce 5,000 kilowatts, or 5 MW, or less of power were exempted from the licensing requirements of Part 1 of the FPA.

10. In 1981, the Commission adopted the 5-MW demarcation for certain major hydroelectric projects required to be licensed under Part 1 of the FPA to parallel PURPA's 5-MW demarcation regarding exemptions.[13] Part 4 of the Commission's regulations includes three relevant licensing subparts: (1) Subpart E—Application for License for Major Unconstructed Project and Major Modified Project (see 18 CFR 4.40); (2) Subpart F—Application for License for Major Project—Existing Dam (see 18 CFR 4.50); and (3) Subpart G—Application for License for Minor Water Power Projects and Major Water Power Projects 5 MW or Less (see 18 CFR 4.60; 4.61).[14] Subparts E and F apply to projects greater than 5 MW, and include additional filing requirements beyond Subpart G, which applies to projects less than or equal to 5 MW.

11. Likewise, Part 4 of Commission's regulations include two subparts that rely on the same 5-MW limit to determine minimum filing requirements for an application for license solely for transmission lines that transmit power from a licensed water power projects as well amendments to licensed water power projects:

(1) Subpart H—Application for License for Transmission Line Only (see 18 CFR 4.71); and (2) Subpart L—Application for Amendment of License (see 18 CFR 4.201), respectively.

12. Part 5 of the Commission's regulations rely on the 5-MW limit to determine minimum filing requirements for applications for license for water power projects filed and processed using the integrated licensing process (see 18 CFR 5.18).

13. The 2013 HREA amended section 405 to increase the limit for exemptions to 10,000 kilowatts, or 10 MW, with the goal of facilitating the speed at which such hydropower projects could be built. Order 800 amended the Commission's regulations to reflect the 10-MW limit.[15]

14. As a result of these changes, the Commission's limit for license application provisions no longer parallels the limit for exemptions. We continue to believe that a parallel demarcation is appropriate to ''expedite hydropower development by easing the burden of preparing an application for license and by assisting the Commission in more rapid processing of applications.''[16] Moreover, the 5-MW limit in the Commission's regulations could be burdensome to projects greater than 5 MW and up to and including 10 MW, in terms of the cost and time associated with the additional filing requirements of Subparts E and F.

15. Therefore, the Commission proposes to amend Parts 4 and 5 of its regulations to extend the licensing and amendment filing requirements that currently apply to major projects up to 5 MW to major projects 10 MW or less, consistent with the amended definition of a small hydroelectric power project in the 2013 HREA.[17]

II. Regulatory Requirements

A. Information Collection Statement

16. The Paperwork Reduction Act[18] requires each federal agency to seek and obtain the Office of Management and Budget's (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB regulations require approval of certain information collection requirements contemplated by proposed rules.[19] Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

17. *Public Reporting Burden:* In this NOPR, the Commission proposes to revise its regulations governing the filing requirements for qualifying conduits and for major hydroelectric

[8] 18 CFR 4.401 (2020).

[9] *Id.* 4.401(f).

[10] 151 FERC ¶ 61,228 (2015).

[11] *Id.* P 13.

[12] 16 U.S.C. 2705.

[13] *Regulations Governing Applications for License for Major Unconstructed Projects and Major Modified Projects; Applications for License for Transmission Line Only and Applications for Amendment to License,* Order No. 184, 46 FR 55926 (Nov. 13, 1981), FERC Stats. & Regs. ¶ 30,308 (1981) (cross-referenced at 17 FERC ¶ 61,122); *Regulations Governing Applications for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less,* Order No. 185, 46 FR 55944 (Nov. 13, 1981), FERC Stats. & Regs. ¶ 30,309 (1981) (cross-referenced at 17 FERC ¶ 61,121).

[14] The Commission has maintained a distinction between major and minor projects based on section 10(i) of the FPA. However, the license application procedures set forth in § 4.61 of the Commission's regulations apply to both minor projects and major projects less than 5 MW (with the exception of Exhibit E for unconstructed projects). These proposed changes do not affect minor projects.

[15] *See* Order No. 800, 148 FERC ¶ 61,197 (2014).

[16] *Applications for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less,* 46 FR 9637 (Jan. 29, 1981), FERC Stats. & Regs. ¶ 32,106 (1981) (cross-referenced at 14 FERC ¶ 61,042).

[17] Section 4.32(a)(5)(ii), which contains a cross-reference to § 4.61, will also be revised.

[18] 44 U.S.C. 3501–3521.

[19] *See* 5 CFR 1320.11 (2020).

power projects greater than 5 MW and up to and including 10 MW.

18. This proposed rule would modify certain reporting and recordkeeping requirements included in FERC–500 (OMB Control No 1902–0058) [20] and FERC–505 (OMB Control No. 1902–0115).[21]

19. The proposed revisions to the Commission's regulations, associated with the FERC–500 and FERC–505 information collections, are intended to align the Commission's filing requirements for qualifying conduits with Commission precedent and to align the Commission's filing requirements for major projects greater than 5 MW and up to and including 10 MW to be consistent with the amended definition of a small hydroelectric power project in the 2013 HREA. Both proposed revisions will represent a slight decrease in the reporting requirements and burden information for FERC–500 and FERC–505.

20. The estimated burden and cost for the requirements contained in this NOPR follow.

ANNUAL CHANGES PROPOSED BY THE NOPR IN DOCKET NO. RM20–21–000

	Number of respondents (1)	Number of responses [22] per respondent (2)	Total number of responses (1) × (2) = (3)	Avg. burden hrs. & cost per response [23] (4)	Total annual burden hours & total annual cost (3) × (4) = 5
FERC–500	3	1	3	320 hours reduction $83.00	960 hours/$79,680 reduction
FERC–505	8	1	8	10 hours reduction $83.00	80 hours/$6,640 reduction
Total					1,040 hours/$86,320 reduction

21. *Titles:* FERC–500 (Application for License/Relicense for Water Projects with More than 5 Megawatt (MW) Capacity) and FERC–505 (Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination).

22. *Action:* Revisions to information collections FERC–500 and FERC–505.

23. *OMB Control Nos.:* 1902–0058 (FERC–500) and 1902–0115 (FERC–505).

24. *Respondents:* Municipalities, businesses, private citizens, and for-profit and not-for-profit institutions.

25. *Frequency of Information:* Ongoing.

26. *Necessity of Information:* The revised regulations would remove the Commission's requirement for notices of intent to construct a qualifying conduit to include a profile drawing, consistent with Commission precedent, and would align the Commission's filing requirements for major projects greater than 5 MW and up to and including 10 MW to be consistent with the amended definition of a small hydroelectric power project in the 2013 HREA. The revised regulations would affect only the number of entities that would file applications with the Commission for these two project types, and would reduce information collection requirements.

27. *Internal Review:* The Commission has reviewed the proposed revisions and has determined that they are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

28. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission at one of the following methods:

- *USPS at:* Federal Energy Regulatory Commission, Ellen Brown, Office of the Executive Director, 888 First Street NE, Washington, DC 20426
- *Hard copy communication other than USPS:* Federal Energy Regulatory Commission, Ellen Brown, Office of the Executive Director, 12225 Wilkins Avenue, Rockville, Maryland 20852
- email to *DataClearance@ferc.gov*
- phone (202) 502–8663, or by fax (202) 273–0873

Please send comments concerning the collection of information and the associated burden estimates to: Office of Information and Regulatory Affairs, Office of Management and Budget [Attention: Federal Energy Regulatory Commission Desk Officer]. Due to security concerns, comments should be sent directly to *www.reginfo.gov/public/do/PRAMain.* Comments submitted to OMB should be sent within 30 days of publication of this notice in the **Federal Register** and should refer to FERC–500 (OMB Control No 1902–0058) and FERC–505 (OMB Control No. 1902–0115).

B. Environmental Analysis

29. The Commission is required to prepare an Environmental Assessment or an Environmental Impact statement for any action that may have a significant effect on the human environment.[24] Excluded from this requirement are rules that are clarifying, corrective, or procedural, or that do not substantially change the effect of legislation or the regulations being amended.[25] This proposed rule proposes to revise the filing requirements for qualifying conduit projects and revise the filing requirements for license applications for major hydroelectric projects with an installed capacity of 10 MW or less. Because this proposed rule is procedural and does not substantially change the effect of the regulations being amended, preparation of an Environmental Assessment or Environmental Impact Statement is not required.

[20] FERC–500 includes the reporting and recordkeeping requirements for ''Application for License/Relicense for Water Projects with More than 5 Megawatt (MW) Capacity.''

[21] FERC–505 includes the reporting and recordkeeping requirements for ''Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination.''

[22] We consider the filing of an application or notice of intent to be a ''response.''

[23] Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–500 and FERC–505 are approximately the same as the Commission's average cost. The FERC 2020 average salary plus benefits for one FERC full-time equivalent (FTE) is $172,329/year (or $83.00/hour).

[24] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[25] 18 CFR 380.4(a)(2)(ii) (2020).

C. Regulatory Flexibility Act

30. The Regulatory Flexibility Act of 1980 (RFA) [26] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and minimize any significant economic impact on a substantial number of small entities.[27] In lieu of preparing a regulatory flexibility analysis, an agency may certify that a proposed rule will not have a significant economic impact on a substantial number of small entities.[28]

31. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[29] The SBA size standard for electric utilities is based on the number of employees, including affiliates.[30] Under SBA's current size standards, a hydroelectric power generator (NAICS code 221111) [31] is small if, including its affiliates, it employs 500 or fewer people.[32] The Commission, however, currently does not require information regarding the number of individuals employed by hydroelectric generators to administer Part 1 of the Federal Power Act and therefore is unable to estimate the number of small entities under the SBA definition. Regardless, the Commission anticipates that the proposed rule will affect few entities.

32. As noted earlier, the proposed rule will only affect entities filing notices of intent to construct a qualifying conduit in instances where a dam would be constructed in association with the facility and entities filing licensing or amendment applications for major hydroelectric projects with an installed capacity of greater than 5 MW and up to and including 10 MW. From 2013 to 2020, the Commission received approximately 140 total notices to construct qualifying conduits and 18 applicable licensing applications. If enacted, the proposed revisions would eliminate the filing requirement for profile drawings and reduce the filing requirements for major hydroelectric projects with an installed capacity greater than 5 MW and up to and including 10 MW, thus reducing the burden on small hydro developers going forward.

33. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

D. Comment Procedures

34. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 10, 2021. Comments must refer to Docket No. RM20–21–000, and must include the commenter's name, the organization they represent, if applicable, and their address.

35. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

36. Commenters that are not able to file comments electronically must send an original of their comments to the Commission via USPS or another preferred carrier. For submission sent via USPS, filings should mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

37. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

E. Document Availability

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

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

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

List of Subjects in 18 CFR Parts 4 and 5

Administrative practice and procedure, Electric power, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: February 18, 2021.

Kimberly D. Bose,

Secretary.

In consideration of the foregoing, the Commission proposes to revise parts 4 and 5, chapter I, title 18, *Code of Federal Regulations,* as follows:

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

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

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

■ 2. In § 4.32, revise paragraph (a)(5)(ii) to read as follows:

§ 4.32 Acceptance for filing or rejection; information to be made available to the public; requests for additional studies.

(a) * * *

(5) * * *

(ii) License for a minor water power project and a major water power project 10 MW or less: § 4.61;

* * * * *

■ 3. In § 4.40, revise paragraph (a) to read as follows:

§ 4.40 Applicability.

(a) *Applicability.* The provisions of this subpart apply to any application for

[26] 5 U.S.C. 601–612.

[27] *Id.* 603(c).

[28] *Id.* 605(b).

[29] 13 CFR 121.101 (2020).

[30] *Id.* 121.201.

[31] The North American Industry Classification System (NAICS) is an industry classification system that Federal statistical agencies use to categorize businesses for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. United States Census Bureau, *North American Industry Classification System, https://www.census.gov/eos/www/naics/.*

[32] 13 CFR 121.201 (Sector 22—Utilities).

an initial license for a major unconstructed project that would have a total installed capacity of more than 10 megawatts, and any application for an initial or new license for a major modified project with a total installed capacity more than 10 megawatts. An applicant for license for any major unconstructed or major modified water power project that would have a total installed generating capacity of 10 megawatts or less must submit application under subpart G (§§ 4.60 and 4.61).

* * * * *

■ 4. In § 4.50, revise paragraphs (a)(1) and (3) to read as follows:

§ 4.50 Applicability.

(a) * * * (1) Except as provided in paragraph (a)(2) of this section, the provisions of this subpart apply to any application for either an initial license or new license for a major project—existing dam that is proposed to have a total installed capacity of more than 10 megawatts.

* * * * *

(3) An applicant for license for any major project—existing dam that would have a total installed capacity of 10 megawatts or less must submit application under subpart G (§§ 4.60 and 4.61).

* * * * *

■ 5. Revise the heading to Subpart G to read as follows:

Subpart G—Application for License for Minor Water Power Projects and Major Water Power Projects 10 Megawatts or Less

■ 6. In § 4.60, revise paragraphs (a)(2) and (3) and (b) to read as follows:

§ 4.60 Applicability and notice to agencies.

(a) * * *

(2) Any major project—existing dam, as defined in § 4.30(b)(16), that has a total installed capacity of 10 MW or less; or

(3) Any major unconstructed project or major modified project, as defined in § 4.30(b)(15) and (14) respectively, that has a total installed capacity of 10 MW or less.

(b) *Notice to agencies.* The Commission will supply interested Federal, state, and local agencies with notice of any application for license for a water power project 10 MW or less and request comment on the application. Copies of the application will be available for inspection at the Commission's Public Reference Room. The applicant shall also furnish copies of the filed application to any Federal, state, or local agency that so requests.

* * * * *

■ 7. In § 4.61, revise paragraphs (a)(3), (b) introductory text, and (d)(1) and (2) to read as follows:

§ 4.61 Contents of application.

(a) * * *

(3) Each application for a license for a water power project 10 megawatts or less must include the information requested in the initial statement and lettered exhibits described by paragraphs (b) through (f) of this section, and must be provided in the form specified. The Commission reserves the right to require additional information, or another filing procedure, if data provided indicate such action to be appropriate.

* * * * *

(b) *Initial statement.*

Before the Federal Energy Regulatory Commission

Application for License for a [Minor Water Power Project, or Major Water Power Project, 10 Megawatts or Less, as Appropriate]

* * * * *

(d) * * *

(1) For major unconstructed and major modified projects 10 MW or less. Any application must contain an Exhibit E conforming with the data and consultation requirements of § 4.41(f) of this chapter, if the application is for license for a water power project which has or is proposed to have a total installed generating capacity greater than 1.5 MW but not greater than 10 MW, and which:

* * * * *

(2) For minor projects and major projects at existing dams 10 MW or less. An application for license for either a minor water power project with a total proposed installed generating capacity of 1.5 MW or less or a major project—existing dam with a proposed total installed capacity of 10 MW or less must contain an Exhibit E under this subparagraph. *See* § 4.38 for consultation requirements. The Environmental Report must contain the following information:

* * * * *

■ 8. In § 4.71, revise paragraphs (b)(1) and (2) to read as follows:

§ 4.71 Contents of application.

* * * * *

(b) * * *

(1) For any transmission line that, at the time the application is filed, is not constructed and is proposed to be connected to a licensed water power project with an installed generating capacity of more than 10 MW—Exhibits A, B, C, D, E, F, and G under § 4.41 of this chapter;

(2) For any transmission line that, at the time the application is filed, is not constructed and is proposed to be connected to a licensed water power project with an installed generating capacity of 10 MW or less—Exhibits E, F, and G under § 4.61 of this chapter; and

* * * * *

■ 9. In § 4.201, revise paragraphs (b)(1) and (3) through (5) to read as follows:

§ 4.201 Contents of application.

* * * * *

(b) * * *

(1) For amendment of a license for a water power project that, at the time the application is filed, is not constructed and is proposed to have a total installed generating capacity of more than 10 MW—Exhibits A, B, C, D, E, F, and G under § 4.41 of this chapter;

* * * * *

(3) For amendment of a license for a water power project that, at the time the application is filed, is not constructed and is proposed to have a total installed generating capacity of 10 MW or less, but more than 1.5 MW—Exhibits F and G under § 4.61 of this chapter, and Exhibit E under § 4.41 of this chapter;

(4) For amendment of a license for a water power project that, at the time the application for amendment is filed, has been constructed, and is proposed to have a total installed generating capacity of 10 MW or less—Exhibit E, F, and G under § 4.61 of this chapter;

(5) For amendment of a license for a water power project that, at the time the application is filed, has been constructed and is proposed to have a total installed generating capacity of more than 10 MW—Exhibits A, B, C, D, E, F, and G under § 4.51 of this chapter.

* * * * *

§ 4.401 [Amended]

■ 10. In § 4.401, remove paragraph (f)(3).

PART 5—INTEGRATED LICENSE APPLICATION PROCESS

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

Authority: 16 U.S.C. 792–828c, 2601–2645; 42 U.S.C. 7101–7352.

■ 12. In § 5.18, revise paragraph (a)(5)(i) to read as follows:

§ 5.18 Application content.

(a) * * *

(5) * * *

(i) License for a minor water power project and a major water power project

10 MW or less: § 4.61 (General instructions, initial statement, and Exhibits A, F, and G);

* * * * *

[FR Doc. 2021–03803 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF EDUCATION

34 CFR Part 361

[Docket ID ED–2021–OSERS–04]

Proposed Guidance; Frequently Asked Questions: Criterion for an Integrated Employment Location in the Definition of "Competitive Integrated Employment" and Participant Choice

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed guidance.

SUMMARY: The U.S. Department of Education seeks public comment on proposed guidance that clarifies the Department's policy on the criterion for an integrated employment location in the definition of ''competitive integrated employment,'' for purposes of the State Vocational Rehabilitation (VR) Services program. The proposed guidance clarifies, updates, and supersedes the Department's guidance titled Frequently Asked Questions: Integrated Location Criteria of the Definition of ''Competitive Integrated Employment'' issued on January 17, 2017.

DATES: We must receive your comments on or before April 8, 2021.

ADDRESSES: Submit your comments through the Federal eRulemaking portal. 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 ''Help.''

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: Carol Dobak, U.S. Department of Education, 400 Maryland Avenue SW, Room 5153, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7325. Email: *carol.dobak@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:

Invitation to Comment: We invite you to submit comments on the proposed guidance. See **ADDRESSES** for instructions on how to submit comments.

Assistance to Individuals with Disabilities in Reviewing the 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 record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background: The Department describes the background for the proposed guidance, and our reasons for proposing the guidance, in the proposed guidance document. The proposed guidance is available at *https://rsa.ed.gov/sub-regulatory-guidance/rsa-frequently-asked-questions-criterion-integrated-employment-location.* The proposed guidance is not a ''significant guidance document'' under Executive Order 13891.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION 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.

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 Special Education and Rehabilitative Services.

[FR Doc. 2021–04564 Filed 3–8–21; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0416; FRL–10021–12–Region 3]

Air Plan Approval; Pennsylvania; Regulatory Updates to Nonattainment New Source Review (NNSR) Permitting Requirements for 2012 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania, on March 10, 2020. This revision pertains to the Pennsylvania Department of Environmental Protection Agency's (PADEP) amendments to 25 Pa. Code Chapters 121 (General Provisions) and 127 (Construction, Modification, Reactivation and Operation of Sources) to implement Federal nonattainment new source review (NNSR) provisions for the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 8, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0416 at *https://www.regulations.gov,* or via email to *opila.marycate@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: Amy Johansen, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2156. Ms. Johansen can also be reached via electronic mail at *johansen.amy@epa.gov*.

SUPPLEMENTARY INFORMATION: On March 10, 2020, the Commonwealth of Pennsylvania formally submitted a SIP revision to the Pennsylvania SIP. This SIP submission amends PADEP's 25 Pa. Code Chapters 121 (relating to general provisions) and 127, Subchapter E (relating to new source review). This proposed SIP revision establishes that emissions of volatile organic compounds (VOC) and ammonia are precursors to $PM_{2.5}$ for new and modified major sources emitting $PM_{2.5}$ in Pennsylvania nonattainment areas; establishes a significance level for $PM_{2.5}$; proposes emission offset ratios for emissions of VOC and ammonia as $PM_{2.5}$ precursors; and amends relevant definitions. The relevant PADEP regulations were adopted by PADEP and became effective upon publication on December 21, 2019.

For more information related to EPA's proposed approval of this SIP revision, please refer to EPA's Technical Support Document (TSD), located in Docket ID No. EPA–R03–OAR–2020–0416 at *https://www.regulations.gov*.

I. Background

A. 2012 PM2.5 NAAQS

Airborne particulate matter with a nominal aerodynamic diameter of 2.5 micrometers or less are ''fine particles,'' and are also known as $PM_{2.5}$. See 77 FR 44198 (July 27, 2012). Fine particles in the atmosphere are made up of a complex mixture of components, including sulfate, nitrate, ammonium, elemental carbon, organic compounds, and inorganic material. There are substantial health effects associated with exposure to $PM_{2.5}$ emissions. Epidemiological studies have shown a significant correlation between elevated $PM_{2.5}$ levels and premature mortality. Other important health effects associated with $PM_{2.5}$ exposure include aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, asthma attacks, and certain cardiovascular problems. Individuals particularly sensitive to $PM_{2.5}$ exposure include older adults, people with heart and lung disease, and children. See 70 FR 65984 (November 1, 2005).

EPA has revised the NAAQS for $PM_{2.5}$ on multiple occasions, most recently in 2012. On December 14, 2012, the annual primary standard for $PM_{2.5}$ was lowered from 15 micrograms per meter cubed ($\mu g/m^3$) to 12 $\mu g/m^3$. See 78 FR 3087 (January 15, 2013). The existing 24-hour standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. Upon promulgation of the 2012 $PM_{2.5}$ NAAQS, EPA formally classified all of Delaware County and Lebanon County, Pennsylvania as moderate nonattainment for the 2012 annual $PM_{2.5}$ standard. See 80 FR 2206 (January 15, 2015).[1]

B. Purpose of SIP Revision

For areas designated as nonattainment for one or more NAAQS, the SIP must include preconstruction permit requirements for new or modified major stationary sources of such nonattainment pollutant(s), commonly referred to as ''Nonattainment New Source Review.'' See CAA section 172(c)(5).

PADEP's SIP revision revises NNSR permit requirements for major sources of $PM_{2.5}$. Specifically, PADEP's 25 Pa. Code Chapters 121 and 127 have been amended to implement additional provisions pertaining to $PM_{2.5}$ precursors, as promulgated in EPA's rule entitled Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (2016 Implementation Rule). 81 FR 58010 (August 24, 2016).

As required by EPA's 2016 Implementation Rule, which implements the D.C. Circuit court's January 2013 decision in *NRDC* v. *EPA*,[2] areas classified as nonattainment for any $PM_{2.5}$ NAAQS are required to comply with the parts of CAA subpart 4 section 189(e)[3] that require the control of major sources of PM_{10} precursors (and hence under the court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' The 2016 Implementation Rule amended the definitions of (1) ''regulated NSR pollutant'' with regard to $PM_{2.5}$ precursors; (2) ''major stationary source'' with regard to major sources of direct $PM_{2.5}$ emissions and $PM_{2.5}$ precursors locating in $PM_{2.5}$ nonattainment areas classified as moderate and serious; and (3) ''significant'' with regard to emissions of direct $PM_{2.5}$ and its precursors.

C. EPA's Findings of Failure To Submit

On April 6, 2018, EPA issued its final Findings of Failure to Submit $PM_{2.5}$ SIP revisions (Findings) to three states, including Pennsylvania. See 83 FR 14759. EPA's Findings apply to states with overdue SIP revisions for areas initially designated as nonattainment and classified as moderate for the 2012 $PM_{2.5}$ NAAQS on April 15, 2015, which included both Delaware and Lebanon County, Pennsylvania. In its Findings, EPA found that Pennsylvania failed to submit a timely revision to their SIP as required to satisfy CAA requirements for implementation of the 2012 $PM_{2.5}$ NAAQS for those counties.

Specific to this rulemaking is PADEP's remedying its previous failure to submit revisions to its NNSR requirements related to the 2012 $PM_{2.5}$ NAAQS. PADEP was required to submit its NNSR SIP revision to EPA for approval by October 15, 2016. See 83 FR 14759 (April 6, 2018). PADEP did not meet this deadline, hence EPA's issuance of its April 6, 2018 Findings, which became effective as of May 7, 2018. As a result of EPA's Findings, PADEP was given 18 months after the effective date of EPA's Findings to submit all applicable moderate area requirements or the imposition of sanctions would occur for the affected moderate 2012 $PM_{2.5}$ nonattainment area, the Delaware County and Lebanon County, Pennsylvania nonattainment areas.[4] This proposed SIP revision

[1] EPA subsequently issued Additional Air Quality Designations and Technical Amendment to Correct Inadvertent Error in Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$), which impacted Delaware and Lebanon counties. 80 FR 18535, 18549 (April 7, 2015).

[2] 706 F.3d 428 (D.C. Cir. 2013).

[3] This requirement was codified in 40 CFR 51.165(a)(13). See 81 FR 58010 (August 24, 2016).

[4] Because EPA's April 6, 2018 Findings became effective on May 7, 2018, the 18-month sanctions clock for PADEP to submit its NNSR SIP revision ended on November 7, 2019.

updates PADEP's regulations to include the required $PM_{2.5}$ NNSR provisions in response to EPA's 2016 Implementation Rule requirements. See 81 FR 58010 (August 24, 2016) and 40 CFR 51.165.

As a result of EPA's Findings, Pennsylvania was required to either submit and obtain EPA approval of redesignation requests for the 2012 $PM_{2.5}$ standard, or to submit a complete SIP submission addressing $PM_{2.5}$ precursors under NNSR. These rulemaking actions were required to be submitted to EPA by November 7, 2019 to avoid mandatory sanctions under CAA section 179. After it issued its Findings, EPA subsequently redesignated both Lebanon and Delaware County, Pennsylvania to attainment for the 2012 $PM_{2.5}$ NAAQS, which became effective on October 30, 2019. 84 FR 51420 (September 30, 2019, effective on October 30, 2019). As stated in our redesignation document, EPA's redesignation nullified the failure to submit findings and stopped the sanctions clock.

However, in addition to PADEP submitting redesignation requests (now approved by EPA), it also drafted regulatory provisions in response to EPA's Final 2016 Implementation Rule, as it relates to NNSR.[5] On March 10, 2020, PADEP submitted those regulatory changes to EPA for approval into the Pennsylvania SIP.

II. Summary of SIP Revision and EPA Analysis

A. Summary of SIP Revision

PADEP's Environmental Quality Board (EQB) adopted changes to 25 Pa. Code Chapters 121 and 127 and those changes became effective upon publication in the *Pennsylvania Bulletin* on December 21, 2019. PADEP submitted those changes as a SIP revision to EPA for inclusion in the Pennsylvania SIP on March 10, 2020, via the EPA State Planning electronic Collaboration System (SPeCS).

For areas designated as nonattainment for one or more NAAQS, the SIP must include preconstruction permit requirements for new or modified major stationary sources of such nonattainment pollutant(s), commonly referred to as NNSR. CAA 172(c)(5). PADEP's 25 Pa. Code Chapters 121 and 127 address NNSR permit requirements for major sources of $PM_{2.5}$, as amended, to implement additional provisions pertaining to precursors, as promulgated in EPA's final 2016 Implementation Rule.[6]

B. EPA's Analysis

For additional information related to EPA's analysis of revisions to 25 Pa. Code, please refer to Section 6 of EPA's TSD, located in Docket ID No. EPA–R03–OAR–2020–0416 at *https://www.regulations.gov*.

Under EPA's 2016 Implementation Rule, which in part implements the D.C. Circuit Court's January 2013 decision in *NRDC* v. *EPA,*[7] areas classified as nonattainment for any $PM_{2.5}$ NAAQS are required to comply with the parts of CAA subpart 4 section 189(e)[8] that require the control of major stationary sources of PM_{10} precursors (and hence under the court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' As mentioned previously, the 2016 Implementation Rule amended the definitions of (1) ''regulated NSR pollutant'' with regard to $PM_{2.5}$ precursors; (2) ''major stationary source'' with regard to major sources of direct $PM_{2.5}$ emissions and $PM_{2.5}$ precursors locating in $PM_{2.5}$ nonattainment areas classified as moderate and serious; and (3) ''significant'' with regard to emissions of direct $PM_{2.5}$ and its precursors. 25 Pa. Code Chapters 121 (General Provisions) and 127 (Construction, Modification, Reactivation and Operation of Sources); specifically, Subchapter E (related to new source review) are subject to these new regulatory requirements. Delaware County and Lebanon County, Pennsylvania were classified as moderate nonattainment areas for the 2012 $PM_{2.5}$ NAAQS.[9] The major source permitting threshold for a moderate $PM_{2.5}$ nonattainment area is 100 tons per year (tpy) of direct $PM_{2.5}$ or any $PM_{2.5}$ precursor, and 70 tpy for a serious $PM_{2.5}$ nonattainment area.[10]

As more fully discussed in Section 6 of the TSD for this proposed approval, EPA evaluated the revised portions of 25 Pa. Code Chapters 121 (General Provisions) and 127 (Construction, Modification, Reactivation and Operation of Sources); specifically, Sections 121.1 (Definitions) and Subchapter E (related to new source review) 127.202, 127.203(a), and 127.210(a) (relating to Effective date, Facilities subject to special permit requirements, and Offset ratios, respectively) to determine if the revisions meet current applicable requirements for a $PM_{2.5}$ NNSR permit program. 25 Pa. Code 121.1—(1) contains revisions to clarify that 25 Pa. Code applies to major polluting facilities that will emit $PM_{2.5}$ or its precursors in areas designated as nonattainment for $PM_{2.5}$; (2) the definition of ''major facility'' has been updated to include a 70 tpy emissions threshold for $PM_{2.5}$ and all precursors to $PM_{2.5}$ in a serious nonattainment area; (3) the definition of ''regulated NSR pollutant'' has been updated to include sulfur dioxide (SO_2), VOC, and ammonia in all $PM_{2.5}$ nonattainment areas; (4) revisions were made to the definition of ''significant'' to include emission rates for $PM_{2.5}$ at 10 tpy and emission rates for $PM_{2.5}$ precursors as follows: 40 tpy of SO_2, 40 tpy of VOC, 40 tpy of ammonia, and 40 tpy of nitrogen oxides (NO_X). EPA finds these revisions approvable. Section 127.202(a)—Effective date, was amended to establish that emission of VOC and ammonia will be regulated as $PM_{2.5}$ precursors after the effective date of the adoption of the proposed rulemaking. The proposed amendments to 25 Pa. Code Chapters 121 and 127, became effective December 21, 2019. Section 127.203(a)—Facilities subject to special permit requirements, was amended to add ''significant air quality impact'' levels for $PM_{2.5}$ at 0.2μg/m^3 for the annual averaging time and 1.2 μg/m^3 for the 24-hour averaging time. PADEP's annual averaging time is more stringent than what EPA requires in 40 CFR 51.165(b)(2), therefore, EPA finds this more stringent requirement approvable. Section 127.210(a)—Offset ratios, establishes offset ratios for VOC and ammonia at a ratio of 1:1 for flue emissions and fugitive emissions. EPA finds the addition of offset ratios to be approvable.

III. Proposed Action

EPA's review of this material indicates that PADEP's March 10, 2020 SIP submittal is approvable and meets the requirements of 40 CFR 51.165 and are in accordance with CAA section 110. EPA is proposing to approve the March 10, 2020 submittal, which included revisions to 25 Pa. Code Chapters 121 (General Provisions) and 127 (Construction, Modification, Reactivation and Operation of Sources), as a revision to the Pennsylvania SIP. EPA is soliciting public comments on the issues discussed in this document.

[5] See 84 FR 51420 (September 30, 2019, effective on October 30, 2019).

[6] See 81 FR 58010 (August 24, 2016).

[7] 706 F.3d 428 (D.C. Cir. 2013).

[8] This requirement was codified in 40 CFR 51.165(a)(13). See 81 FR 58010 (August 24, 2016).

[9] On January 15, 2015, EPA designated all of Delaware County and Lebanon County as moderate nonattainment for the 2012 annual $PM_{2.5}$ standard. See 80 FR 2206 (January 15, 2015).

[10] While Delaware County and Lebanon County were not classified as serious nonattainment areas for the $PM_{2.5}$ NAAQS, PADEP has revised 25 Pa. Code to include the lower emissions threshold of 70 tpy for direct $PM_{2.5}$ and all four $PM_{2.5}$ precursors.

These comments will be considered before taking final action.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference certain subsections of 25 Pa. Code Chapters 121 (General Provisions) and 127 (Construction, Modification, Reactivation and Operation of Sources) as identified and discussed in Section II of this preamble.

EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this proposed rulemaking, pertaining to Pennsylvania's NNSR requirements under the 2012 $PM_{2.5}$ NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: March 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–04824 Filed 3–8–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0543; FRL–10020–96–Region 9]

Air Plan Approval; California; El Dorado County Air Quality Management District; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the El Dorado County Air Quality Management District (EDCAQMD) and the South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOC) from architectural coatings and a rule that provides definitions for certain terms that are necessary for the implementation of local rules that regulate sources of air pollution. We are proposing to approve the rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 8, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2020–0543 at *http://www.regulations.gov,* or via email to Arnold Lazarus, at *lazarus.arnold@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3024 or by email at *lazarus.arnold@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Revised/ amended	Submitted
EDCAQMD	215	Architectural Coatings	08/25/2020	09/21/2020
SCAQMD	102	Definition of Terms	01/10/2020	09/16/2020

On November 9, 2020, the EPA determined that the submittals for EDCAQMD Rule 215 and SCAQMD Rule 102 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There is a previous version of EDAQMD Rule 215 in the SIP, which was adopted on September 27, 1994, submitted to EPA by CARB on November 30, 1994, and approved into the SIP on January 1, 1996 (61 FR 37390).

There is a previous version of SCAQMD Rule 102 in the SIP, which was amended on December 3, 2004, summited to EPA by CARB on June 16, 2006, and approved into the SIP on January 8, 2007 (72 FR 656).

C. What is the purpose of the submitted rules?

VOCs contribute to the production of ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Architectural coatings are coatings that are applied to stationary structures and their accessories. They include house paints, stains, industrial maintenance coatings, traffic coatings, and many other products. VOCs are emitted from the coatings during application and curing, and from the associated solvents used for thinning and clean-up.

The EDCAQMD Rule 215 controls VOC emissions from architectural coatings by establishing VOC limits on architectural coatings supplied, sold, offered for sale, manufactured, blended, or repackaged for use within the EDCAQMD, as well as architectural coatings applied or solicited for application within the District. The revisions to Rule 215 include aligning the rule with CARB's ''Suggested Control Measure for Architectural Coatings,'' approved in 2007, and lowering many of the rule's VOC limits. The technical support document (TSD) has more information about this rule.

The purpose of the submitted rule revisions for SCAQMD Rule 102 is to clarify and update definitions in the rule. The revisions, submitted on September 16, 2020, add the following five compounds to the list of exempt compounds:

- Methyl formate
- propylene carbonate
- 1,1,1,2,3,3,3-heptafluoropropane (HFC–227ea)
- trans-1,3,3,3-tetrafluoropropene (HFO–1234ze)
- trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd) [1]

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as Moderate or above (see CAA section 182(b)(2)). The EDCAQMD has been designated as Severe nonattainment for the 1997 and the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) and Moderate for the 2015 8-hour ozone NAAQS (40 CFR 81.305). Because there is no relevant EPA CTG document for architectural coatings and because there are no major architectural coating sources within the EDCAQMD, architectural coatings are not subject to RACT requirements. However, architectural coatings are subject to other VOC content limits and control measures described in the TSD. The SCAQMD regulates an ozone nonattainment area classified as Extreme for the 1997, 2008 and 2015 8-hour ozone NAAQS (40 CFR 81.305). However, the revisions to the SCAQMD definitions rule do not have a direct effect on air pollution emissions and are intended to improve clarity and enforceability of other SCAQMD rules, and thus are not subject to RACT requirements.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' (57 FR 13498, April 16, 1992 and 57 FR 18070, April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' (''the Little Bluebook,'' EPA Region 9, August 21, 2001).
4. National Volatile Organic Compound Emission Standards for Architectural Coatings, 40 CFR 59, Subpart D.
5. CARB ''Suggested Control Measure for Architectural Coatings,'' Approved 2007.
6. Code of Federal Regulations, Title 40, Chapter C, Part 51, Subpart F, § Section 51.100 (s) (1), ''Definitions'' (40 CFR 51.100).

[1] The Environmental Protection Agency lists this compound as *trans* 1-chloro-3,3,3-trifluoroprop-1-ene. See 40 CFR 51.100(s)(1). It is identical to the version that SCAQMD lists. They both have the same Chemical Abstract Services registry number of 102687–65–0 and molecular formula of $C_3H_2ClF_3$.

B. Do the rules meet the evaluation criteria?

These rules are consistent with CAA requirements and relevant guidance regarding enforceability, stringency, and SIP revisions. The TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSD for Rule 215 describes a suggested rule revision that we recommend for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until April 8, 2021. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

III. Incorporation by Reference

In these rules, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the EDCAQMD Rule 215 and the SCAQMD Rule 102 described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. 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 proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 26, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–04585 Filed 3–8–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–50; RM–11875; DA 21–159; FR ID 17524]

Television Broadcasting Cape Girardeau, Missouri

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 KFVS–TV (CBS), channel 11 (KFVS or Station), Cape Girardeau, Missouri. The Petitioner requests the substitution of channel 32 for channel 11 at Cape Girardeau, Missouri 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 KFVS–TV's signal'' and its channel substitution proposal will allow KFVS ''to deliver a more reliable over-the-air signal to viewers.'' The Petitioner further states that operation on channel 32 will not result in any predicted loss of service and would result in a substantial increase in signal receivability for KFVS viewers. We believe that the Petitioner's channel substitution proposal warrants consideration. Channel 32 can be substituted for channel 11 at Cape Girardeau, Missouri as proposed, in compliance with the principal community coverage requirements of the Commission's rules at coordinates 37–27–46.0 N and 89–30–14.0 W. In addition, we find that this channel change meets the technical requirements set forth in our regulations. We believe that the Petitioner's channel substitution proposal warrants consideration. Channel 32 can be substituted for channel 11 at Cape Girardeau, Missouri as proposed, in compliance with the principal community coverage requirements of the Commission's rules at coordinates 37–27–46.0 N and 89–30–14.0 W. In addition, we find that this channel change meets the technical requirements set forth in our regulations.

DATES: Comments must be filed on or before April 8, 2021 and reply comments on or before April 23, 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. 21–50; RM–11875; DA 21–159, 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 Missouri by revising the entry for Cape Girardeau to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Missouri	
* * * * *	
Cape Girardeau	22, 32
* * * * *	

[FR Doc. 2021–04634 Filed 3–8–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 226

[Docket No. 210303–0035]

RIN 0648–BC56

Endangered and Threatened Species; Designation of Critical Habitat for the Arctic Subspecies of the Ringed Seal; Extension of Public Comment Period

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: NMFS hereby extends the public comment period by 30 days for the revised proposed rule, published in the **Federal Register** on January 8, 2021, to designate critical habitat for the threatened Arctic subspecies of the ringed seal (*Pusa hispida hispida*) under the Endangered Species Act (ESA). The end of the public comment period is extended from March 9, 2021, to April 8, 2021.

DATES: The comment period for the revised notice of proposed rulemaking published at 86 FR 1452 is extended by 30 days to April 8, 2021.

ADDRESSES: You may submit data, information, or comments regarding the revised proposed rule to designate critical habitat for the Arctic ringed seal, identified by NOAA–NMFS–2013–0114, by either of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NMFS–2013–0114 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Records Office, P.O. Box 21668, Juneau, AK 99082–1668.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The revised proposed rule and supporting documents are available at *www.regulations.gov,* and on the NMFS website at *www.fisheries.noaa.gov/action/designation-critical-habitat-arctic-subspecies-ringed-seal.*

FOR FURTHER INFORMATION CONTACT: Tammy Olson, NMFS Alaska Region, (907) 271–2373; or Jon Kurland, NMFS Alaska Region, (907) 586–7638.

SUPPLEMENTARY INFORMATION: On January 8, 2021, NMFS published a revised proposed rule to designate critical habitat for the threatened Arctic ringed seal under the ESA (86 FR 1452). The proposed designation comprises an area of marine habitat in the northern Bering, Chukchi, and Beaufort seas. An area north of the Beaufort Sea shelf is proposed for exclusion from the proposed designation based on national security impacts. The revised proposed rule opened a 60-day public comment period to end on March 9, 2021. NMFS received two requests to extend the comment period in order to provide additional time to prepare comments in

a thorough manner. We considered the requests and concluded that we can accommodate a 30-day extension of the comment period for the revised proposed rule without significantly delaying the completion of the final rule. We are therefore extending the comment period for the revised proposed rule by 30 days to April 8, 2021.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: March 3, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–04819 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 226

[Docket No. 210303–0034]

RIN 0648–BJ65

Endangered and Threatened Species; Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal; Extension of Public Comment Period

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: NMFS hereby extends the public comment period by 30 days for the proposed rule, published in the **Federal Register** on January 8, 2021, to designate critical habitat for the threatened Beringia distinct population segment (DPS) of the Pacific bearded seal subspecies (*Erignathus barbatus nauticus*) under the Endangered Species Act (ESA). The end of the public comment period is extended from March 9, 2021, to April 8, 2021.

DATES: The comment period for the notice of proposed rulemaking published at 86 FR 1433, and corrected at 86 FR 7242, is extended by 30 days to April 8, 2021.

ADDRESSES: You may submit data, information, or comments regarding the proposed rule to designate critical habitat for the Beringia DPS of the bearded seal, identified by NOAA–NMFS–2020–0029, by either of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NMFS–2020–0029 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Records Office, P.O. Box 21668, Juneau, AK 99082–1668.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The proposed rule and supporting documents are at *www.regulations.gov,* and on the NMFS website at *www.fisheries.noaa.gov/action/designation-critical-habitat-beringia-distinct-population-segment-bearded-seal.*

FOR FURTHER INFORMATION CONTACT: Tammy Olson, NMFS Alaska Region, (907) 271–2373; or Jon Kurland, NMFS Alaska Region, (907) 586–7638.

SUPPLEMENTARY INFORMATION: On January 8, 2021, NMFS published a proposed rule to designate critical habitat for the threatened Beringia DPS of the bearded seal under the ESA (86 FR 1433; corrected at 86 FR 7242). The proposed designation comprises an area of marine habitat in the northern Bering, Chukchi, and Beaufort seas. The proposed rule opened a 60-day public comment period to end on March 9, 2021. NMFS received two requests to extend the comment period in order to provide additional time to prepare comments in a thorough manner. We considered the requests and concluded that we can accommodate a 30-day extension of the comment period for the proposed rule without significantly delaying the completion of the final rule. We are therefore extending the comment period for the proposed rule by 30 days to April 8, 2021.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: March 3, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–04825 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 86, No. 44

Tuesday, March 9, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–19–0058, SC–21–326]

United States Standards for Grades of Frozen Corn on the Cob

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) has revised the U.S. Standards for Grades of Frozen Corn on the Cob.

DATES: Effective April 8, 2021.

FOR FURTHER INFORMATION CONTACT: Brian E. Griffin, USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; by phone (202) 748–2155; fax (202) 690–1527; or email *Brian.Griffin@usda.gov.* Copies of the U.S. Standards for Grades of Frozen Corn on the Cob are available on the Specialty Crops Inspection Division website at *www.ams.usda.gov/grades-standards/vegetables.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at: *www.ams.usda.gov/grades-standards/vegetables.* AMS is revising these U.S. Standards for Grades using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

AMS periodically reviews the grade standards for usefulness in serving the industry. More recently developed grade standards use a single term, such as ''U.S. Grade A'' or ''U.S. Grade B,'' to describe each level of quality within a grade standard. Older grade standards used dual nomenclature, such as ''U.S. Grade A or U.S. Fancy'' and ''U.S. Grade B or U.S. Extra Standard'' to describe the same level of quality. The terms ''U.S. Fancy,'' and ''U.S. Extra Standard'' have been removed and the terms ''U.S. Grade A,'' U.S. Grade B,'' and ''Substandard (Sstd)'' are used exclusively.

AMS also made editorial changes to these grade standards, updating section headings omitted in previous revisions, and adding language and allowances for mixed color varieties to align the standards with use of mixed color varieties by industry. The addition of language and allowances differentiating between conventional sweet and supersweet types incorporates language from USDA internal guidance documents A–412, September 1967 Frozen Whole Kernel Whole-Grain Corn Evaluation of Tenderness and Maturity, and A–493, October 1997, Interpretative Guide for Frozen Supersweet Whole Kernel Corn to Determine: Tenderness and Maturity; and Flavor. These internal USDA documents were created with the intention of incorporating them into the standards.

On October 21, 2020, AMS published a notice inviting comments on proposed revisions to the U.S. Standards for Grades of Frozen Corn on the Cob in the **Federal Register** (85 FR 66926). No comments were received. This revision to these grade standards provides common language for trade and better reflects the current marketing of frozen corn on the cob.

Authority: 7 U.S.C. 1621–1627.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–04880 Filed 3–8–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 4, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 8, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Common or Usual Name for Raw Meat and Poultry Products Containing Added Solutions.

OMB Control Number: 0583–0152.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise

the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS regulations establish a common or usual name for raw meat and poultry products that do not meet standard or identity regulations and to which solutions have been added. Products with added solutions are sometimes called referred to as ''enhanced products.''

Need and use of the Information: FSIS requires establishments that manufacture products containing added solutions to label the products with a descriptive designation that provides an accurate description of the raw meat or poultry component, the percentage of added solution incorporated into the raw meat or poultry product, and the individual ingredients or multi-ingredient components in the solution listed in the descending order of predominance by weight on the product label. FSIS also requires that the product name and the descriptive designation be printed in a single easy-to-read type style and color and on a single-color contrasting background.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,100.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 61,000.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–04822 Filed 3–8–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 4, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 8, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification.

OMB Control Number: 0584–0492.

Summary of Collection: Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2202(b)), and Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.18(a)(2) require State agencies to initiate collection action. State agencies must provide an affected household with written notification informing the over-issued household of the claim and demanding repayment.

Need and Use of the Information: State agency personnel will collect the information from individuals collecting SNAP benefits. The State agencies must maintain all records associated with this collection for a period of three years so that FNS can review documentation during compliance reviews and other audits. Without the information, FNS would not be able to correct accidental or fraudulent overpayment errors in the SNAP Program.

Description of Respondents: 53 State, Local, or Tribal Government (SLT); 559,785 Individuals/Households (I/H).

Number of Respondents: 559,838.

Frequency of Responses: Reporting, Recordkeeping; On occasion.

Total Burden Hours: 135,526.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–04853 Filed 3–8–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; National Woodland Owner Survey

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of the *National Woodland Owner Survey* information collection.

DATES: Comments must be received in writing on or before May 10, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Brett Butler, Research Forester, USDA Forest Service, 160 Holdsworth Way, Amherst, MA 01003. Comments may also be submitted by email to: *brett.butler2@usda.gov.* Comments submitted in response to this notice may be made available to the public through relevant websites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received. Requests should be emailed to *brett.butler2@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Brett Butler, Research Forester, Northern Research Station, 413–545–1387. Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the

Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: National Woodland Owner Survey.

OMB Number: 0596–0078.

Type of Request: Information Collection Renewal.

Abstract: There are an estimated 823 million acres of forestland across the United States. Of this forestland, over half is owned by millions of corporations, families, individuals, and other private groups. Understanding the attitudes and behaviors of these private ownerships is critical for understanding the current and future state of the nation's forests. The Forest Service conducts the National Woodland Owner Survey (NWOS) to increase our understanding of:

- Who owns and manages the forestland of the United States;
- Why they own/manage it;
- How they have used it; and
- How they intend to use it.

This information is used by policy analysts, foresters, educators, and researchers to facilitate planning and implementation of forest policies and programs.

The Forest Service's direction and authority to conduct the NWOS is from the Resources Planning Act of 1974 and the Forest and Rangeland Renewable Resources Research Act of 1978. These acts assign responsibility for inventory and assessment of forest and related renewable resources to the Secretary of Agriculture, and these responsibilities are subsequently delegated to the Forest Service. Additionally, the importance of an ownership survey in this inventory and assessment process has been highlighted in the 2014 Farm Bill, the Agricultural Research, Extension, and Education Reform Act of 1998, and the recommendations of the 1998 Second Blue Ribbon Panel on the Forest Inventory and Analysis program.

Previous iterations of the NWOS were conducted in 1978, 1993, 2002–2006, 2011–2013, and 2017–2018. Data collection for the current iteration is planned for 2019–2023. Initial approval for the current data collection cycle of the NWOS expires on October 31, 2021. If renewed, the current NWOS data collection cycle will be completed in 2023.

Information will be collected related to:

- The characteristics of the land holdings;
- Attitudes and perceptions of the owners and managers;
- Resource uses and management activities; and
- Where applicable, landowner demographics.

Separate survey instruments are being developed for rural and urban landowners. For rural landowners, a subset of ownerships will be sent survey instruments addressing the following topics, in addition to the core questions from the base survey instrument:

- Wildfires;
- Invasive species;
- Climate change;
- Land owner values; and
- Decision making.

The NWOS provides widely cited benchmarks for the number, extent, and characteristics of owners of forestland in the United States. These results have been used to assess the sustainability of forest resources at national, regional, and state levels; to implement and assess forest-land owner assistance programs; and to answer a variety of questions with topics ranging from forestland fragmentation to the economics of timber production. This is the only effort to collect in-depth information about owners of forestland at the national scale. It provides longitudinal data to track ownership trends and allows for comparisons across regions of the country.

The respondents will be a statistically selected group of individuals, families, partnerships, corporations, nonprofit organizations, and other private groups that own forestland in the United States. A well distributed, random set of sampling points has been established across the country. At each point, remotely sensed data, such as aerial photographs, will be used to identify forested points. For the forested points, public records will be used to identify the owners of record—the names and addresses of the landowners we will contact. The target number of respondents per state is 250 over the full, 2019–2023, data collection cycle.

The NWOS will utilize a mixed-mode survey technique involving cognitive interviews, focus groups, self-administered questionnaires, and telephone interviews. Cognitive interviews will be used to test specific questions. Focus groups will be used to provide more in-depth understanding of the responses and to explore new areas of inquiry.

Implementation of the self-administered survey will involve up to four contacts. First, a pre-notice postcard will be sent to all potential respondents describing this information collection and why the information is being collected. Second, a questionnaire with a cover letter and pre-paid return envelope will be sent to the potential respondents. The cover letter will reiterate the purpose of this information collection and provide respondents with all legally required information. Third, a reminder will be mailed to thank respondents and encourage non-respondents to reply. Those who have yet to respond will be sent a new questionnaire, cover letter, and pre-paid return envelope. The primary survey instrument will be paper forms with the option for completing the survey electronically online. Telephone interviews will be used for follow-up with non-respondents.

Forest Service researchers will coordinate all components of this information collection. Forest Service personnel with assistance provided by cooperators at the Family Forest Research Center located at the University of Massachusetts Amherst will conduct the mail portion of the survey, cognitive interviews, and focus groups. The U.S. Department of Agriculture, National Agricultural Statistics Service will conduct the telephone follow-ups. Data will be compiled and edited by Forest Service and Family Forest Research Center personnel. Forest Service researchers and cooperators will analyze the collected data. National, regional, and state-level results will be publicly available and electronically distributed.

This information collection will generate scientifically-based, statistically-reliable, up-to-date information about the owners of forestland in the United States. Results of these efforts will provide more reliable information on this important and dynamic segment of the United States population, thus facilitating more complete assessments of the country's forestland resources and improved planning and implementation of forestry programs on state, regional, and national levels.

Affected Public: Individuals and Households and the Private Sector (Businesses and Non-Profit Organizations).

Estimate of Burden per Response: 25 minutes.

Estimated Annual Number of Respondents: 3,558.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents (hours): 2,118.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the

information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission to the Office of Management and Budget for approval.

Alexander L. Friend,

Deputy Chief, Research & Development.

[FR Doc. 2021–04788 Filed 3–8–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2020–0008]

Proposed Revisions to the National Handbook of Conservation Practices for the Natural Resources Conservation Service

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

ACTION: Notice of availability; request for comment.

SUMMARY: NRCS is giving notice that it intends to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices (NHCP). NRCS is also giving the public an opportunity to provide comments on specified conservation practice standards in NHCP.

DATES: We will consider comments that we receive by April 8, 2021.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments through the:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for docket ID NRCS–2020–0008. Follow the instructions for submitting comments.
- *Mail, or Hand Delivery:* Mr. Clarence Prestwich, National Agricultural Engineer, Conservation Engineering Division, NRCS, USDA, 1400 Independence Avenue, South Building, Room 4636, Washington, DC 20250. In your comment, specify the docket ID NRCS–2020–0008.

All comments will be available on *http://www.regulations.gov.*

The copies of the proposed revised standards are available through *http://www.regulations.gov* by accessing Docket No. NRCS–2020–0008. Alternatively, the proposed revised standards can be downloaded or printed from *http://go.usa.gov/TXye.*

FOR FURTHER INFORMATION CONTACT: Mr. Clarence Prestwich; telephone: (202) 720–2972; or email: *clarence.prestwich@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

NRCS is planning to revise the conservation practice standards in the National Handbook of Conservation Practices (NHCP). This notice provides an overview of the planned changes and gives the public an opportunity to provide comments on the specific conservation practice standards that NRCS is changing.

NRCS State Conservationists who choose to adopt these practices in their States will incorporate these practices into the respective electronic Field Office Technical Guide. These practices may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland. Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment all proposed revisions to conservation practice standards used to carry out HEL and wetland provisions of the law.

Revisions to the National Handbook of Conservation Practices

The amount of the proposed changes varies considerably for each of the conservation practice standards addressed in this notice. To fully understand the proposed changes, individuals are encouraged to compare these changes with each standard's current version, which can be found at: *http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/?cid=nrcs143_026849.*

NRCS is requesting comments on the following conservation practice standards:

- Agrichemical Handling Facility (Code 309);
- Air Filtration and Scrubbing (Code 371);
- Channel Bed Stabilization (Code 584);
- Contour Orchard and Other Perennial Crops (Code 331);
- Cover Crop (Code 340);
- Dry Hydrant (Code 432);
- Dust Management for Pen Surfaces (Code 375);
- Energy Efficient Agricultural Operation (Code 374);
- Fence (Code 382);
- Grazing Land Mechanical Treatment (Code 548);
- Land Reclamation;
- Abandoned Mined Land (Code 543);
- On-Farm Secondary Containment Facility (Code 319);
- Precision Land Forming and Smoothing (Code 462);
- Recreation Land Improvement and Protection (Code 566);
- Roof Runoff Structure (Code 558);
- Sinkhole Treatment (Code 527);
- Sprinkler System (Code 442);
- Stream Crossing (Code 578);
- Waste Separation Facility (Code 632);
- Waste Transfer (Code 634);
- Wastewater Treatment—Milk House (Code 627);
- Wetland Creation (Code 658); and
- Windbreak/Shelterbelt Establishment and Renovation (Code 380).

The following are highlights of some of the proposed changes to each standard:

Agrichemical Handling Facility (Code 309): Minor revisions were made for improved organization and for clarity. Some flexible membrane liner thicknesses were changed. The minimum storage volume of the Agrichemical Handling Facility was changed to 1.1 times the volume of largest storage container within the containment area, plus the displacement volume that is occupied by all the other tanks within and below the height of the containment wall or dike.

Air Filtration and Scrubbing (Code 371): Formatting and writing style were updated to meet current agency requirements. Minor revisions were made for clarity and readability purposes and to update citations for existing references. Major changes were made to the Plans and Specifications to identify needed information and to remove requirements of supplying supporting documentation with plans and specifications.

Channel Bed Stabilization (Code 584): Minor changes were made, mostly requiring more specific channel and sedimentation information in the Plans and Specifications section.

Contour Orchard and Other Perennial Crops (Code 331): The standard was edited for clarity. Minor revisions were made for clarity and readability purposes. Definition was edited for

improved explanation. Paragraphs in General Criteria and Considerations were edited for improved understanding.

Cover Crop (Code 340): Minor wording changes were made throughout for clarification. In the Purpose section, specific soil health resource concerns were added as two purpose statements on soil organic matter quantity and aggregate instability, soil organic matter quality, and habitat for soil organisms. In the General Criteria section, the reference to when cover crops are established has been better defined. One change added ''no mechanically harvest of cover crops'' to clarify that cover crops can be grazed but not harvested otherwise. In the Additional Criteria section, a change established criteria for grazing cover crops to improve organic matter.

Dry Hydrant (Code 432): The revised standard expands the purpose of dry hydrant to include providing access of available water for additional purposes including livestock water, small acreage irrigation, wetland management, and other purposes where water is needed in limited quantities on a periodic basis in addition to the purpose of providing access to an available water source for fire suppression. The revised standard is intended to be more flexible regarding the use of the standard and encouraging landowners to install dry hydrants to meet needs in addition to fire suppression. Criteria were divided to separately address fire suppression and other purposes. Criteria were revised to be more general.

Dust Management for Pen Surfaces (Code 375): The name of this standard has been changed from ''Dust Control from Animal Activity on Open Lot Surfaces'' to ''Dust Management for Pen Surfaces'' to reflect that it is now entirely a management standard and to simplify the name. Formatting and writing style were updated to meet current agency requirements. Specific criteria, considerations, and references to water application via solid set sprinkler systems were removed from the standard because it is now covered in Sprinkler System (Code 442). Specific criteria related to increased stocking density to supply additional moisture to the pen surface for reducing dust potential were added. New references were added, and minor revisions were made for clarity and readability purposes and to update citations for existing references.

Energy Efficient Agricultural Operation (Code 374): The standard has been revised extensively. The name has been changed from ''Farmstead Energy Improvement'' to ''Energy Efficient Agricultural Operation'' to reflect the energy efficiency purpose. The standard has been rewritten to focus on the energy efficiency criteria, fire and electrical safety, flexibility, and manufacturer's requirements. The requirement for an ASABE S612 Type 2 energy audit has been revised to allow other assessment methods. Criteria was added to support Prescriptive Upgrades to simplify and streamline implementation of some instances of the practice. Criteria was added for heat and air transfer systems and equipment.

Fence (Code 382): Formatting and writing style were updated to meet current agency requirements. Minor revisions were made for clarity and readability purposes. References were updated based on literature review.

Grazing Land Mechanical Treatment (Code 548): The definition was changed by removing the equipment listed. Added equipment list to criteria separated by soil or plant disturbances. Reduced safe slope work from 30 to 20 percent.

Land Reclamation, Abandoned Mined Land (Code 543): The criteria in Land Reclamation, Currently Mined Land (Code 544) and Land Reclamation, Toxic Discharge Control (Code 455), were added to criteria for Land Reclamation, Abandoned Mined Land to put all of the related technical criteria into one standard. The definition, purpose, and conditions where the practice applies were updated to reflect the intent of the practice. The criteria were updated to include the current environmental and personal safety laws and requirements. Plans and Specifications were updated to include the required level of detail.

On-Farm Secondary Containment Facility (Code 319): Formatting and writing style were updated to meet current agency requirements. The redundant purpose was removed since both were to protect water quality. Technical requirements were added or revised, as needed, to be consistent with other referenced codes within the standard.

Precision Land Forming and Smoothing (Code 462): The standard has been combined with CPS 466-Land Smoothing since both standards are similar in practice. Minor revisions were made. Clarity was added regarding grading plan and soil health.

Recreation Land Improvement and Protection (Code 566): CPS 566, originally titled Recreation Land Grading and Shaping, is being combined with CPS 562, Recreation Area Improvement, and renamed CPS 566, Recreation Land Improvement and Protection. Combining the two standards into a single standard makes sense logically and allows for eliminating one of the standards. The new standard retains the number Code 566, and titled, Recreation Land Improvement and Protection to better reflect the elements of the two standards being combined. CPS 562 will be archived. CPS 566 is not a standard likely to be used under NRCS administered programs, such as EQIP, but is a useful standard for Watersheds Protection and Flood Prevention Act (Pub. L. 83–566) work in those locations with the potential for development of recreational facilities.

Roof Runoff Structure (Code 558): One purpose was rewritten to remove references to foundation protection since that is not an established resource concern and now just addresses soil erosion. Minor wording changes were made to the Criteria section for clarity and specificity. Changes were made to the Additional Criteria section to Capture Water for Other Uses to address water quality for reuse of captured water and criteria modified for storage of the captured water.

Sinkhole Treatment (Code 527): The name was changed from Karst Sinkhole Treatment to Sinkhole Treatment. Safety hazard was addressed as well as minor wording changes to improve clarity.

Sprinkler System (Code 442): Formatting and writing style were updated to meet current agency requirements. Minor revisions were made for clarity and readability purposes. Updated Tables to meet current industry standards. Modified the Land Slope section to allow for pivot systems that may not meet the slope requirement but meet the run-off and application rate requirements. Added a section for Mobile Drip Irrigation (MDI). MDI is a type of irrigation that is partially sprinkler and partially drip type irrigation and it was decided that MDI criteria is more applicable to the standard.

Stream Crossing (Code 578): This standard has a few major changes including that it increases siting flexibility, and the addition of vented fords as an alternative where frequent overtopping is expected.

Waste Separation Facility (Code 632): Safety was moved to the beginning of the General Criteria section to emphasize the need for safety on all separation technologies. Wording was added to address location of the facilities and the requirement to manage the 25-year, 24-hour storm event. The sections on Separator selection and Separation efficiency were revised to reference NRCS guidance document National Engineering Handbook (NEH),

Part 637, Chapter 4. Direction was added to the Storage or Treatment of Separated Solids section to design storage facilities for separated solids in accordance with the appropriate NRCS standard. A consideration on the biosecurity of separation facilities was added.

Waste Transfer (Code 634): Formatting and writing style were updated to meet current agency requirements. Minor revisions were made for clarity and readability purposes. The structural design requirements were updated to align with changes made to the National Engineering Manual. The criteria for reception pit size, pipe clean-outs and pipeline velocity were revised.

Wastewater Treatment—Milk House (Code 627): Added a new conservation practice standard developed to better address the technical complexities of treating greywater from cleaning the milking equipment. The practice standard is based on several university extension publications referenced in the standard and NRCS field experience.

Wetland Creation (Code 658): The standard revision removed soils as a purpose and added an additional purpose of creating a native plant community adapted to growth and regeneration in anerobic conditions. Establishment of hydric soil was removed as a purpose because anaerobic soil conditions is an outcome, not a purpose. The new practice standard Wildlife Habitat Planting (Code 420) is listed as appropriate for vegetative establishment when wildlife habitat is a purpose. This allows the use of Wetland Creation (Code 658) when the purpose is to establish a unique plant community without targeting a single species of wildlife or guild.

Windbreak/Shelterbelt Establishment and Renovation (Code 380): Two practice standards were combined, and Code 380 now includes windbreak renovation as well as establishment. The definition, purpose, conditions where practice applies, and considerations sections were updated. Criteria sections were added to address renovation; several other sections were moved to the Considerations section. The Plans and Specifications section were expanded to align with conservation plan requirements, and operations and maintenance sections were expanded to clarify requirements. References were added.

Terry Cosby,

Acting Chief, Natural Resources Conservation Service.

[FR Doc. 2021–05005 Filed 3–8–21; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–16–2021]

Foreign-Trade Zone (FTZ) 185—Culpeper, Virginia; Notification of Proposed Production Activity; Merck & Co., Inc. (Pharmaceutical Products); Elkton, Virginia

Merck & Co., Inc. (Merck), submitted a notification of proposed production activity to the FTZ Board for its facility in Elkton Virginia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 2, 2021.

Merck already has authority to produce pharmaceutical products within Subzone 185C. The current request would a add finished product and foreign status materials to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Merck from customs duty payments on the foreign-status materials used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Merck would be able to choose the duty rates during customs entry procedures that applies to PRIMAXIN/TIENAM (imipenem/cilastatin) (duty-free). Merck 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 materials sourced from abroad are BIS (2, 4-Dichlorophenyl) Chlorophosphate and Enol Phosphate (duty rate 6.5%). The request indicates that the materials 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 Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: March 4, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–04863 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–17–2021]

Foreign-Trade Zone (FTZ) 93—Raleigh/Durham, North Carolina; Notification of Proposed Production Activity; Liebel-Flarsheim Company, LLC (Diagnostic Imaging Contrast Media), Raleigh, North Carolina

Liebel-Flarsheim Company, LLC (Liebel-Flarsheim) submitted a notification of proposed production activity to the FTZ Board for its facility in Raleigh, North Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 2, 2021.

The Liebel-Flarsheim facility is located within FTZ 93. The facility is used for the production of diagnostic imaging contrast media. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material/component and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Liebel-Flarsheim from customs duty payments on the foreign-status component used in export production. On its domestic sales, for the foreign-status material/component noted below, Liebel-Flarsheim would be able to choose the duty rate during customs entry procedures that applies to Dotarem® (gadoterate meglumine) (duty-free). Liebel-Flarsheim would be able to avoid duty on the foreign-status material/component which becomes scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material/component sourced from abroad is dodecane tetraacetic acid (DOTA) (duty rate—6.5%). The request indicates that the material/component is 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 Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: March 4, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–04864 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–812]

Circular Welded Carbon-Quality Steel Pipe From Oman: Rescission of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on circular welded carbon-quality steel pipe from Oman for the period of review December 1, 2019, through November 30, 2020, based on the timely withdrawal of the request for review.

DATES: Applicable March 9, 2021.

FOR FURTHER INFORMATION CONTACT: Dennis McClure, 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) 482–5973.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on circular welded carbon-quality steel pipe from Oman.[1] Domestic interested parties [2] requested an administrative review for Al Samna Metal Manufacturing & Trading Company LLC (Al Samna); Bollore Logistics (Oman) LLC (Bollore Logistics); Transworld Shipping Trading & Logistics Services LLC (Transworld Shipping), and Al Jazeera Steel Products Co. SAOG (Al Jazeera). Pursuant to the domestic interested parties' request, Commerce initiated an administrative review with respect to Al Samna, Bollore Logistics, and Transworld Shipping, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).[3] However, we did not initiate an administrative review for Al Jazeera based on its request to defer the administrative review pursuant to 19 CFR 351.213(c), which the domestic interested parties did not contest.[4] Subsequent to the initiation of the administrative review, the domestic interested parties timely withdrew their request for an administrative review of the remaining three companies, as discussed below. No other party requested an administrative review of these companies.

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. The request for an administrative review of Al Samna, Bollore Logistics, and Transworld Shipping was withdrawn by the established deadline.[5] As a result, Commerce is rescinding this review in its entirety, in accordance with 19 CFR 351.213(d)(1). Further, as noted in the *Initiation Notice,* Commerce deferred the administrative review for one year with respect to Al Jazeera.[6]

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 77431 (December 2, 2020).

[2] The domestic interested parties are Wheatland Tube Company and Bull Moose Tube.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 8166 (February 4, 2021) (*Initiation Notice*).

[4] *See Initiation Notice,* 86 FR at 8175.

[5] *See* Domestic Interested Parties' Letter, ''Circular Welded Carbon Quality Steel Pipe from Oman: Partial Withdrawal of Request for Administrative Review,'' dated February 23, 2021.

[6] *See Initiation Notice,* 86 FR at 8175. As a result of the uncontested deferment request, Commerce intends to conduct its administrative review of Al Jazeera for the period December 1, 2019 through November 30, 2020, within the subsequent administrative review covering the period December 1, 2020, through November 30, 2021.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period December 1, 2019, through November 30, 2020, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a final 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), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Act, and 19 CFR 351.213(d)(4).

Dated: March 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–04870 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Amendment for US–UK FIP Trade Mission to the United Kingdom

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The International Trade Administration, United States Department of Commerce, is announcing amended dates and deadline for submitting applications for the US–UK Financial Innovation Partnership Trade Mission to the United Kingdom previously announced and published in the **Federal Register**.

DATES: The mission, originally scheduled for June 21–24, 2021, is postponed to June 20–23, 2022.

SUPPLEMENTARY INFORMATION: Amendment to Revise Trade Mission Dates, and Deadline for Submitting Applications.

Background

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 85 FR 56578 (September 14, 2020), regarding the dates of ITA's planned U.S.–UK Financial Innovation Partnership Trade Mission to the United Kingdom, which have been modified from June 21–24, 2021 to June 20–23, 2022. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is the best decision for the health, safety, and welfare of the participants. The new deadline for applications has been extended to Friday, December 17, 2021. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

* *Note:* The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

Monday, June 20, 2022	• Trade Mission Participants Arrive.
	• No Host Dinner/Delegation Meet Up/Evening Activity (*i.e.,* London Eye).
Tuesday, June 21, 2022	• Opening Breakfast at Winfield House (Regents Park).
	• FCA Sandbox Discussion (Stratford).
	• Level 39 Accelerator Show Round and Visit with Key Tenants (Canary Wharf).
	• Evening Reception—TBC Bank/Venue in Canary Wharf.
Wednesday, June 22, 2022	• 7:30 a.m. Opening of London Stock Exchange Networking, Ceremony, and Information on Listing on the Exchange (St Paul's).
	• Bank of England Show Round and Discussion (Bank).
	• Delegation: Lunch on Own (Bank/Various); DAS: Programming with DIT Counterparts (Whitehall).
	• FIP Roundtable Discussion with HMG, FinTech Alliance at U.S. Embassy (Vauxhall).
	• Evening Reception (Sponsored/Venue TBC).
Thursday, June 23, 2022	• Pitch Fest Half Day Forum at U.S. Embassy (Vauxhall).
	• *Official Trade Mission Program Concludes.*

The U.S. Department of Commerce will review applications and make selection decisions on a comparative basis in accordance with the Notice published at 85 FR 56578 (September 14, 2020), The applicants selected will be notified as soon as possible.

Contacts

Vincent Tran, International Trade Specialist, Office of Finance and Insurance Industries, Washington, DC, (202) 482–2967, *Vincent.Tran@trade.gov*

Gemal Brangman, Senior Advisor, Trade Missions, Trade Events Management Task Force, Washington, DC, (202) 482–3773, *Gemal.Brangman@trade.gov*

Chrystal Denys, Commercial Specialist, U.S. Commercial Service London, +44 (0) 207 891 3419, *Chrystal.Denys@trade.gov*

Peter Sexton, Director, Global Financial Services Team, U.S. Commercial Service New York City, (212) 809–2647, *PeterSexton@trade.gov*

Eli Corso-Phinney, International Trade Specialist, Office of Western and Northern Europe, Washington, DC, (202) 482–7941, *Eli.Corso-Phinney@trade.gov*

Brian Beams, Deputy Team Leader Financial Services, U.S. Commercial Service Northern New Jersey, (862) 235–5267, *Brian.Beams@trade.gov*

Gemal Brangman,

Senior Advisor, Trade Missions, ITA Events Management Task Force.

[FR Doc. 2021–04807 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–823]

Welded Line Pipe From the Republic of Turkey: Final Results of the Expedited First Sunset Review of the Countervailing 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 countervailing duty order on welded line pipe from the Republic of Turkey (Turkey) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels as indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable March 9, 2021.

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

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2015, Commerce published the countervailing duty order on welded line pipe from Turkey in the **Federal Register**.[1] On November 3, 2020, Commerce published the notice of initiation of the first five-year (sunset) review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as

[1] *See Welded Line Pipe from the Republic of Turkey: Countervailing Duty Order,* 80 FR 75054 (December 1, 2015) (*Order*).

amended (the Act).[2] In November 2020, Commerce received notices of intent to participate from Axis Pipe and Tube, California Steel Industries, Tex-Tube Company, Welspun Tubular LLC, Maverick Tube Corporation, IPSCO Tubulars Inc., American Cast Iron Pipe Company (ACIPCO), and Stupp Corporation (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as manufacturers or producers of the domestic like product.[4]

On December 3, 2020, Commerce received an adequate substantive response to the *Notice of Initiation* from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce received no substantive response from any respondent interested parties.

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.[6] Accordingly, 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 *Order* is circular welded carbon and alloy steel (other than stainless steel) pipe of a kind used for oil or gas pipelines (welded line pipe), not more than 24 inches in nominal outside diameter, regardless of wall thickness, length, surface finish, end finish, or stenciling. Welded line pipe is normally produced to the American Petroleum Institute (API) specification 5L, but can be produced to comparable foreign specifications, to proprietary grades, or can be non-graded material. All pipe meeting the physical description set forth above, including multiple-stenciled pipe with an API or comparable foreign specification line pipe stencil is covered by the scope of this investigation.

The welded line pipe that is subject to the *Order* is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.5000, 7305.12.1030, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. The subject merchandise may also enter in HTSUS 7305.11.1060 and 7305.12.1060. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail if the *Order* were revoked.[7] 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 Services 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 *https://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content. A list of the issues discussed in the decision memorandum is attached at the Appendix to this notice.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturer/producer/exporter	Net countervailable subsidy (percent)
Borusan Istikbal Ticaret, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Mannesmann Boru Yatirim Holding A.S., and Borusan Holding A.S	152.98
Toscelik Profil ve Sac Endustrisi A.S., Tosyali Demir Celik Sanayi A.S., Tosyali Dis Ticaret A.S., Tosyali Elektrik Enerjisi Toptan Satis Ith. Ihr. A.S., and Tosyali Holding A.S	1.31
All Others	1.31

Administrative Protective Order (APO)

This notice serves 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). Timely written notification of the 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

Commerce is issuing and publishing the final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

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

[2] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020) (*Notice of Initiation*).

[3] *See* Axis Pipe and Tube, California Steel Industries, Tex-Tube Company, Welspun Tubular LLC, and Wheatland Tube Company's Letter, ''Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Certain Welded Line Pipe from Turkey,'' dated November 13, 2020; Maverick Tube Corporation and IPSCO Tubulars Inc.'s Letter, ''Notice of Intent to Participate in First Sunset Reviews of the Antidumping and Countervailing Duty Orders on Welded Line Pipe from Turkey,'' dated November 16, 2020; and American Cast Iron Pipe Company and Stupp Corporation's Letter, ''Welded Line Pipe from the Republic of Turkey: Notice of Intent to Participate in Sunset Review,'' dated November 18, 2020.

[4] *See* Domestic Interested Parties' Letter, ''Welded Line Pipe from Turkey: Substantive Response of Domestic Producers to Commerce's Notice of Initiation of Five-Year (''Sunset'') Reviews,'' dated December 3, 2020 (Domestic Interested Parties' Substantive Response) at 2.

[5] *See* Domestic Interested Parties' Substantive Response.

[6] *See* Commerce's Letter, ''Sunset Reviews for November 2020,'' dated December 23, 2020.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Order on Welded Line Pipe from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2021–04862 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–020]

Melamine From the People's Republic of China: Final Results of the Expedited 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 melamine 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 Review'' section of this notice.

DATES: Applicable March 9, 2021.

FOR FURTHER INFORMATION CONTACT: Peter Zukowski, 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) 482–0189.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2015, Commerce issued the AD order on melamine from China.[1] On November 3, 2020, Commerce published the *Notice of Initiation* of the first sunset review of the *Order* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 10, 2020, Commerce received a notice of intent to participate from Cornerstone Chemical Company (Cornerstone), a domestic producer of melamine and the petitioner in the underlying investigation, within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Cornerstone claimed domestic interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.[4] On November 25, 2020, Cornerstone filed its timely substantive response within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce received no substantive responses from any other interested parties with respect to the *Order* covered by this sunset review, 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.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The scope of the *Order* covers melamine (Chemical Abstracts Service (CAS) registry number 108–78–01, molecular formula C3H6N6).[7] Melamine is a crystalline powder or granule typically (but not exclusively) used to manufacture melamine formaldehyde resins. All melamine is covered by the scope of the *Order* irrespective of purity, particle size, or physical form. Melamine that has been blended with other products is included within this scope when such blends include constituent parts that have been intermingled, but that have not been chemically reacted with each other to produce a different product. For such blends, only the melamine component of the mixture is covered by the scope of the *Order.* Melamine that is otherwise subject to the *Order* is not excluded when commingled with melamine from sources not subject to the *Order.* Only the subject component of such commingled products is covered by the scope of the *Order.*

The subject merchandise is provided for in subheading 2933.61.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum.[8] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Order* were revoked. 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.* A list of topics discussed in the Issues and Decision Memorandum is included as an Appendix to this notice. 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.

Final Results of Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to 363.31 percent.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the 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.

Notifications to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

[1] *See Melamine from the People's Republic of China: Antidumping Duty and Countervailing Duty Orders,* 80 FR 80751 (December 28, 2015) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 85 FR 69585 (November 3, 2020) (*Notice of Initiation*).

[3] *See* Cornerstone's Letter, ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Melamine from The People's Republic Of China: Domestic Interested Party Notice Of Intent To Participate,'' dated November 10, 2020.

[4] *Id.*

[5] *See* Cornerstone's Letter, ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Melamine from The People's Republic Of China: Domestic Interested Party Substantive Response,'' dated November 25, 2020.

[6] *See* Commerce's Letter, ''Sunset Reviews for November 2020,'' dated December 23, 2020.

[7] Melamine is also known as 2,4,6-triamino-striazine; l,3,5-Triazine-2,4,6-triamine; Cyanurotriamide; Cyanurotriamine; Cyanuramide; and by various brand names.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Melamine from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice.

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
  Comment 1: Likelihood of Continuation or Recurrence of Dumping
  Comment 2: Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–04861 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; National Summer Teacher Institute

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

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0077 (National Summer Teacher Institute). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before May 10, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0077 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joyce Ward, Education Director, Office of the Chief Communications, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8424; or by email to *Joyce.Ward@uspto.gov* with ''0651–0077 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Since 2014, the USPTO has conducted a program entitled ''National Summer Teacher Institute on Innovation, STEM, and Intellectual Property.'' The National Summer Teacher Institute (NSTI) is a multi-day professional development training opportunity open to all K–12 teachers nationwide. NSTI is designed to increase teachers' knowledge of making, inventing, creating, and protecting intellectual property so they can inspire the next generation of innovators and entrepreneurs. This program accepts applications for participation in the NSTI. Interested individuals must submit an application requesting to participate in the program. In the application, applicants must certify that they are teachers with at least 3 years' experience; identify STEM related fields they have taught in the last year; identify STEM related fields they plan to teach in the upcoming year; and acknowledge their commitment to incorporate the learnings from the NSTI into their curriculum, where applicable, and cooperate with sharing lessons and outcomes with teachers and the USPTO.

The NSTI participants have included teachers in STEM, innovation, entrepreneurship, and related fields who will learn about innovative strategies to help increase student learning and achievement in these fields together with elements of Intellectual Property (IP) and invention education. Outside scientists, engineers, inventors, creators, and entrepreneurs are among the presenters and workshop leads. Attendees participate in field trips (*e.g.* to NASA, Energy, National Labs) and have opportunities for networking with other educators and invited experts.

The USPTO also conducts webinars and workshops for K–12 educators in conjunction with or subsequent to the NSTI to provide information on IP, invention, and STEM topics of interest to K–12 educators. In light of the pandemic, the NSTI and some of the workshops may take place in virtual environments. Workshops will be available for educators with less than 3 years of experience, pre-service teachers, higher education faculty, home school, and informal educators. USPTO plans to conduct surveys on the NSTI, workshops, and the webinars in order to gain useful feedback from program participants.

II. Method of Collection

Items in this information collection are submitted via online electronic submissions.

III. Data

OMB Control Number: 0651–0077.

Form Numbers: (NSTI = National Summer Teacher Institute)

- NSTI 1 (Summer Teacher Institute Application)
- NSTI 2 (Summer Teacher Institute Participant Survey)
- NSTI 3 (Summer Teacher Institute Webinar/Workshop Survey)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 7,000 respondents per year.

Estimated Number of Responses: 13,700 responses per year.

Estimated Time per Response: The USPTO estimates that it takes the public from approximately 5 minutes (0.08 hours) to 30 minutes (0.5 hours), depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 2,999 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $116,032.

TABLE 1—TOTAL HOURLY BURDEN FOR INDIVIDUALS OR HOUSEHOLDS RESPONDENTS

Item No.	Item	Estimated annual respondents	Estimated annual responses (a)	Estimated time for response (hour) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate [1] ($/hour) (d)	Estimated annual respondent cost burden (c) × (d) = (e)
1	Summer Teacher Institute Applicants: Application (NSTI 1).	2,100	2,100	0.50 (30 minutes)	1,050	$38.69	$40,625
2	Summer Teacher Institute Participants: Application (NSTI 1).	900	900	0.50 (30 minutes)	450	38.69	17,411
	Survey (NSTI 2)		900	0.25 (15 minutes)	225	38.69	8,705
	Webinar/Workshop Survey (NSTI 3).		1,800	0.13 (8 minutes)	234	38.69	9,053
3	Webinar/Workshop Survey (NSTI 3).	4,000	8,000	0.13 (8 minutes)	1,040	38.69	40,238
Total		7,000	13,700		2,999		116,032

[1] The USPTO expects that secondary schoolteachers will complete the applications and surveys. The professional hourly rate for secondary school teachers is $31.69, based upon the May 2019 Occupational Labor Statistics Report for secondary school teachers (25–2031); *https://www.bls.gov/oes/current/oes252031.htm.*

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. There are no capital start-up, maintenance, postage, or recordkeeping costs.

Respondent's Obligation: Required to obtain or retain benefits.

IV. Request for Comments

The USPTO is soliciting public comments to:

(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 Agency's 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; and

(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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment—including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–04787 Filed 3–8–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF ENERGY

[Case Number 2019–001; EERE–2019–BT–WAV–0004]

Energy Conservation Program: Decision and Order Granting a Waiver to ECR International, Inc. From the Department of Energy Furnace Fan Test Procedure

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

ACTION: Notification of decision and order.

SUMMARY: The U.S. Department of Energy (''DOE'') gives notice of a Decision and Order (Case Number 2019–001) that grants to ECR International, Inc. (''ECR'') a waiver from specified portions of the DOE test procedure for determining the energy consumption of specified furnace fans basic models, which are belt-driven, single-speed, and designed for use in ''heat-only'' applications. Under the Decision and Order, ECR is required to test and rate the specified basic models of its furnace fans in accordance with the alternate test procedure set forth in the Decision and Order.

DATES: The Decision and Order is effective on March 9, 2021. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for furnace fans located at title 10 of the Code of Federal Regulations (''CFR''), part 430, subpart B, appendix AA that addresses the issues presented in this waiver. At such time, ECR must use the relevant test procedure for these products for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 430.27(f)(2) of Title 10 of the Code of Federal Regulations (10 CFR 430.27(f)(2)), DOE hereby provides notice of the issuance of its Decision and Order, as set forth below. More specifically, the Decision and Order grants ECR a waiver from the applicable test procedure at 10 CFR part 430, subpart B, appendix AA for specified basic models of furnace fans, and it provides that ECR must test and

rate such products using the alternate test procedure set forth in the Decision and Order. ECR's representations concerning the energy consumption of the specified furnace fan basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the Decision and Order, and any such representations must fairly disclose these test results. Further, the manufacturer materials (*e.g.,* catalogs, brochures, and installation and operation manuals) for the specified furnace fan basic models must make no representation that the basic models are designed to be installed in systems with an air conditioner. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy consumption of these products. (42 U.S.C. 6293(c))

Consistent with 10 CFR 430.27(j), not later than May 10, 2021, any manufacturer currently distributing in commerce in the United States products employing a technology or characteristic that results in the same need for a waiver from the applicable test procedure must submit a petition for waiver. Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of those products in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 430.27. 10 CFR 430.27(j).

Case #2019–001

Decision and Order

I. Background and Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA, Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles and sets forth a variety of provisions designed to improve energy efficiency for certain types of consumer products. These products include furnace fans, the focus of this document. (42 U.S.C. 6295(f)(4)(D))

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

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

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

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

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 430.27(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.* When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(3).

II. ECR's Petition for Waiver: Assertions and Determinations

By letter dated February 20, 2019, ECR filed a petition for waiver and a petition for interim waiver from the DOE test procedure applicable to furnace fans set forth in Appendix AA. In its petition, ECR asserted that the furnace fan basic models specified in its petition,[3] which are belt-driven, single-speed, and designed for ''heating-only'' applications, have design characteristics that prevent testing of the basic model according to the test procedure prescribed in Appendix AA. ECR claimed these basic models are factory-equipped for operation at an external static pressure (''ESP'') of 0.20″ w.c. and cannot operate within the ESP range of 0.65″–0.70″ w.c. required in Appendix AA. ECR stated that the higher ESP required for the test reduces airflow, which in turn increases the temperature rise to the high temperature limit, resulting in the unit shutting off before the test can be completed. ECR provided laboratory test data during the course of follow-up communications on May 24, 2019, June 3, 2019, August 5, 2019, and November 11, 2019, showing that the basic models for which a waiver is requested shut off at various ESPs ranging from 0.30″–0.60″ w.c., depending on the particular basic model, with the units shutting down at an average ESP of 0.47″ w.c.

ECR further asserted that the test procedure is not representative of the lower ESPs encountered by heating-only systems that only have one airflow-control setting, as compared to combined heating/cooling systems. ECR stated that combined heating/cooling

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

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

[3] The specific basic models for which the petition applies are the Airco and Olsen branded furnace fans basic models BCLB90S2, BCLB100S2, BCLB120S2, BCLB130S2, BCLB145S2, BFLB90–2, BFLB100–2, BFLB120–2, BFLB130NX2, BFLB145NX2, BMLB60B2, BMLB80B2, and BMLB90B2. The petition is available at: *https://www.regulations.gov/docket?D=EERE-2019-BT-WAV-0004.*

systems operate at higher ESP than heat-only systems due to the installation of an evaporator coil as part of an air conditioning system, and typically require different blower speeds for heating operation and cooling operation. ECR provided information on the operating conditions for two field installations of belt-driven, single-speed furnaces that are intended for heating-only operation, showing field ESP readings that are lower than the ESP required by Appendix AA.

ECR requested that the specified models be tested under the current Appendix AA, with the following modifications: (1) In section 8.6.1, the ESP requirement is instead the factory-equipped ESP, increased by 0.08″ w.c. to accommodate the fact that furnaces are tested for Fan Energy Rating (''FER'') without the air filter under Appendix AA; (2) sections 8.6.2, *Constant circulation airflow-control setting measurements,* and 8.6.3, *Heating airflow-control setting measurements* are not required; and (3) calculations in section 10.1, *Fan Energy Rating (FER),* are modified to account for the absence of a separate constant circulation airflow-control setting and heating airflow-control setting.

On August 18, 2020, DOE published in the **Federal Register** a notice that announced its receipt of the petition for waiver, granted ECR an interim waiver, and requested public comments. 85 FR 50808 (''Notice of Petition for Waiver''). In the Notice of Petition for Waiver, DOE reviewed ECR's description of the issue and suggested alternative test method, as well as test data submitted by ECR. DOE also reviewed data and analyses collected and conducted in support of the final rule establishing the furnace fan test procedure. Field data previously analyzed by DOE for a notice of proposed rulemaking published in the **Federal Register** on May 15, 2012 indicated that 0.50″ w.c. is representative of field conditions for heating-only furnaces. 77 FR 28674, 28686 (May 15, 2012). Based on this review, DOE's Notice of Petition for Waiver modified the suggested alternate test procedure in ECR's petition for waiver to require that the basic models specified in the petition be initially tested at 0.50″–0.55″ w.c., rather than the 0.28″ w.c. suggested by ECR (which is the factory-equipped ESP of 0.20″ w.c. for the basic models for which a waiver has been requested, increased by 0.08″ w.c. to account for the use of an air filter in the field). 85 FR 50808, 50811 (August 18, 2020). However, given the difficulty that a number of the specified ECR basic models may have in operating at an ESP of 0.50″ –0.55″ w.c., the alternate test procedure further specifies that if the unit under test shuts down prior to completion of the test, the ESP range is incrementally reduced by 0.05″ w.c., and the test is to be re-run. *Id.* This process is repeated until a range is reached at which the test can be conducted to its conclusion, with a minimum allowable ESP range of 0.30″–0.35″ w.c., which corresponds to the lowest ESP at which shut-off occurred in the ECR data. *Id.*

As DOE explained in the Notice of Petition for Waiver, the alternate test procedure for the interim waiver did not waive the requirements of section 8.6.3 of Appendix AA as requested by ECR because, as DOE discussed in the furnace fans test procedure final rule published on January 3, 2014 (''January 2014 Final Rule''), that section is not applicable to the basic models specified in the Interim Waiver Order (*i.e.,* models with only one airflow control setting). *Id., see also* 79 FR 500, 514 (Jan. 3, 2014). In the January 2014 Final Rule, DOE stated that for single-stage units, $E_{Max,}$ which is calculated in section 8.6.3 of Appendix AA, and E_{Heat}, which is calculated in section 8.6.1.2, are equivalent because the maximum airflow-control setting and the heating airflow-control setting in which measurements are specified to be made are the same, and consequently, the same value is used for both variables in the FER equation. 79 FR 500, 514 (Jan. 3, 2014). As such, there is no need to separately perform that calculation in section 8.6.3 of Appendix AA. In addition, section 10.1 of Appendix AA states that for furnace fans for which the maximum airflow-control setting is a default heating airflow-control setting, Q_{Heat} (the airflow in the heating airflow-control setting) is equal to Q_{Max} (the airflow in the maximum airflow-control setting). Based on the discussion in the January 2014 Final Rule and calculations in section 10.1, the test in section 8.6.3 of Appendix AA would not need to be performed, and, therefore, DOE found that a waiver was not required regarding sections 8.6.3 or 10.1 of Appendix AA. 85 FR 50808, 50811 (August 18, 2020).

Regarding the testing in section 8.6.2 of Appendix AA, DOE noted that the testing required under that section is different than that required under section 8.6.1.2 (and section 8.6.3) of Appendix AA, in that the burner would be firing only in testing performed under the latter section. Because the burner must be firing during the section 8.6.1.2 testing and must be off during the section 8.6.2 testing, it is possible that the resulting measurements would be different. As a result, in the Interim Waiver Order, DOE modified the suggested alternate test procedure to require that section 8.6.2 of Appendix AA be conducted, and results of the testing must be used in the calculation of FER. 85 FR 50808, 50811–50812 (August 18, 2020).

In the Notice of Petition for Waiver, DOE also solicited comments from interested parties on all aspects of the petition and the specified alternate test procedure. 85 FR 50808, 50808 (August 18, 2020). DOE received one comment in response to the Notice of Petition for Waiver, which was from the California Investor-Owned Utilities (''CA IOUs'').[4] The CA IOUs raised a series of concerns with the Interim Waiver Order and the specified alternate test procedure, specifically the CA IOUs stated: (1) The Interim Waiver Order results in an unfair competitive advantage for ECR by allowing it to sell lower-cost furnaces as compared to other competitors; (2) the alternate test procedure is inconsistent with the requirements of 10 CFR 430.27(a) in that it effectively creates a new efficiency metric; and (3) based on manufacturer materials, its seems that most of the subject furnace fan basic models are intended for use with an air conditioner. (CA IOUs, No. 5 at pp. 1–6)

In support of its assertion that the alternate test procedure would provide ECR an unfair competitive advantage, the CA IOUs referenced the rulemaking for the January 2014 Final Rule in which DOE did not establish a heating-only installation type for furnaces. (CA IOUs, No. 5 at p. 2). As explained in the April 2, 2013 supplemental notice of proposed rulemaking (SNOPR) for the furnace fans test procedure rulemaking, an industry stakeholder commented that it was not aware of any product on the market that would be categorized as a heating-only product, adding that this installation type could provide manufacturers with a means of gaming the test procedure by modifying its furnaces to eliminate factory-installed cooling capabilities, which would allow such furnaces to be tested at the lower ESP specified for heating-only units. 78 FR 19606, 19619 (April 2, 2013). Unaware of any products on the market that were heating-only and within the scope of the rulemaking, DOE agreed that heating-only installation types should be eliminated from consideration. *Id.* However, DOE would clarify that nothing in EPCA prohibits the manufacture of a furnace fan designed for heating-only installations.

[4] The CA IOU's comment can be accessed at: *https://www.regulations.gov/document?D=EERE-2019-BT-WAV-0004-0005.*

In its petition for waiver, ECR asserted that it manufactures furnace fan basic models for use in heating-only applications. DOE has further found that the subject basic models contain design characteristics which prevent testing of these basic models according to the prescribed test procedure at Appendix AA. Absent a waiver, ECR would be unable to test the specified furnace fans, and as a result, it would be unable to distribute these basic models in commerce. DOE notes if another manufacturer is distributing a product employing a technology or characteristic that results in the same need for a waiver, that manufacturer is directed to submit a petition for waiver to DOE. 10 CFR 430.27(j). Upon receiving a petition for waiver from any manufacturer that manufactures furnace fans designed for heating-only applications, DOE would evaluate whether such product should be required to test according to the same alternate test procedure as prescribed for the ECR furnace fans. All manufacturers have the same opportunity to apply for a similar waiver to test heating-only fans that are unable to complete the prescribed test procedure at Appendix AA.

As noted, the CA IOUs further argued that by prescribing an ESP for testing the specified basic models that is lower than the ESP required in Appendix AA, DOE is functionally establishing a different metric contrary to 10 CFR 430.27(a). DOE does not agree with the CA IOUs' assertion for the reasons that follow. Section 430.27(a) provides, in relevant part, that in granting a waiver or interim waiver, DOE will not change the energy use or efficiency metric that the manufacturer must use to certify compliance with the applicable energy conservation standard and to make representations about the energy use or efficiency of the covered product. 10 CFR 430.27(a). In support of its assertion, the CA IOUs referenced DOE's statement regarding variable-speed furnace fans in the January 2014 Final Rule that it was establishing a test procedure that specifies one reference system curve (*i.e.,* the curve characterized by an ESP value representing national average operating conditions of a residential duct system for a furnace fan operating in the maximum airflow-control setting) for each installation type because DOE cannot set standards based on multiple metrics. (CA IOUs, No. 5 at p. 2, referencing 79 FR 500, 507 (Jan. 3, 2014)). However, the discussion that the CA IOUs reference was in response to comments encouraging DOE to establish a multiple-reference system test procedure and standards. 79 FR 500, 507 (Jan. 3, 2014). As prescribed by Appendix AA and the Interim Waiver Order, testing is conducted based on a single reference system curve, with the reference curve representative of the installation environment. Both Appendix AA and the Interim Waiver Order produce measured results using the FER metric. The FER test procedure in the alternate test procedure is identical to that specified for furnace fans in appendix AA, except for the ESP setting.

The CA IOUs recommended that because FER decreases as a function of ESP (specifically a lower ESP test condition, as was specified in the interim waiver, will result in a lower (*i.e.,* better) FER rating), DOE should specify an adjustment factor to provide for comparative results. Specifically, the CA IOUs suggested multiplying the tested FER rating by the ratio of the ESP required in Appendix AA to the ESP achieved during the test. (CA IOUs, No. 5, pp. 7–8) As stated in the January 2014 Final Rule, the ESP value specified in Appendix AA is based on field ESP data collected in cooling airflow-control settings and is representative of field ESP in maximum airflow-control settings. 78 FR 500, 507 (Jan. 3, 2014). However, as discussed previously in this notice, the ESP required in Appendix AA is not representative of field ESP in heat-only installations because heat-only installations will not typically include an evaporator coil in the air stream. Further, ECR has demonstrated through test data that these models cannot even operate at the ESP condition in the furnace fan test procedure. A modified rating using an adjustment factor, such as the one suggested by the CA IOUs, would attempt to represent the furnace fan efficiency at the ESP condition in the Appendix AA test procedure, which, as previously discussed, has been demonstrated to be a condition that these furnace fans cannot and would not operate at in the field.

Additionally, the CA IOUs did not provide information regarding the theoretical rationale for their proposed adjustment or whether the accuracy of their proposed adjustment has been validated. Further, DOE is not aware of any conversion equation that has been validated to accurately predict the change in FER as ESP varies at a given fan setting, and also notes that validating an equation for extrapolating to FER at an ESP that is higher than that at which the unit can operate may be difficult or even not possible (as the unit cannot operate at that point). As a result of these considerations regarding the accuracy and representativeness of an adjustment factor, DOE has not added an adjustment factor to the test procedure in this waiver.

The CA IOUs also commented that ECR's manufacturer materials (*e.g.,* websites, marketing materials, product spec sheets, labels, nameplates) include cooling capacity specifications for installation of the basic models subject to the Interim Waiver Order, which would indicate that these basic models are intended to be installed in units that provide both heating and cooling. (CA IOUs, No. 5 at pp. 4–6). The CA IOUs also stated that because the furnace fans in question have the same nominal horsepower and higher full-load amperage as direct drive fans that are designed for use in systems with air conditioning, the furnace fans must be designed to move the same amount of air at the same pressure. (CA IOUs, No. 5, pp. 5–6)

In response, DOE again notes that ECR has provided test data showing that the furnace fans covered by the waiver request were unable to complete testing at the static pressures in the test procedure currently at Appendix AA. DOE is also requiring as a condition of the waiver that ECR not make any representations in any public-facing materials that these basic models are designed to be installed in systems that provide both heating and cooling. This condition was also included in the Interim Waiver Order, and ECR has since updated their literature to comply with this requirement. DOE has added recent copies of the material on Airco and Olsen's websites to this docket (EERE–2019–BT–WAV–0004).

The CA IOUs also questioned ECR's assertion that absent a waiver, ECR would be at a competitive disadvantage. (CA IOUs, No. 5. at pp 3–4) The issue of competitive disadvantage and economic hardship relate to evaluation of a petition for an interim waiver. DOE will grant an interim waiver from the test procedure requirements if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(e)(2). Based on DOE's review presented in the Notice of Petition for Waiver, DOE determined that ECR's petition for waiver likely would be granted in part, and, therefore, granted the interim waiver. 85 FR 50808, 50812 (August 18, 2020). ECR asserted that substantial economic harm and competitive disadvantage would result absent a favorable determination and that the basic models at issue fulfill a unique need in the market for homes

that require heating-only solutions. Based on the totality of ECR's petition, DOE also determined that it was desirable for public policy reasons to grant ECR immediate relief pending a determination of the petition for waiver. *Id.*

The CA IOUs urged DOE to initiate a rulemaking to engage stakeholders in an update of the test procedure at Appendix AA to address the heating-only installation type, if DOE finds that such products do exist, to ensure that all manufacturers are able to test and certify their products without the need to apply for a waiver request. (CA IOUs, No. 5, p. 9) DOE notes that under 10 CFR 430.27(l), as soon as practicable after the granting of any waiver, it will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such a waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. 10 CFR 430.27(l).

For the reasons explained in this document and in the Notice of Petition for Waiver, absent a waiver, the basic models identified by ECR in its petition cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the alternate procedure specified in the interim waiver and concludes that it will allow for the accurate measurement of the energy use of the furnace fans, while alleviating the testing problems associated with ECR's implementation of DOE's applicable furnace fan test procedure for the specified basic models.

Thus, DOE is requiring that ECR test and rate the specified furnace fan basic models according to the alternate test procedure set forth in this Decision and Order, which is identical to the procedure provided in the interim waiver. Additionally, the Decision and Order is conditioned on all manufacturer materials (including brochures, catalogs, installation and operation manuals, etc.) for the basic models specified in the Order making no representation that these models are designed to be installed in systems with air conditioners.

This Decision and Order is applicable only to the basic models listed and does not extend to any other basic models. DOE evaluates and grants waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. ECR may request that DOE extend the scope of this waiver to include additional basic models that employ the same technology as those listed in this waiver. 10 CFR 430.27(g). ECR may also submit another petition for waiver from the test procedure for additional basic models that employ a different technology and meet the criteria for test procedure waivers. 10 CFR 430.27(a)(1).

DOE notes that it may modify or rescind the waiver at any time upon DOE's determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, ECR may request that DOE rescind or modify the waiver if the company discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

As set forth above, the test procedure specified in this Decision and Order is the same as the test procedure proposed in the Interim Waiver. However, DOE has added conditions regarding the manufacturer materials associated with the covered models to make clear to consumers and installers that the models in question are not intended for use in systems with air conditioners.

III. Consultations With Other Agencies

In accordance with 10 CFR 430.27(f)(2), DOE consulted with the Federal Trade Commission staff concerning the ECR petition for waiver.

IV. Order

After careful consideration of all the materials that were submitted by ECR, the various public-facing materials (*e.g.,* marketing materials, product specification sheets, and installation manuals) for the basic models identified in the petition, and comment received, in this matter, it is hereby *Ordered* that:

(1) ECR must, as of the date of publication of this Decision and Order in the **Federal Register** test and rate the following Airco and Olsen branded furnace fan basic models with the alternate test procedure as set forth in paragraph (2):

Brand	Basic model
Airco	BCLB90S2
Airco	BCLB100S2
Airco	BCLB120S2
Airco	BCLB130S2
Airco	BCLB145S2
Airco	BFLB90–2
Airco	BFLB100–2
Airco	BFLB120–2
Airco	BFLB130NX2
Airco	BFLB145NX2
Airco	BMLB60B2
Airco	BMLB80B2
Airco	BMLB90B2
Olsen	BCLB90S2
Olsen	BCLB100S2
Olsen	BCLB120S2
Olsen	BCLB130S2
Olsen	BCLB145S2
Olsen	BFLB90–2
Olsen	BFLB100–2
Olsen	BFLB120–2
Olsen	BFLB130NX2
Olsen	BFLB145NX2
Olsen	BMLB60B2
Olsen	BMLB80B2
Olsen	BMLB90B2

(2) The alternate test procedure for the ECR's basic models listed in paragraph (1) of this Order is the test procedure for furnace fans prescribed by DOE at 10 CFR part 430, subpart B, appendix AA (''Appendix AA''), except that the external static pressure (''ESP'') is adjusted in section 8.6.1.2 of Appendix AA as described below. All other requirements of Appendix AA and DOE's relevant regulations remain applicable. The change to section 8.6.1.2 reads as follows:

8.6.1.2. *Furnace fans for which the maximum airflow-control setting is a default heating airflow-control setting.* Adjust the main burner or electric heating element controls to the default heat setting designated for the maximum airflow-control setting. Burner adjustments shall be made as specified by section 8.4.1 of ASHRAE 103–2007 (incorporated by reference, see § 430.3). Adjust the furnace fan controls to the maximum airflow-control setting. Adjust the external static pressure to within the range of 0.50″–0.55″ w.c. by symmetrically restricting the outlet of the test duct. Maintain these settings until steady-state conditions are attained as specified in sections 8.3, 8.4, and 8.5 of this appendix and the temperature rise (ΔT_{Max}) is at least 18 °F. If at the external static pressure range of 0.50″ –0.55″ w.c. the unit under test automatically shuts off before the conclusion of a valid test, reduce external static pressure by an increment of 0.05″ w.c. (*i.e.,* to a range of 0.45″ –0.50″ w.c) by symmetrically restricting the outlet of the test duct and re-run the test. If at the reduced external static pressure range the unit under test automatically shuts off before the conclusion of a valid test, repeat the incremental reduction of the ESP range by 0.5″ w.c. until an ESP range is achieved at which a valid test is completed. The minimum allowable external static pressure range is 0.30″

–0.35″ w.c. Once the external static pressure is set, do not adjust the test duct for the remainder of the test. Measure furnace fan electrical input power (E_{Max}), fuel or electric resistance heat kit input energy ($Q_{IN, Max}$), external static pressure (ESP_{Max}), steady-state efficiency for this setting ($Effy_{SS, Max}$) as specified in sections 11.2 and 11.3 of ASHRAE 103–2007, outlet air temperature ($T_{Max,Out}$), and temperature rise (ΔT_{Max}).

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

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

(5) DOE issues this waiver on the condition that the statements, representations, and information provided by ECR are valid and on the condition that ECR makes no representation on any public-facing materials, including websites, marketing materials, product spec sheets, labels, nameplates, *etc.,* that these basic models are designed to be installed in systems that provide both heating and cooling. If ECR makes any modifications to the controls or configurations of these basic models, such modifications will render the waiver invalid with respect to that basic model, and ECR will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, ECR may request that DOE rescind or modify the waiver if ECR discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

(6) Granting of this waiver does not release ECR from the various certification requirements set forth at 10 CFR part 429.

Signing Authority

This document of the Department of Energy was signed on March 4, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 4, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–04866 Filed 3–8–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–56–000]

Louisiana Public Service Commission, Arkansas Public Service Commission, Council of the City of New Orleans, Louisiana, v. System Energy Resources, Inc., Entergy Services, LLC, Entergy Operations, Inc., Entergy Corporation; Notice of Complaint

Take notice that on March 2, 2021, pursuant to sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Louisiana Public Service Commission, Arkansas Public Service Commission, and Council of The City of New Orleans, Louisiana (Complainants) filed a formal complaint against System Energy Resources, Inc. (SERI), Entergy Services, LLC, Entergy Operations, Inc., and Entergy Corporation, (collectively, Respondents) alleging that SERI has violated the obligation of prudent utility management in operating the Grand Gulf nuclear unit, resulting in large overcharges to its four affiliated customers, Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy New Orleans, LLC, and Entergy Mississippi, LLC and their customers, pursuant to a Unit Power Sales Agreement, all as more fully explained in the complaint.

The Complainants certify that copies of the complaint were served on the contacts listed for Respondents in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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 (*https://www.ferc.gov/*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov,* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 22, 2021.

Dated: March 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–04852 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–31–000]

Texas Eastern Transmission, LP; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Perulack Compressor Units Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Perulack Compressor Units Replacement Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Juniata County, Pennsylvania. The Commission will use this environmental document in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on April 5, 2021. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this Project to the Commission before the opening of this docket on January 15, 2021, you will need to file those comments in Docket No. CP21–31–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–31–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files, which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

Texas Eastern proposes to abandon and remove four existing compressor units (one GE Frame 5 unit and three Clark DC–900 units), install two new compressor units, and construct auxiliary appurtenant facilities at its existing Perulack Compressor Station in Juniata County, Pennsylvania. The Project would consist of the following new facilities:

- Installation of two new 18,100-horsepower (hp) Solar Titan 130 natural gas-fired turbines;

• installation of related software controls that would limit the total hp of each compressor unit to 17,400 hp;
• installation of a new 585 hp Waukesha VGF–H24GL emergency generator;
• construction of a new compressor building to house the two new compressor units;
• conversion of an existing compressor building into a storage warehouse;
• construction of a new service entry building, two new electric buildings, two natural gas-fired heaters, two space heaters, four new filter/separator vessels, and six new gas coolers; and
• construction of a new stormwater management retention basin.

The general location of the Project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The station is located on approximately 48.4 acres property owned by Texas Eastern and lies within a fenced area encompassing approximately 36.9 acres. Construction of the Project would disturb 36.1 acres of land, including 27.2 acres of land within the existing fence line of the station, 3.4 acres of additional temporary workspace outside (northwest) of the station fence line, and 5.5 acres for the temporary construction yard outside (south) of the station fence line. The proposed additional temporary workspace would be in open space on property Texas Eastern owns. Following construction, Texas Eastern would maintain its 27.2 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:
• Geology and soils;
• water resources and wetlands;
• vegetation and wildlife;
• threatened and endangered species;
• cultural resources;
• land use;
• air quality and noise; and
• reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed Project or portions of the Project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed Project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary[2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/ natural-gas/environment/ environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] The environmental document for this Project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes: Federal, state, and local government representatives and agencies; elected officials; Native American Tribes; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP21–31–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. *This email address is unable to accept comments.*

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: March 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–04855 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1254–000]

Genbright LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Genbright LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 23, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04844 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR21–5–000]

Equinor Marketing & Trading (US) Inc. v. Mustang Pipe Line LLC; Notice of Complaint

Take notice that on March 2, 2021, pursuant to sections 1(4), 1(6), 3(1), 13, 15 and 16 of the Interstate Commerce Act (ICA), 49 U.S.C. App. 1(4), 1(6), 3(1), 13, 15 and 16; Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2020); and Rules 343.1(a) and 343.2(c) of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1(a) and 343.2(c) (2020), Equinor Marketing & Trading (US) Inc. (Complainant) filed a formal complaint against Mustang Pipe Line LLC, (Mustang or Respondent) alleging that Mustang has unlawfully allocated capacity on its system in violation of its rules and regulations tariff and the proration policy incorporated by reference therein, the ICA, and the Commission's regulations, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public

Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 1, 2021.

Dated: March 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04835 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2785–103, 10809–051, 10810–057]

Boyce Hydro Power, LLC; Notice of Termination of Licenses by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of Licenses by Implied Surrender.

b. *Project Nos:* P–2785–103, P–10809–051, and P–10810–057.

c. *Date Initiated:* February 5, 2021.

d. *Licensee:* Boyce Hydro Power, LLC (Boyce Hydro).

e. *Name of Projects:* Sanford (P–2785), Secord (P–10809) and Smallwood (P–10810) Hydroelectric Projects (Boyce Projects).

f. *Location:* The projects are located on the Tittabawasee River in Midland and Gladwin counties, Michigan.

g. *Filed Pursuant to:* 18 CFR 6.4.

h. *Applicant Contact:* Mr. Michael A. Swiger, Van Ness Feldman, LLP, 1050 Thomas Jefferson Street NW, Washington, DC 20007. (202) 298–1800, *mas@vnf.com*.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov*.

j. *Deadline for filing comments, motions to intervene and protests:* June 1, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers P–2785–103, P–10809–051, and P–10810–057. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Projects Facilities:* The Boyce Projects are located on the Tittabawassee River with the Secord Project being the most upstream, followed by the Smallwood Project, which is located approximately seven river miles downstream, followed by the non-jurisdictional Edenville dam (formerly FERC Project No. 10808), which is located approximately 13 river miles downstream of the Smallwood Project, at the confluence of the Tittabawassee and Tobacco Rivers. The Sanford Project is located approximately 11 river miles downstream of Edenville Dam.

The Secord Project was licensed on October 16, 1998. The project works consist of: (1) The 1,100-acre reservoir, Secord Lake; (2) a 47-foot-long intake structure; (3) an earthen dam with a 1,400-foot-long, 55-foot-high section between the left abutment and the powerhouse, a 600-foot-long section between the spillway and the right abutment; (4) a reinforced concrete multiple arch spillway with an ogee crest and two Taintor gates; (5) a powerhouse integral with the dam housing with one Francis vertical-axis turbine-generator unit with installed capacity of 1,200 kilowatts (kW); and (6) appurtenant facilities.

The Smallwood Project was licensed on October 16, 1998. The project works consist of: (1) The 500-acre reservoir, Smallwood Lake; (2) a 52-foot-long, 25-foot-high, and 50-foot-wide reinforced concrete hollow gravity spillway dam at the base; (3) two 25.3-foot-wide, 10-foot-high steel Taintor gates on top of the spillway crest; (4) a 100-foot-long, 40-foot-high right-side earth embankment; (5) a 550-foot-long, 40-foot-high left-side earth embankment; (6) a 55-foot-long, 27-foot-wide, and 65-foot-high reinforced concrete powerhouse integral with the spillway housing a vertical axis, open flume turbine-generator unit with capacity of 1,200 kW; and (7) appurtenant facilities.

On May 19, 2020, the Sanford Project, licensed on December 1, 1987, was breached. This breach resulted in the loss of the right embankment and fuse plug and significant erosion of the left bank. However, as licensed, the project works consisted of: (1) A 1,526-acre reservoir; (2) a 26-foot-high, 1,600-foot-long dam with an integrated 71-foot-long powerhouse section, a 149-foot-long spillway section controlled by six Taintor gates, and a 1,380-foot-long earth embankment; (3) a masonry powerhouse housing three generating units with a total installed capacity of 3,300 kW; (4) a 40-foot-long, 2.3-kilovolt transmission line; and (5) appurtenant facilities.

l. *Description of Proceeding:* The Commission's regulations, at 18 CFR 6.4, provide that if a licensee shall cause or suffer essential property to be removed or destroyed, or become unfit for use, without replacement it is deemed to be the intent of a licensee to surrender the license, and the Commission may, and not less than 90 days after public notice, in its discretion terminate the license by implied surrender.

The Commission is issuing this notice of termination by implied surrender based on case specifics. On May 19, 2020, the floodwaters of the Tittabawassee and Tobacco Rivers breached the Edenville Dam and the downstream Sanford Dam. The Secord and Smallwood Dams were not breached. The breaches and flooding caused substantial damage to the surrounding communities, washing out major roads, destroying homes, and forcing the evacuation of thousands of residents. The Commission's Division of Dam Safety and Inspections issued numerous directives relating to dam and public safety at the Boyce Projects that Boyce Hydro failed to address. Boyce Hydro filed for bankruptcy protection on July 31, 2020. Midland and Gladwin Counties, Michigan, acting through their delegated authority, the Four Lakes Task Force, filed condemnation petitions against Boyce Hydro. On December 23, 2020, and December 28, 2020, the circuit court judges granted the petitions, which resulted in the transfer of all properties associated with the Secord, Sanford, Smallwood, and the non-jurisdictional Edenville Projects to Four Lakes Task Force, retroactively, effective to July 31, 2020.

m. *Location of the Orders Issuing Licenses:* These orders may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application. The Commission invites comments by the Four Lakes Task Force, which now owns the project works for the three projects, as well by Michigan Department of Environment Great Lakes and Energy, which would become the regulator of the facilities should the Commission terminate the licenses.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described proceeding. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

q. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04829 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–596–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements on 3–2–21 to be effective 3/1/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5043.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–597–000.
Applicants: Black Hills Shoshone Pipeline, LLC.
Description: § 4(d) Rate Filing: Annual Adjustment of Lost and Unaccounted For Gas Percentage to be effective 4/1/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5074.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–598–000.
Applicants: Direct Energy Business Marketing, LLC, National Grid.
Description: Joint Petition For Temporary Waiver, et al. of Direct Energy Business Marketing, LLC, et al. under RP21–598.
Filed Date: 3/2/21.
Accession Number: 20210302–5091.
Comments Due: 5 p.m. ET 3/9/21.

Docket Numbers: RP21–599–000.
Applicants: NextEra Energy Marketing, LLC, Brooklyn Union Gas Company d/b/a National.
Description: Joint Petition For Temporary Waiver, et al. of NextEra Energy Marketing, LLC, et al. under RP21–599.
Filed Date: 3/2/21.
Accession Number: 20210302–5092.
Comments Due: 5 p.m. ET 3/9/21.

Docket Numbers: RP21–600–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: § 4(d) Rate Filing: CNX Contract 410260—Non-Conforming and NegRate to be effective 4/1/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5160.
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 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04830 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1249–000]

Vineyard Reliability LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Vineyard Reliability LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and

assumptions of liability, is March 23, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04843 Filed 3–8–21; 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 exempt wholesale generator filings:

Docket Numbers: EG21–99–000.
Applicants: Tumbleweed Solar LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Tumbleweed Solar LLC.
Filed Date: 3/3/21.
Accession Number: 20210303–5141.
Comments Due: 5 p.m. ET 3/24/21.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–61–000.
Applicants: Energy Power Investment Company, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Energy Power Investment Company.
Filed Date: 3/2/21.
Accession Number: 20210302–5143.
Comments Due: 5 p.m. ET 3/23/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–918–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to ISA/CSA, SA Nos. 5291 and 5312; Queue No. AC1–165 to be effective 1/28/2019.
Filed Date: 3/3/21.
Accession Number: 20210303–5131.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1239–001.
Applicants: Gulf Power Company.
Description: Tariff Amendment: NITSA Effective Date Amendment to be effective 5/1/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5071.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1243–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to Amendments to Price Responsive Demand Rules re Docket No. ER21–1243 to be effective 5/3/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5109.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1252–000.
Applicants: Stonepeak Kestrel Energy Marketing LLC.
Description: § 205(d) Rate Filing: Normal filing 2021 to be effective 3/3/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5149.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1253–000.
Applicants: Canal 3 Generating LLC.
Description: § 205(d) Rate Filing: Normal filing 2021 to be effective 3/3/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5154.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1254–000.
Applicants: Genbright LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 5/1/2021.
Filed Date: 3/2/21.
Accession Number: 20210302–5173.
Comments Due: 5 p.m. ET 3/23/21.

Docket Numbers: ER21–1255–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3789 Flat Ridge 4 Wind GIA to be effective 2/24/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5027.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1256–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 5979; Queue No. AD2–085 to be effective 2/3/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5036.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1257–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–01_SA 2773 ATC-Adams-Columbia 1st Rev CFA to be effective 5/3/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5059.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1258–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–03_SA 2803 ATC-Badger Power Marketing Authority 1st Rev CFA to be effective 5/3/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5062.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1259–000.
Applicants: Coso Battery Storage, LLC.
Description: Baseline eTariff Filing: Coso Battery Storage, LLC MBR Tariff to be effective 3/4/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5088.
Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1260–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–03_ATCLLC Attachment O True-Up Procedures Filing to be effective 5/3/2021.
Filed Date: 3/3/21.

Accession Number: 20210303–5112.

Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1261–000.

Applicants: Oneta Power, LLC.

Description: Emergency One-Time Limited Waiver, et al. of Oneta Power, LLC.

Filed Date: 3/2/21.

Accession Number: 20210302–5189.

Comments Due: 5 p.m. ET 3/4/21.

Docket Numbers: ER21–1262–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3125R9 Basin Electric Power Cooperative NITSA and NOA to be effective 2/1/2021.

Filed Date: 3/3/21.

Accession Number: 20210303–5124.

Comments Due: 5 p.m. ET 3/24/21.

Docket Numbers: ER21–1263–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: PowerSouth NITSA Amendment (Add Exxon Credit provision) to be effective 2/1/2021.

Filed Date: 3/3/21.

Accession Number: 20210303–5132.

Comments Due: 5 p.m. ET 3/24/21.

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 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04837 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1251–000]

Bighorn Solar 1, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bighorn Solar 1, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 23, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 3, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–04846 Filed 3–8–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10020–60–OW]

Notice of Public Meeting of the Environmental Financial Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency (EPA) announces a public meeting of the Environmental Financial Advisory Board (EFAB). The purpose of the meeting will be for the EFAB to provide workgroup updates on work products and workplans for charges accepted during the October 2020 meeting, receive a briefing on the Agency's response to recent EFAB reports, receive updates on EPA activities relating to environmental finance, and consider possible future advisory topics.

DATES: The meeting will be held on April 20 and 21, 2021 from 11 a.m. to 3 p.m. (Eastern Time) both days.

ADDRESSES: The meeting will be conducted via webcast and telephone. Interested persons must register in advance at the weblink below to access the meeting in the *Registration for the Meeting* section of this document.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants information about the meeting may contact Ed Chu, the Designated Federal Officer, via telephone/voice mail at (913) 551–7333 or email to *efab@epa.gov.* General information concerning the EFAB is available at *https://www.epa.gov/waterfinancecenter/efab.*

SUPPLEMENTARY INFORMATION:

Background: The EFAB is an EPA advisory committee chartered under the

Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, to provide advice and recommendations to EPA on innovative approaches to funding environmental programs, projects, and activities. Administrative support for the EFAB is provided by the Water Infrastructure and Resiliency Finance Center within EPA's Office of Water. Pursuant to FACA and EPA policy, notice is hereby given that the EFAB will hold a virtual public meeting for the following purposes:

(1) Provide EFAB workgroup updates to the Board regarding work products and workplans related to the Opportunity Zones charge the Board accepted during its October 2020 meeting;

(2) Receive briefings from invited speakers from EPA and the Environmental Finance Center Network on environmental finance topics; and

(3) Discuss potential future EFAB projects including Stormwater Credit Trading, Environmental Risk and the Cost of Capital, Financing Small Manufacturer Pollution Prevention Project, and others.

Registration for the Meeting: Register for the meeting at *https://www.epa.gov/waterfinancecenter/efab#meeting.*

Availability of Meeting Materials: Meeting materials (including the meeting agenda and briefing materials) will be available on EPA's website at *https://www.epa.gov/waterfinancecenter/efab.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees provide independent advice to EPA. Members of the public can submit comments on matters being considered by the EFAB for consideration by members as they develop their advice and recommendations to EPA.

Oral Statements: In general, individuals or groups requesting an oral presentation at a virtual EFAB public meeting will be limited to three minutes each. Persons interested in providing oral statements at the April 2021 meeting should register in advance and provide notification as noted in the registration confirmation by April 12, 2021 to be placed on the list of registered speakers.

Written Statements: Written statements for the April 2021 meeting should be received by April 12, 2021 so that the information can be made available to the EFAB for its consideration prior to the meeting. Written statements should be sent via email to *efab@epa.gov.* Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the EFAB website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities or to request accommodations for a disability, please register for the meeting and list any special requirements or accommodations needed on the registration form at least 10 business days prior to the meeting to allow as much time as possible to process your request.

Dated: March 1, 2021.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2021–04828 Filed 3–8–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Request for Volunteers for Intangible Assets Task Force

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) is seeking volunteers for a task force to study federal intangible assets and potentially develop accounting and financial reporting guidance for such assets. The Board seeks broad task force representation to include financial statement users, preparers, and auditors, as well as relevant operational and technical experts. Task force members should have some familiarity with federal financial statements and/or subject matter knowledge regarding federal intangible assets.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: March 4, 2021.

Monica R. Valentine,

Executive Director.

[FR Doc. 2021–04859 Filed 3–8–21; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0854, FRS 17544]

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 10, 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 Number: 3060–0854.

Title: Section 64.2401, Truth-in-Billing Format, CC Docket No. 98–170 and CG Docket No. 04–208.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 4,165 respondents; 23,157 responses.

Estimated Time per Response: 2 to 230 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is found at section 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. 201(b), and section 258, 47 U.S.C. 258, Public Law 104–104, 110 Stat. 56. The Commission's implementing rules are codified at 47 CFR 64.2400.

Total Annual Burden: 1,872,245 hours.

Total Annual Cost: $10,000,000.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: In 1999, the Commission released the Truth-in-Billing and Billing Format, CC Docket No. 98–170, First Report and Order and Further Notice of Proposed Rulemaking, (*1999 TIB Order*); published at 64 FR 34488, June 25, 1999, which adopted principles and guidelines designed to reduce telecommunications fraud, such as slamming and cramming, by making bills easier for consumers to read and understand, and thereby, making such fraud easier to detect and report. In 2000, Truth-in-Billing and Billing Format, CC Docket No. 98–170, Order on Reconsideration, (*2000 Reconsideration Order*); published at 65 FR 43251, July 13, 2000, the Commission, granted in part petitions for reconsideration of the requirements that bills highlight new service providers and prominently display inquiry contact numbers. On March 18, 2005, the Commission released Truth-in-Billing and Billing Format; National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, CC Docket No. 98–170, CG Docket No. 04–208, (*2005 Second Report and Order and Second Further Notice*); published at 70 FR 29979 and 70 FR 30044, May 25, 2005, which determined, inter alia, that Commercial Mobile Radio Service providers no longer should be exempted from 47 CFR 64.2401(b), which requires billing descriptions to be brief, clear, non-misleading and in plain language. The *2005 Second Further Notice* proposed and sought comment on measures to enhance the ability of consumers to make informed choices among competitive telecommunications service providers.

On April 27, 2012, the Commission released the Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming''), Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 11–116, CG Docket No. 09–158, CC Docket No. 98–170, FCC 12–42 (*Cramming Report and Order and Further Notice of Proposed Rulemaking*); published at 77 FR 30972, May 24, 2012, which determined that additional rules are needed to help consumers prevent and detect the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.''

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04858 Filed 3–8–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0422; FRS 17541]

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 comments should be submitted on or before May 10, 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 contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *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 Number:* 3060–0422.

Title: Hearing Aid Compatibility; Access to Telecommunications Equipment and Services by Persons with Disabilities; Section 68.5 Waivers, CC Docket No. 87–124 and CG Docket No. 13–46.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit entities.

Number of Respondents and Responses: 331 respondents; 3,030 responses.

Estimated Time per Response: 0.25 hour (15 minutes) to 24 hours.

Frequency of Response: Annual and on-occasion reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is found at section 710 of the

Communications Act of 1934, as amended, 47 U.S.C. 610.

Total Annual Burden: 7,242 hours.

Total Annual Cost: $487,500.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: This notice and request for comments pertains to the extension of the currently approved information collection requirements concerning hearing aid compatibility (HAC) for wireline handsets used with the legacy telephone network and with advanced communications services (ACS), such as Voice over internet Protocol (VoIP). The latter are known as ACS telephonic customer premises equipment (ACS telephonic CPE).

Beginning in the 1980s, the Commission adopted a series of regulations to implement statutory directives requiring wireline telephone handsets in the United States (for use with the legacy telephone network) to be hearing aid compatible. In 2010, the Twenty-First Century Communications and Video Accessibility Act (CVAA), Public Law 111–260, sec. 102, 710(b), 124 Stat. 2751, 2753 (CVAA) (codified at 47 U.S.C. 610(b)), *amended by* Public Law 111–265, 124 Stat. 2795 (technical corrections to the CVAA), amended section 710(b) of the Communications Act of 1934, to apply the HAC requirements to ACS telephonic CPE, including VoIP telephones. In accordance with this provision, the Commission adopted *Access to Telecommunications Equipment and Services by Persons with Disabilities et al.,* Report and Order and Order on Reconsideration, FCC 17–135, released October 26, 2017, which amended the HAC rules to cover ACS telephonic CPE to the extent such devices are designed to be held to the ear and provide two-way voice communication via a built-in speaker.

The information collections contain third-party disclosure and labeling requirements. The information is used to inform consumers who purchase or use wireline telephone equipment whether the telephone is hearing aid compatible; to ensure that manufacturers comply with applicable regulations and technical criteria; to ensure that information about ACS telephonic CPE is available in a database administered by the Administrative Council for Terminal Attachments (ACTA) (an organization, previously created pursuant to FCC regulations, whose key function is to maintain a database of telephone equipment); and to facilitate the filing of complaints about the ACS telephonic CPE.

Wireline Handsets Used With the Legacy Telephone Network

- 47 CFR 68.224 requires that every non-hearing aid compatible wireline telephone used with the legacy wireline network that is offered for sale to the public contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible. If the handset is offered for sale without a surrounding package, then the telephone must be affixed with a written statement that the telephone is not hearing aid compatible. In addition, each handset must be accompanied by instructions in accordance with 47 CFR 62.218(b)(2).
- 47 CFR 68.300 requires that all wireline telephones used with the legacy wireline network that are manufactured in the United States (other than for export) or imported for use in the United States and that are hearing aid compatible have the letters ''HAC'' permanently affixed.

ACS Telephonic CPE

- 47 CFR 68.502(a) of the Commission's rules contains information collection requirements for ACS telephonic CPE that are similar to the HAC label and notice requirements in 47 CFR 68.224 and 68.300 (discussed above), *i.e.,* the ''HAC'' labeling requirement for hearing aid compatible equipment, and the package information for non-hearing aid compatible equipment, apply to ACS telephonic CPE.
- 47 CFR 68.501 of the Commission's rules requires responsible parties to obtain certifications of their equipment by using a third-party Telecommunications Certification Body (TCB) or a Supplier's Declaration of Conformity. (A responsible party is the party, such as the manufacturer, that is responsible for the compliance of ACS telephonic CPE with the hearing aid compatibility rules and other applicable technical criteria. A Supplier's Declaration of Conformity is a procedure whereby a responsible party makes measurements or takes steps to ensure that CPE complies with technical standards, which results in a document by the same name.) Section 68.501 of the Commission's rules applies to ACS telephonic CPE the rule sections defining the roles of TCBs and the uses of Supplier's Declarations of Conformity for wireline handsets used with the legacy telephone network.
- 47 CFR 68.504 of the Commission's rules requires information about ACS telephonic CPE to be included in a database administered by ACTA. In addition, ACS telephonic CPE must be labeled as required by ACTA.
- 47 CFR 68.502(b)–(d) of the Commission's rules requires responsible parties to: Warrant that ACS telephonic CPE complies with applicable regulations and technical criteria; give the user instructions required by ACTA for ACS telephonic CPE that is hearing aid compatible; give the user a notice for ACS telephonic CPE that is not hearing aid compatible; and notify the purchaser or user of ACS telephonic CPE whose approval is revoked, that the purchaser or user must discontinue its use.
- 47 CFR 68.503 of the Commission's rules requires manufacturers of ACS telephonic CPE to designate an agent for service of process for complaints that may be filed at the FCC.

Applications for Waiver of HAC Requirements

- 47 CFR 68.5 requires that telephone manufacturers seeking a waiver of 47 CFR 68.4(a)(1) (requiring that certain telephones be hearing aid compatible) demonstrate that compliance with the rule is technologically infeasible or too costly. Information is used by FCC staff to determine whether to grant or dismiss the request.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–04856 Filed 3–8–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 17542]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a new system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) proposes to add a new system of records, FCC/WCB–4, Consumer Challenge Process, to its inventory of records systems subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The FCC maintains programs that require

telecommunication providers and carriers (Participants) to report service coverage or locations eligible for support to the FCC, such as the FCC's Digital Opportunity Data Collection (DODC) and the Universal Service Fund (USF) Eligible Location Adjustment Process (ELAP). Under these programs, consumers and third parties (collectively, Stakeholders) may challenge the service coverage or number of locations eligible for support (eligible locations) reported by Participants. The Consumer Challenge Process system of records contains personally identifiable information (PII) submitted by individuals, or third parties on behalf of individuals, needed to establish eligibility to challenge the accuracy of Participants' submissions, provide sufficient information for Participants to respond to a challenge, and create accurate maps of Participant coverage or eligible locations. To establish eligibility, prospective Stakeholders who are individuals must submit certain PII that will be used to verify their identities and their interest in receiving services from a Participant in the relevant geographic area, *i.e.,* the coverage area for DODC, or the Participant's supported areas for ELAP. In certain programs, the PII will also be used to establish that the Stakeholders do not hold a controlling interest in a competitor. Once verified, Stakeholders may submit additional PII to establish that specific geolocations are eligible locations, such as evidence verifying ownership or occupancy of a location. Participation in any Consumer Challenge Process is voluntary.

DATES: This system of records will become effective on March 9, 2021. Written comments on the routine uses are due by April 8, 2021. The routine uses will become effective on April 8, 2021, unless written comments are received that require a contrary determination.

ADDRESSES: Send comments to Margaret Drake at *privacy@fcc.gov* or at Federal Communications Commission, 45 L Street NE, Washington, DC 20554 at 202–418–1707.

FOR FURTHER INFORMATION CONTACT: Margaret Drake, 202–418–1707, or *privacy@fcc.gov* (and to obtain a copy of the Narrative Statement that includes details of this proposed new system of records).

SUPPLEMENTARY INFORMATION: Depending on the program, the FCC or the Universal Service Administrative Company, in conjunction with and under the supervision of the FCC, will collect and maintain documentation in the system of records to verify the identity and eligibility of certain individuals to participate as Stakeholders in the process, including information that may link individuals to particular properties and/or commercial interests (*e.g.,* geolocation coordinates, billing information).

SYSTEM NAME AND NUMBER:

FCC/WCB–3, Consumer Challenge Process.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION(S):

Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554; and Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005.

SYSTEM MANAGER(S):

The FCC and, in some cases, USAC on behalf of and under the supervision of the FCC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 254; 47 CFR Sections 0.91, 0.291, 1.11.427, 54.310; *Connect America Fund,* WC Docket No. 10–90 *et al.,* Order on Reconsideration, 33 FCC Rcd 1380, 1390–92, paras. 23–28 (2018); *Connect America Fund,* WC Docket No. 10–90, 34 FCC Rcd 10395 (2019); 47 U.S.C. 641–646; *Establishing the Digital Opportunity Data Collection,* WC Docket No. 19–195.

PURPOSE(S) OF THE SYSTEM:

The Consumer Challenge Process system contains information to facilitate challenges to (1) Participant service reports under the DODC or other Commission adjustment programs, on a state-by-state basis, and (2) Participants' defined deployment obligations (and associated support) under the USF. In this system, the Commission or USAC, on behalf of the Commission, will gather information to verify the identity of prospective Stakeholders and their direct interests in receiving certain services in the relevant locations. The submitted PII may link one or more individuals to locations and/or commercial interests and services relating to such locations. In some circumstances, prospective Stakeholders must certify that they do not hold a controlling interest in one or more competitors of the Participant that they are challenging.

CATEGORIES OF INDIVDUALS COVERED BY THE SYSTEM:

The individuals in this system include actual and potential consumers of fixed or mobile broadband services; individuals challenging mobile coverage in a specific area; and individuals who submit information to verify their eligibility to challenge a Participant's location data.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system may include name, address, email address, phone number, partial Social Security Number (or Tribal Identification Number if no Social Security Number is available), requests for broadband services, commercial records associated with the receipt of residential services and utilities, home ownership, land use rights (including building development), government forms, statements, authorizations, and certifications. Further, such records may include information confirming that individuals do not have a controlling interest in one or more competitors of the Participant being challenged.

RECORD SOURCE CATEGORIES:

The information in the system is provided by individuals who are consumers of fixed or mobile broadband services, residents or property owners in areas where Participants have been authorized (or are eligible to be authorized) to receive universal service support through certain high-cost programs, and government agencies or other entities (*e.g.,* consumer groups) who collect challenges from individuals and submit them in bulk.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Program Management—To USAC employees to conduct official duties associated with the management, operation, and oversight of the ELAP as directed by the Commission, including but not limited to, decisions to modify the number of locations (and associated support) that Participants must serve to satisfy their USF obligations.

2. Third Party Contractors—To an employee of any third-party contractor engaged by USAC or the Commission to, among other things, develop IT systems or applications; conduct the Stakeholder eligibility verification process; verify the completeness and accuracy of Participants' coverage information;

develop and maintain relevant maps; and, develop the Commission order modifying the Participants' defined deployment obligation.

3. Participants—Stakeholder challenge information, including Stakeholder contact information, geolocation, and other location information (*e.g.,* the number of units at a location) will be made available to relevant Participants for the purposes of allowing them to file a reply to Stakeholder challenges.

4. Stakeholders—For ELAP, Stakeholder contact information and certain other challenge information will be made available to other verified Stakeholders filing challenges in the same study area. Other Stakeholders include individuals, entities, and non-Federal agencies, including any State or local government, or agency thereof.

5. Public—Stakeholder geolocation information may be included on coverage maps published on the FCC and/or USAC websites.

6. Congressional Inquiries—To a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the written request of that individual.

7. Government-Wide Program Management and Oversight—To the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

8. Law Enforcement and Investigation—To appropriate Federal, State, local, or Tribal agencies, authorities, and officials responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order.

9. Adjudication and Litigation—To the Department of Justice (DOJ), or to a court or adjudicative body before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC have agreed to represent the employee; or (d) the United States is a party to litigation or have an interest in such litigation, and the use of such records by the DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

10. Breach Notification—To appropriate agencies, entities, and persons when: (a) The Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. Prevention of Fraud, Waste, and Abuse Disclosure—To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, or cooperative agreement, for the purpose of: (1) Detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (2) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify and audit information necessary to determine whether the participant carrier has intentionally or through negligence, reduced its universal service obligations to exclude locations in eligible areas that are the most difficult and/or expensive to serve.

REPORTING TO A CONSUMER REPORTING AGENCY:

In addition to the routine uses listed above, the Commission may share information from this system of records with a consumer reporting agency regarding an individual who has not paid a valid and overdue debt owed to the Commission, following the procedures set out in the Debt Collection Act, 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The system is maintained in secure, limited access areas. Electronic files are maintained in the FCC or USAC network accreditation boundaries. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Paper documents and other physical records, if any, will be kept in locked, controlled access areas until digitized and then destroyed.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in this system can be retrieved by various identifiers, which may include Stakeholder name, Social Security Number (Tribal Identification Number if Social Security Number is not available), physical address, geolocation coordinates, property information, email address, telephone number, competitive interests, and supporting evidence.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. The National Archives and Records Administration (NARA) established records schedule number DAA–0173–2017–0001–001 for the Universal Service High Cost Program Files. In accordance with this records schedule, the FCC and USAC, as appropriate, will maintain all information in the ELAP system of records for ten (10) years after cut-off, or when no longer needed for business or audit purposes, whichever comes later. Cut-off is determined as the end of the calendar year from the date an item is filed or prepared. Disposal of obsolete or out-of-date paper documents and files is by shredding only. Electronic data, files, and records are destroyed by electronic erasure in compliance with National Institute of Standards and Technology (NIST) guidelines.

2. Information in this system of records that is not collected or maintained in connection with the CAF Program Files, including DODC challenge data, will be maintained in accordance with General Records Schedule 5.2, Item 20, which provides that records will be destroyed upon verification of successful creation of the final document or file, or when no longer needed for business use, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. ELAP-related data: The electronic data, records, and files will be stored within the High-Cost Broadband Portal (HCBP) system accreditation boundaries. The FCC will oversee the

management of the HCBP system, including USAC's records management activities. After a Participant window for filing replies to Stakeholder information closes, access to the electronic files is restricted to the FCC staff and its contractors and subcontractors, as well as USAC and its contractors and subcontractors who carry out ELAP functions and activities. Other FCC employees and contractors and USAC employees, contractors, and subcontractors may be granted access only on a need-to-know basis. The data are protected by the FCC and USAC security safeguards, a comprehensive and dynamic set of information technology (IT) safety and security protocols and features that are designed to meet all Federal IT standards, including, but not limited to, those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and NIST.

Employees of the FCC and USAC may print paper copies of these ELAP electronic records for various short-term uses, as necessary. Paper copies will be stored in locked file cabinets when not in use. Physical entry by unauthorized persons where this information is stored is restricted through use of locks, passwords, and other security measures. Only authorized FCC and USAC employees may have access to these documents. Participants receiving access to the ELAP portion of the HCBP system will be prohibited from printing paper copies when such information contains PII, although they will be permitted to download redacted versions of such information.

2. Non-ELAP data: The electronic records, files, and data are stored within FCC accreditation boundaries. Access to the electronic files is restricted to IT staff, contractors, and vendors who maintain the networks and services. Other FCC employees, contractors, vendors, and users may be granted access on a need-to- know basis. The FCC's data are protected by the FCC and privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by FISMA, OMB, and NIST. Paper copies will be stored in locked file cabinets when not in use. Physical entry by unauthorized persons where this information is stored is restricted through use of locks, passwords, and other security measures. Only authorized FCC employees and contractors may have access to these documents.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about them should follow the Notification Procedure below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to Margaret Drake at *privacy@fcc.gov* or Federal Communications Commission, 45 L Street NE, Washington, DC 20554, 202–418–1707.

Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity and access to records (47 CFR part 0, subpart E).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a new system of records.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–04857 Filed 3–8–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; FRS 17543]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission released a public notice announcing the meeting of the North American Numbering Council (NANC), which will be held via video conference and available to the public via live internet feed.

DATES: Thursday, April 15, 2021. The meeting will come to order at 9:30 a.m.

ADDRESSES: The meeting will be conducted via video conference and available to the public via the internet at *http://www.fcc.gov/live.*

FOR FURTHER INFORMATION CONTACT: Jordan Reth, Acting Designated Federal Officer, at *jordan.reth@fcc.gov* or 202–418–1418. More information about the NANC is available at *https://www.fcc.gov/about-fcc/advisory-committees/general/north-american-numbering-council.*

SUPPLEMENTARY INFORMATION: The NANC meeting is open to the public on the internet via live feed from the FCC's web page at *http://www.fcc.gov/live.* Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice for accommodation requests; last minute requests will be accepted but may not be possible to accommodate. Members of the public may submit comments to the NANC in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the NANC should be filed in CC Docket No. 92–237. This is a summary of the Commission's document in CC Docket No. 92–237, DA 21–253 released March 2, 2021.

Proposed Agenda: At the April 15 meeting, the NANC will hear routine status reports from the North American Portability Management, LLC, the Secure Telephone Identification Governance Authority, and the Numbering Administration Oversight Working Group. This agenda may be modified at the discretion of the NANC Chair and the Designated Federal Officers (DFO).

(5 U.S.C. App 2 section 10(a)(2))

Federal Communications Commission

Daniel Kahn,

Associate Bureau Chief, Wireline Competition Bureau.

[FR Doc. 2021–04797 Filed 3–8–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2021–N–4]

Privacy Act of 1974; System of Records

AGENCY: Office of Inspector General, Federal Housing Finance Agency (FHFA–OIG).

ACTION: Notice of amendments and additions to the routine uses for FHFA–OIG's Privacy Act systems of records

(SORs), updates, rewording, and technical changes to the system name, system location, categories of individuals covered by the system, categories of records in the system, purpose(s), retrievability, safeguards, retention and disposal, system manager(s) and address, notification procedures, record source categories, and exemptions claimed for one or more of FHFA–OIG's existing systems, and the creation of a new Privacy Act system of records (SOR).

SUMMARY: In accordance with the Privacy Act of 1974, as amended and the Office of Management and Budget (OMB) Circular A–108 System of Records Notice template, FHFA–OIG gives notice of amendments and additions to the routine uses for FHFA–OIG's Privacy Act systems of records (SORs) and technical changes thereto, updates to system name, system location, categories of individuals covered by the system, categories of records in the system, purpose(s), retrievability, safeguards, retention and disposal, system manager(s) and address, notification procedures, record source categories, exemptions claimed for one or more of FHFA–OIG's existing systems of record, and the creation of a new Privacy Act SOR for the Office of Counsel. The six existing SORs are being re-published in their entirety to conform their formats to the Circular A–108 SORN template. The amendments and additions to the existing systems and the new system are described in detail below.

DATES: Comments must be received on or before April 8, 2021. The amended and additional routine uses and the technical revisions to FHFA–OIG's existing SORs, and the new SOR, will become effective without further notice on April 19, 2021, unless comments received on or before that date result in revisions to this notice.

ADDRESSES: Submit comments to FHFA *only once,* identified by ''FHFA–OIG SORN,'' using any one of the following methods:

- *Email: Leonard.DePasquale@fhfaoig.gov.* Comments may be sent by email to Leonard DePasquale, FHFA–OIG Chief Counsel. Please include ''Comments/FHFA–OIG SORN'' in the subject line of the message. Comments will be made available for inspection upon written request.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *Leonard.DePasquale@fhfaoig.gov* to ensure timely receipt by the agency. Please include ''Comments/FHFA–OIG SORN'' in the subject line of the message.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* Leonard DePasquale, Chief Counsel, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.
- *Courier/Hand Delivered Letters or Packages:* For security reasons, courier/hand delivered letters or packages cannot be accepted.

See **SUPPLEMENTARY INFORMATION** for additional information on posting of comments.

FOR FURTHER INFORMATION CONTACT: Leonard DePasquale, Chief Counsel, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219, or at (202) 730–2830. Hearing impaired individuals may utilize the Federal Relay Service by dialing 1–800–877–8339. A Communications Assistant will dial FHFA–OIG's number and relay the conversation between a standard (voice) telephone user and text telephone (TTY).

SUPPLEMENTARY INFORMATION:

I. Comments

Instructions: FHFA–OIG seeks public comments on the amended and additional routine uses and will take all comments into consideration. See 5 U.S.C. 552a(e)(4) and (11).

Posting and Public Availability of Comments: All comments received will be posted without change on the FHFA–OIG website at *http://www.fhfaoig.gov,* and will include any personal information provided, such as name, address (mailing and email), and telephone numbers.

II. Background

The Federal Housing Finance Regulatory Reform Act of 2008 (Reform Act), which was passed as Division A of the Housing and Economic Recovery Act of 2008 (HERA) abolished both the Federal Housing Finance Board (FHFB), an independent agency that oversaw the Federal Home Loan Banks (FHLBanks), and the Office of Federal Housing Enterprise Oversight (OFHEO), an office within the Department of Housing and Urban Development (HUD) that oversaw the ''safety and soundness'' of the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal National Mortgage Association (Fannie Mae). *See* Public Law 110–289, sections 1301 and 1311, 122 Stat. 2654, 2794 and 2797 (codified at 12 U.S.C. 4511 note); H.R. Rep. No. 110–142, at 95. The Reform Act established in place of the FHFB and OFHEO a new entity, the Federal Housing Finance Agency (FHFA), to regulate and supervise Fannie Mae, Freddie Mac, and the 12 FHLBanks. *See* Public Law 110–289, section 1101, 122 Stat. 2654, 2661 (codified at 12 U.S.C. 4511).

The Reform Act also requires the appointment of an Inspector General within FHFA, in accordance with section 3a of the Inspector General Act of 1978 (the IG Act). *See* Public Law 110–289, section 1105, 122 Stat. 2668 (codified at 12 U.S.C. 4517(d)). FHFA–OIG is responsible for, among other things, conducting audits, investigations, and evaluations of FHFA's programs and operations; recommending policies that promote economy and efficiency in the administration of FHFA's programs and operations; and preventing and detecting fraud and abuse in FHFA's programs and operations. *See* IG Act, Public Law 95–452, 92 Stat. 1101 (codified at 5 U.S.C. App.).

FHFA–OIG began operations in October of 2010. Although FHFA's SORs covered many of FHFA–OIG's records, some of those records were unique to FHFA–OIG's work. As a result, on March 2, 2011, FHFA–OIG issued a **Federal Register** notice establishing five SORs (76 FR 11465). On November 1, 2013, FHFA–OIG issued another **Federal Register** notice adding a new SOR and amending and updating the existing SORs (78 FR 65644). In the five years since the last update, FHFA–OIG's approach to implementing its mission has evolved and matured. To better reflect where our work is taking us and how we conduct our business some aspects of the earlier SORs should be amended.

Certain updates, rewording, and technical changes are being made to one or more of the following sections of the existing SORs: System name, system location, categories of individuals covered by the system, categories of records in the system, purpose(s), routine uses, retrievability, safeguards, retention and disposal, system manager(s) and address, notification procedures, record source categories, and exemptions claimed for the system. In addition, several new routine uses are being added to enable FHFA–OIG to implement its mission under the IG Act more efficiently and to enhance transparency in reporting the results of our audits, evaluations, investigations, and other inquiries.

During the course of updating its existing SORs, FHFA–OIG determined that records concerning hotline complaints and inquiries conducted by

FHFA–OIG's Office of Investigations are already housed in the Office of Investigations' two existing SORs—FHFA–OIG–2 and FHFA–OIG–3. Thus, with regard to these types of complaints and inquiries, the existing Hotline Database (FHFA–OIG–4) is superfluous. FHFA–OIG is making minor modifications to reflect that hotline complaints and inquiries undertaken by the Office of Investigations are already covered by the two existing SORs (FHFA–OIG–2 and FHFA–OIG–3).

Rather than eliminating the existing Hotline Database SOR (FHFA–OIG–4), FHFA–OIG is repurposing it to house records pertaining to non-criminal administrative inquiries conducted by any FHFA–OIG operational division other than the Office of Investigations. FHFA–OIG has assigned responsibility for non-criminal administrative inquiries to its operational divisions and desires records pertaining to these matters to be stored in a SOR separate from any SOR that contains investigative records generated and/or collected by FHFA–OIG's Office of Investigations. Thus, to better align its SORs with its multidisciplinary approach to these inquiries, FHFA–OIG is designating the existing Hotline Database (FHFA–OIG–4) to store records pertaining to non-criminal administrative inquiries that are conducted by any FHFA–OIG operational division other than the Office of Investigations.

Finally, a SOR is being added for FHFA–OIG's Freedom of Information Act (FOIA), Privacy Act (PA), and Freedom of Information Act/Privacy Act (FOPA) records. Although FHFA–OIG's FOIA, PA, and FOPA records are covered under FHFA's FOIA and PA SOR, FHFA–OIG has decided to adopt its own SOR for FOIA, PA, and FOPA records so that the routine uses for these records are aligned with the routine uses for FHFA–OIG's other SORs. Because documents FHFA–OIG produces in response to FOIA, PA, and FOPA requests are often records that are contained in FHFA–OIG's other SORs, it is more logical for FHFA–OIG's FOIA, PA, and FOPA routine uses to mirror those of the SORs from which these records may originate. Thus, the main reason FHFA–OIG is creating a SOR for its FOIA, PA, and FOPA records is to achieve this symbiosis. FHFA–OIG is also creating this SOR to make clear that some requests are processed under both the FOIA and PA. FHFA–OIG believes it is more appropriate that its SOR reflect this hybrid category of records (*i.e.,* FOPA).

Sections 552a(e)(4) and (11) of title 5, United States Code, require that an agency publish a notice of the establishment or revision of a SOR which affords the public a 30-day period in which to submit comments. To meet this requirement, FHFA–OIG's SORs are set forth in their entirety below. Further, a report of FHFA–OIG's intention to amend and supplement its routine uses, update other portions of its existing SORs, and add a new SOR has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and to OMB, as required by the Privacy Act, 5 U.S.C. 552a(r) and pursuant to section 7 of OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016 (81 FR 94424 (Dec. 23, 2016)).

III. Proposed Systems of Records

The proposed changes to the existing SORs are described in detail below:

FHFA–OIG–1

SYSTEM NAME AND NUMBER:

FHFA–OIG Audit Files Database (FHFA–OIG–1).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Deputy Inspector General for Audits, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

This system is maintained to enable Office of Audits' employees to access, share, restrict, or maintain information that has been collected and/or generated as part of an audit, as appropriate. Materials relating to an audit may or may not become part of the official audit file. The system also serves as a storage and filing system for working copies, drafts, and final versions of documents collected and/or generated by the Office of Audits in the performance of other official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of and detailees to the Office of Audits and subjects or potential subjects of audit activities and individuals who may be, are, or have been witnesses, complainants, informants, subjects, or otherwise involved in circumstances pertaining or relating to official activities conducted by FHFA–OIG's Office of Audits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Drafts and final documents of the following types: (1) Audit reports; (2) working papers, which may include copies of correspondence, evidence, subpoenas; and (3) other documents collected and/or generated by the Office of Audits during the course of official duties, including information from FHFA–OIG's other systems of records.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the

proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA–OIG, or another Federal agency's legal representative when seeking legal advice, including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a) or when the Department of Justice or outside counsel retained by FHFA–OIG is representing FHFA–OIG or any FHFA–OIG employee in his or her official or individual capacity; or when FHFA–OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA–OIG and FHFA–OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal unit of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA–OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA–OIG, to the extent deemed to be necessary by FHFA–OIG to elicit information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA–OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA–OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA–OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA–OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or suitability investigation; the adjudication of liability; or coverage under FHFA–OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name of the auditor, support staff, subject of or witness to the subject matter involving the audit, unique audit number, or job code.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system will be retained in accordance with approved retention schedules, including: FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on March 2, 2011 (76 FR 11465). It was amended on November 1, 2013 (78 FR 65644).

FHFA–OIG–2

SYSTEM NAME AND NUMBER:

FHFA–OIG Investigative Files Database (FHFA–OIG–2).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to maintain information relevant to complaints received by FHFA–OIG and/or collected and/or generated as part of investigations or inquiries conducted by or under the direction of the Office of Investigations or Hotline, as well as other information collected and/or generated during the course of the Office of Investigations' official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of and detailees to the Office of Investigations, subjects or potential subjects of investigative activities and individuals who may be, are, or have been witnesses, complainants, informants, subjects, or otherwise involved in circumstances pertaining or relating to a complaint, investigation, or hotline or other inquiry conducted by FHFA–OIG's Office of Investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Reports of investigations or inquiries, which may include, but are not limited to, witness statements, affidavits, transcripts, police reports, photographs, documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring, the subject's prior criminal record, vehicle maintenance records, medical records, accident reports, insurance policies, police reports, and other exhibits and documents collected and/or generated as part of an investigation or inquiry; (2) status and disposition information concerning a complaint, investigation, or inquiry including prosecutive action and/or administrative action; (3) complaints or requests to investigate; (4) subpoenas and evidence obtained in response to a subpoena; (5) evidence logs; (6) pen registers; (7) correspondence; (8) records of seized money and/or property; (9) reports of laboratory examination, photographs, and evidentiary reports; (10) digital image files of physical evidence; (11) documents generated for purposes of FHFA–OIG's undercover activities; (12) documents pertaining to the identity of confidential informants; (13) grand jury material; (14) information or documents pertaining to weapons qualifications and/or use of force training; (15) information or documents pertaining or relating to the processing of hotline complaints by, or under the direction of, FHFA–OIG's Office of Investigations, including information from FHFA–OIG's other systems of records; and (16) other documents collected and/or generated by the Office of Investigations during the course of official duties, including, but not limited to, information from FHFA–OIG's other systems of records.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors,

contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA–OIG, or another Federal agency's legal representative when seeking legal advice including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a), or the Department of Justice or outside counsel retained by FHFA–OIG is representing FHFA–OIG or any FHFA–OIG employee in his or her official or individual capacity; or when FHFA–OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA–OIG and FHFA–OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal units of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA–OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA–OIG, to the extent deemed to be necessary by FHFA–OIG to elicit information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA–OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA–OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA–OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA–OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or

suitability investigation; the adjudication of liability; or coverage under FHFA–OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, Social Security Number, and/or case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on March 2, 2011 (76 FR 11465). It was amended on November 1, 2013 (78 FR 65644).

FHFA–OIG–3

SYSTEM NAME AND NUMBER:

FHFA–OIG Investigative Document Repository MIS Database (FHFA–OIG–3).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C.4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to enable Office of Investigations' employees to access, share, restrict, or maintain information that has been collected and/or generated during the course of an investigation or inquiry, as appropriate. Materials relating to an investigation or inquiry may or may not become part of the official case file. The system also serves as a storage and filing system for working copies, drafts, and final versions of documents collected and/or generated by the Office of Investigations in the performance of other official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of and detailees to the Office of Investigations, subjects or potential subjects of investigative activities and individuals who may be, are, or have been witnesses, complainants, informants, subjects, or otherwise involved in circumstances pertaining or relating to a complaint, investigation, or hotline or other inquiry conducted by FHFA-OIG's Office of Investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Working copies, drafts, and final documents that the Office of Investigations is considering or using, or has collected and/or generated while an investigation or inquiry is in progress including but not limited to: (1) Reports of investigations or inquiries, which may include, but are not limited to, witness statements, affidavits,

transcripts, police reports, photographs, documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring, the subject's prior criminal record, vehicle maintenance records, medical records, accident reports, insurance policies, police reports, and other exhibits and documents collected and/or generated as part of an investigation or inquiry; (2) status and disposition information concerning a complaint, investigation, or inquiry including prosecutive action and/or administrative action; (3) complaints or requests to investigate; (4) subpoenas and evidence obtained in response to a subpoena; (5) evidence logs; (6) pen registers; (7) correspondence; (8) records of seized money and/or property; (9) reports of laboratory examination, photographs, and evidentiary reports; (10) digital image files of physical evidence; (11) documents generated for purposes of FHFA-OIG's undercover activities; (12) documents pertaining to the identity of confidential informants; (13) grand jury materials; (14) information or documents pertaining or relating to the processing of hotline complaints by, or under the direction of, FHFA-OIG's Office of Investigations, including information from FHFA-OIG's other systems of records; and (15) any other documents collected and/or generated by the Office of Investigations during the course of official duties, including but not limited to, information from FHFA-OIG's other systems of records, quality assurance reviews, A–123, peer reviews, training documents.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA-OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA-OIG, or another Federal agency's legal representative when seeking legal advice including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a), or the Department of Justice or outside counsel retained by FHFA-OIG is representing FHFA-OIG or any FHFA-OIG employee in his or her official or individual capacity; or when FHFA-OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA-OIG and FHFA-OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal units of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA-OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA-OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA-OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA-OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA-OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA-OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA-OIG, to the extent deemed to be necessary by FHFA-OIG to elicit information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA-OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical

injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA-OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA-OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA-OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA-OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA-OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or suitability investigation; the adjudication of liability; or coverage under FHFA-OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA-OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, Social Security Number, and/or case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7(N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA-OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA-OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on March 2, 2011 (76 FR 11465). It was amended on November 1, 2013 (78 FR 65644).

FHFA–OIG–4

SYSTEM NAME AND NUMBER:

FHFA–OIG Non-Criminal Administrative Inquiries Database (FHFA–OIG–4).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Deputy Inspector General for Compliance and Special Projects, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to segregate records collected and/or generated during the course of a non-criminal administrative inquiry conducted by employees of one or more of FHFA–OIG's operational divisions from investigations or inquiries conducted by employees of the Office of Investigations and to enable employees of those operational divisions to access, share, restrict, or maintain information that has been collected and/or generated as part of a non-criminal administrative inquiry, as appropriate. The system also serves as a storage and filing system for working copies, drafts, and final versions of documents collected and/or generated by employees of one or more of FHFA–OIG's operational divisions, other than the Office of Investigations, in the performance of other official duties involving non-criminal administrative inquiries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of and detailees to any FHFA–OIG operational division other than the Office of Investigations who are assigned to work on a non-criminal administrative inquiry, individuals who may be, are, or have been witnesses, complainants, informants, subjects, or otherwise involved in circumstances pertaining or relating to a non-criminal administrative inquiry conducted by any FHFA–OIG operational division other than the Office of Investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Working copies, drafts, and final documents that any FHFA–OIG operational division other than the Office of Investigations is considering or using, or has collected and/or generated as part of a non-criminal administrative inquiry, including but not limited to: (1) Reports of administrative inquiries pertaining to non-criminal hotline complaints and/or other non-criminal matters; (2) records of interviews and other verbal communications; (3) memos reflecting analysis of facts and law; (4) other documents collected and/or generated by any FHFA–OIG operational division employee, other than those assigned to the Office of Investigations, during the course of official duties pertaining to non-criminal administrative inquiries, including information included in FHFA–OIG's other systems of records. In addition, the system will include basic data about the non-criminal administrative inquiries themselves, including inquiry name, inquiry number, relevant dates and status.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA–OIG, or another Federal agency's legal representative when seeking legal advice including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a), or the Department of Justice or outside counsel retained by FHFA–OIG is representing FHFA–OIG or any FHFA–OIG employee in his or her official or individual capacity; or when FHFA–OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA–OIG and FHFA–OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal units of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA–OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA–OIG, to the extent deemed to be necessary by FHFA–OIG to elicit information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA–OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA–OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA–OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA–OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or suitability investigation; the adjudication of liability; or coverage under FHFA–OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name of the employee assigned to the non-criminal administrative inquiry, support staff, name of the complainant, witness, subject of the non-criminal administrative inquiry, unique inquiry number, or job code.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5

U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on March 2, 2011 (76 FR 11465). It was amended on November 1, 2013 (78 FR 65644).

FHFA–OIG–5

SYSTEM NAME AND NUMBER:

FHFA–OIG Correspondence Database (FHFA–OIG–5).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Executive Office, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

This system consists of correspondence received by FHFA–OIG from individuals and their representatives, oversight committees, and others who conduct business with FHFA–OIG and the responses thereto; it serves as a record of in-coming correspondence and the steps taken to respond thereto.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Correspondents; (2) persons upon whose behalf correspondence was initiated; and (3) FHFA–OIG personnel responding to correspondents or their representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correspondence received by FHFA–OIG and responses generated thereto; and (2) records used to respond to incoming correspondence, including information included in FHFA–OIG's other systems of records.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA–OIG, or another Federal agency's legal representative when seeking legal advice including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a), or the Department of Justice or outside counsel retained by FHFA–OIG is representing FHFA–OIG or any FHFA–OIG employee in his or her official or individual capacity; or when FHFA–OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA–OIG and FHFA–OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal units of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA–OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA–OIG, to the extent deemed to be necessary by FHFA–OIG to elicit information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA–OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA–OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA–OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA–OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or suitability investigation; the adjudication of liability; or coverage under FHFA–OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name of the correspondent and/or name of the individual(s) to whom the record applies.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the retention and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on March 2, 2011 (76 FR 11465). It was amended on November 1, 2013 (78 FR 65644).

FHFA–OIG–6

SYSTEM NAME AND NUMBER:

FHFA–OIG Evaluations Files Database (FHFA–OIG–6).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Deputy Inspector General for Evaluations, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d) and 5 U.S.C. App. 3.

PURPOSE(S) OF THE SYSTEM:

This system is maintained to enable Office of Evaluations' employees to access, share, restrict, or maintain information that has been collected and/or generated as part of an evaluation, as appropriate. Materials relating to an evaluation may or may not become part of the official evaluation file. The system also serves as a storage and filing system for working copies, drafts, and final versions of documents collected and/or generated by the Office of Evaluations in the performance of other official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of and detailees to the Office of Evaluations and subjects or potential subjects of evaluation activities, and individuals who may be, are, or have been witnesses, complainants, informants, subjects, or otherwise involved in circumstances pertaining or relating to an evaluation conducted by FHFA–OIG's Office of Evaluations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Drafts and final documents of the following types: (1) Evaluation reports, white papers, and other reports or studies; (2) working papers, which may include copies of correspondence, evidence, subpoenas, responses to evidence requests, memoranda of interviews conducted, statistical tables; and (3) other documents collected and/or generated by the Office of Evaluations during the course of official duties, including information in FHFA–OIG's other systems of records.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, and informants. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To an individual member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal agency, state, local, foreign, territorial, tribal units of government, other public authorities, or self-regulatory organizations to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency or entity, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) To the Department of Justice, outside counsel retained by FHFA–OIG, or another Federal agency's legal representative when seeking legal advice, including, but not limited to, whether to release information covered by the Freedom of Information (5 U.S.C. 552) and Privacy Acts (5 U.S.C. 552a) or when the Department of Justice or outside counsel retained by FHFA–OIG is representing FHFA–OIG or any FHFA–OIG employee in his or her official or individual capacity; or when FHFA–OIG is a party to litigation or settlement negotiations or has an interest in litigation or settlement negotiations being conducted by the Department of Justice or outside counsel retained by FHFA–OIG and FHFA–OIG has determined such information to be relevant and necessary to the litigation or settlement negotiations;

(6) To another Federal Office of the Inspector General, law enforcement Task Force, or other Federal, state, local, foreign, territorial, or tribal units of government, other public authorities, or self-regulatory organizations for the purpose of preventing and/or identifying fraud, waste, or abuse related to FHFA's programs or operations;

(7) To the National Archives and Records Administration for use in records management inspections;

(8) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(9) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(10) To any person or entity, either private or governmental, that FHFA–OIG has reason to believe possesses information regarding a matter within the jurisdiction of FHFA–OIG, to the extent deemed to be necessary to elicit

information or cooperation from the recipient for use in the performance of an authorized activity relevant to an FHFA–OIG audit, evaluation, investigation, or inquiry;

(11) To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Federal Labor Relations Authority, Office of Special Counsel, Office of Government Ethics (OGE), Office of Personnel Management, Government Accounting Office, Department of Justice, Office of Management and Budget, arbitrators, and any other Federal agencies or other entity responsible for conducting investigations, other inquiries, administrative actions, hearings, and/or settlement efforts relating to personnel, security clearance, security or suitability or other administrative grievances, complaints, claims, or appeals filed by an employee, or if needed in the performance of other authorized duties;

(12) In situations involving an imminent danger of death or physical injury to an individual or individuals in danger;

(13) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(14) To the public or to the media for release to the public when the matter under audit, review, evaluation, investigation, or inquiry has become public knowledge, or when the Inspector General determines that such disclosure is necessary either to preserve confidence in the integrity of FHFA–OIG's audit, review, evaluation, investigative, or inquiry processes or is necessary to demonstrate the accountability of FHFA–OIG employees, officers or individuals covered by the system, unless the Inspector General or his/her delegee determines, after consultation with counsel and the Senior Privacy Official, that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(15) To Congress, congressional committees, or the staffs thereof, once an FHFA–OIG report or management alert has become final and the Inspector General determines that its disclosure is necessary to fulfill the Inspector General's responsibilities under the Inspector General Act of 1978;

(16) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(17) To a Federal agency or other entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee or contractor; the assignment, detail, or deployment of an employee or contractor; the issuance, renewal, suspension, or revocation of an employee's or contractor's security clearance; the execution of a security or suitability investigation; the adjudication of liability; or coverage under FHFA–OIG's liability insurance policy;

(18) To Federal agencies and other public authorities for use in records management inspections, reporting requirements, information collection, including but not limited to, General Services Administration (GSA) as part of GSA's responsibility to recommend improvements in records management practices and programs under authority of 44 U.S.C. 2904 and 2906, OGE, as part of the agency's reporting requirements set forth in 5 CFR 2638, Subpart F, and any other system, program, procedure or circumstance where such disclosure is mandated by Federal statute or regulation;

(19) To victims of a crime in accordance with the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141), to the extent appropriate;

(20) To a Federal agency in connection with a pending or prospective administrative enforcement process or mechanism, including but not limited to a suspension, debarment, or suspended counterparty designation; and

(21) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name of the evaluator, support staff, subject of or witnesses to the evaluation, unique evaluation number, or job code.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and/or notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

The original version of this SORN was published in the **Federal Register** on November 1, 2013 (78 FR 65644).

FHFA–OIG–7

SYSTEM NAME AND NUMBER:

FHFA–OIG Freedom of Information Act (FOIA), Privacy Act (PA), and FOIA/PA (FOPA) Records (FHFA–OIG–7).

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

FHFA–OIG, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by FHFA–OIG employees or by individuals assisting such employees.

SYSTEM MANAGER(S):

Chief Counsel, Office of Inspector General, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained pursuant to 12 U.S.C. 4517(d), 5 U.S.C. App. 3, the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and 12 CFR parts 1202 and 1204.

PURPOSE(S) OF THE SYSTEM:

The records are collected, used, maintained, and disseminated to process FOIA, PA, and FOPA requests and administrative appeals and/or administrative appeals of final determinations on such requests. The records are also used to prepare reports to the Office of Management and Budget, the Department of Justice, and Congress as required by the FOIA or PA; to participate in litigation arising from FHFA–OIG's decisions and determinations on FOIA, PA, and FOPA requests and administrative appeals, and any other matters relating or pertaining to FOIA, PA, or FOPA requests and/or administrative appeals of final determinations on such requests.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests for information pursuant to the FOIA; individuals who have submitted requests for records about themselves under the provisions of the PA; individuals who have submitted a hybrid request for information under the FOIA and for information about themselves under the PA (FOPA); attorneys or other individuals authorized to represent and/or receive information on behalf of a FOIA, PA, or FOPA requester or individual filing an administrative appeal regarding such requests; individuals whose requests, appeals or other records have been referred to FHFA–OIG by other agencies; individuals who have been asked to consult as part of the FOIA (b)(4) exemption process; individuals filing an administrative appeal of a denial, in whole or part, of any such requests; individuals filing a civil action in federal court of a denial, in whole or part, of any such requests; employees of and detailees to the Office of Counsel who process and/or respond to FOIA, PA, FOPA requests or administrative appeals; and any other individual otherwise involved in circumstances pertaining or relating to the processing of a FOIA, PA, or FOPA request or administrative appeal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records submitted, created, retrieved and/or compiled in response to FOIA, PA, and FOPA requests and/or administrative appeals of final determinations on such requests, including original requests and administrative appeals; responses to requests and administrative appeals including but not limited to acknowledgement letters, fee estimations, waivers, and other fee issues, requests for expedited review, verifications of identification, final determination letters, and copies of responsive records; internal memoranda, analyses, notes, and other records concerning the applicability of exemptions, exceptions, or other issues concerning FOIA, PA, FOPA determinations; emails or other correspondence between or among employees who process and/or respond to FOIA, PA, and FOPA requests or administrative appeals; emails or other correspondence between or among employees who process and/or respond to FOIA, PA, and FOPA requests or administrative appeals and other individuals associated with the FOIA, PA, and FOPA process, including, but not limited to: Requesters, operational division staff members, employees of referring agencies, individuals with whom consultation is undertaken, representatives or attorneys; memoranda to or from other federal agencies having a substantial interest in the determination of the request; civil actions filed in federal court of a denial, in whole or part, of any such requests; and any other records submitted, created, retrieved and/or compiled during the course of performing official duties relating or pertaining to FOIA, PA, or FOPA requests and/or administrative appeals of final determinations on such requests, including information contained FHFA–OIG's other systems of records.

The records may contain personal information submitted, created, retrieved and/or compiled in response to FOIA, PA, FOPA requests and/or administrative appeals of a final determination on such requests including, but not limited to: Names, property and email addresses, phone numbers, loan information, tracking numbers, identity verification information including birth places and dates, or other personal identifying information supplied by individuals making FOIA, PA, or FOPA requests. These records may contain inquiries and requests regarding any of FHFA–OIG's other systems of records subject to the FOIA and PA, and information about individuals from any of these other systems may become part of this system of records.

RECORD SOURCE CATEGORIES:

The OIG collects information from a variety of sources, including FHFA, FHFA's regulated entities, current and former employees of FHFA, other federal agencies/regulators, law enforcement agencies, vendors, contractors, subcontractors, subject individuals, complainants, witnesses, informants, and persons requesting agency records under the FOIA and the Privacy Act. Records in this system may have originated in other FHFA/FHFA–OIG systems of records and subsequently transferred to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed:

(1) To appropriate Federal, state, local, and foreign authorities responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto or is relevant to the recipient entity's law enforcement responsibilities;

(2) To a court, magistrate, grand jury, administrative tribunal, or adjudicative body in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a

subpoena, or in connection with criminal law proceedings, including plea agreements, when OIG is a party or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a member of Congress or a member of his/her staff in response to an inquiry made at the request of the individual who is the subject of the record;

(4) To another Federal government agency having a substantial interest in the determination of the request or for the purpose of consulting with that agency as to the propriety of access or correction of the record in order to complete the processing of requests;

(5) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(b), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act, and to facilitate OGIS mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(6) To appropriate agencies, entities, and persons when (1) FHFA–OIG suspects or has confirmed that there has been a breach of the system of records; (2) FHFA–OIG has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FHFA–OIG (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FHFA–OIG's efforts to respond to the suspected or confirmed breach and prevent, minimize, or remedy such harm;

(7) To another Federal agency or Federal entity, when FHFA–OIG determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(8) To other Federal Offices of Inspector General or other entities, during the conduct of internal and external peer reviews of FHFA–OIG;

(9) To contractors, experts, consultants, students, and others engaged by FHFA–OIG, when necessary to accomplish an agency function related to this system of records;

(10) To appropriate Federal agencies and other public authorities for use in records management inspections; and

(11) To the Council of the Inspectors General on Integrity and Efficiency and its committees, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or by designated FHFA–OIG staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases. Paper records are stored in locked offices, storage rooms, file cabinets, or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this SOR are retrieved by the requester's name, representative's name, or by unique log number assigned to the request. Records sometimes are retrieved by reference to the name of the requester's firm or the representative's firm, if any, or the subject matter of the request.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FHFA's Comprehensive Records Schedule Item 7 (N1–543–11–1, approved 01/11/2013), which provides the cut-off and disposition schedules for Inspector General records. Additional approved schedules may apply. Destruction of records shall occur in the manner(s) appropriate to the type of record, such as shredding of paper records and/or deletion of computer records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked offices, locked file rooms, locked file cabinets, or safes. Access to the records, whether in electronic or paper form, is restricted to those who require the records in the performance of official duties related to the purposes for which the system is maintained.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification about any record contained in this system of records, or seeking to contest its content, may mail inquiries to the Senior Privacy Official, FHFA–OIG Privacy Office, 400 7th Street SW, 3rd Floor, Washington, DC 20219 or submit them electronically to *https://www.fhfaoig.gov/privacy* in accordance with instructions appearing at 12 CFR part 1204. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (e)(1), (e)(2), and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2); 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2); and 5 U.S.C. 552a(d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). See 12 CFR 1204.7(c), implementing the exemptions in 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5) for FHFA–OIG records. These exemptions are hereby incorporated by reference and are an integral part of this SORN.

HISTORY:

FHFA–OIG was covered by FHFA's Freedom of Information Act and Privacy Act Records (FHFA–13) which was published in the **Federal Register** on June 8, 2011 (76 FR 33286).

Leonard DePasquale,

Chief Counsel.

[FR Doc. 2021–04796 Filed 3–8–21; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely

related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

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 question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the 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 March 24, 2021.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *First Northwest Bancorp, Port Angeles, Washington;* to acquire 50 percent of the voting shares of a de novo joint venture, Quin Ventures, Inc., New York, New York, and thereby indirectly extend credit and service loans, engage in activities related to credit bureau services, provide educational courses and instructional materials to consumers on individual financial management matters, and engage in certain data processing activities pursuant to section 225.28(b)(1), (b)(2)(v), (b)(6)(v) and (b)(14)(i) of the Board's Regulation Y, respectively.

Board of Governors of the Federal Reserve System, March 4, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04874 Filed 3–8–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 paragraph 7 of the Act.

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 March 24, 2021.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Fesperman Family, LLC, Lynn Ferperman, manager, and the PDF Holdings Revocable Trust, Payton Fesperman, trustee, all of Tulsa, Oklahoma;* to join the Mercer-Kelly-Fesperman Family Control Group, a group acting in concert, to acquire voting shares of Spirit Bankcorp, Inc., Bristow, Oklahoma, and thereby indirectly acquire voting shares of Spirit Bank, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, March 4, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04875 Filed 3–8–21; 8:45 am]

BILLING CODE 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 8, 2021.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Odom AmTex, LLC, Orange, Texas;* to become a bank holding company and retain voting shares of AmTex Bancshares, Inc., Orange, Texas, and indirectly retain voting shares of Bridge City State Bank, Bridge City, Texas, Peoples State Bank, Shepherd, Texas, and Pavillion Bank, Richardson, Texas.

Board of Governors of the Federal Reserve System, March 4, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–04872 Filed 3–8–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10398]

Agency Information Collection Activities: Proposed Collection; Comment Request; Withdrawal

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

ACTION: Notice; withdrawal.

On February 26, 2021, the Centers for Medicare & Medicaid Services (CMS) published a 30-day notice (86 FR 11779) entitled, ''Agency Information Collection Activities: Submission for

OMB Review; Comment Request.'' That notice invited public comments on the following information collection request: *Title:* Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions; *Form Number:* CMS–10398; and *OMB Control Number:* 0938–1148. Through the publication of this document we are withdrawing that notice (FR document: 2021–04052) in its entirety. Before the end of March 2021, we intend to publish a notice that sets out our revised process for making CMS–10398-specific generic information collections (also known as ''GenICs'') available for public review and comment.

Dated: March 4, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–04885 Filed 3–8–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10225 and CMS–10769]

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 10, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10225 Disclosures Required of Certain Hospitals and Critical Access Hospitals Regarding Physician Ownership

CMS–10769 Evaluation of the Centers for Medicare & Medicaid Services (CMS) Network of Quality Improvement and Innovation Contractors (NQIIC)

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Disclosures Required of Certain Hospitals and Critical Access Hospitals Regarding Physician Ownership; *Use:* This information collection relates to the required third party disclosures by certain Medicare-participating hospitals and Critical Access Hospitals (CAHs) and physicians to their patients. There are 5 types of disclosures required. The intent of the disclosure notice is to assist the patient in making an informed decision regarding their care. The first disclosure requires physician owned hospitals and CAHs to disclose to its patients whether the hospitals/CAHs are physician-owned and, if so, the names of the physician-owners. The second disclosure requires the physician owner or investor in the hospital, as part of his or her continued medical staff membership or admitting privileges, to disclose to the patient being referred to the hospital any ownership or investment interest held by the physician or an immediate family member of the physician. The third disclosure requires physician owned hospitals to disclose on all public websites for and in any public advertising for the hospital that the hospital is owned or invested in by physicians. The fourth and fifth disclosures apply to all hospitals and CAHs that do not have a Doctor of Medicine (MD) or a Doctor of Osteopathic Medicine (DO) on the premises at all times to disclose this to patients upon admission or registration for both inpatient and specified outpatient services. These hospitals and CAHs must provide a written disclosure to the patients admitted to the hospital and must also post a conspicuous notice in the Emergency Departments (ED) which states that the hospital does not a physician present 24 hours per day, 7 days per week. *Form Number:* CMS–10225 (OMB control number: 0938–1034); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of*

Respondents: 322; *Total Annual Responses:* 4,675,575; *Total Annual Hours:* 78,935. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Evaluation of the Centers for Medicare & Medicaid Services (CMS) Network of Quality Improvement and Innovation Contractors (NQIIC); *Use:* The purpose of this Information Collection Request (ICR) is to collect data using telephone surveys to inform the program evaluation of the CMS NQIIC initiative. The purpose of NQIIC is to support quality improvement efforts across settings and programs for maximum impact to health care and value to taxpayers in a manner that aligns with CMS' and Department of Health and Human Services (HHS) priorities. The NQIIC quality improvement efforts involve the QIN–QIO Program, which is one of the largest federal programs dedicated to improving health quality for Medicare beneficiaries.

CMS evaluates the quality and effectiveness of the QIN–QIO Program as authorized in Part B of Title XI of the Social Security Act. This ICR is to conduct data collection using surveys with administrators or managers of nursing homes and hospitals. *Form Number:* CMS–10769 (OMB control number: 0938–NEW); *Frequency:* Yearly; *Affected Public:* Private Sector: Business or other for-profits; *Number of Respondents:* 1,010; *Total Annual Responses:* 1,010; *Total Annual Hours:* 300. (For policy questions regarding this collection, contact Nancy Sonnenfeld at 410–786–1294.)

Dated: March 3, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–04798 Filed 3–8–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of NHLBI P01 Applications.

Date: June 2, 2021.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, (301) 594–3907, *pikebr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 3, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04815 Filed 3–8–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Glia.

Date: March 25, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Infectious, Foodborne, and Waterborne Disease Diagnostics and Methods in Microbial Sterilization and Disinfection.

Date: April 1–2, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, (301) 435–1167, *pandyaga@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodifferentiation, Plasticity, Regeneration and Rhythmicity (R21).

Date: April 5, 2021.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joanne T. Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: April 6, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, (301) 755–4335, *greg.shelness@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Innovative Research in Cancer Nanotechnology.

Date: April 6–7, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892 (301), 408–9850, *morrowcs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Cancer Etiology and Cancer Genetics.

Date: April 6, 2021.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Amy L. Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, (301) 408–9754, *rubinsteinal@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 3, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04813 Filed 3–8–21; 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 Initial Review Group; Medication Development Research Subcommittee.

Date: March 15, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, 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 3, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04816 Filed 3–8–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Consortium Review.

Date: March 24, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7351, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–04814 Filed 3–8–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0176]

Information Collection Request to Office of Management and Budget; OMB Control Number 1625–0034

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0034, Ships' Stores Certification for Hazardous Materials Aboard Ships; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0176] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov*. See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://*

www.regulations.gov. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0176], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Ships' Stores Certification for Hazardous Materials Aboard Ships.

OMB Control Number: 1625–0034.

Summary: The information is used by the Coast Guard to ensure that personnel aboard ships are made aware of the proper usage and stowage instructions for certain hazardous materials. Provisions are made for waivers of products in special Department of Transportation (DOT) hazard classes.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe regulations for the transportation, stowage, and use of ships' stores and supplies of a dangerous nature. Part 147 of 46 CFR prescribes the regulations for hazardous ships' stores.

Forms: None.

Respondents: Owners and operators of ships, and suppliers and manufacturers of hazardous materials used on ships.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 4 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04832 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0177]

Information Collection Request to Office of Management and Budget; OMB Control Number 1625–0100

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0100, Advanced Notice of Vessel Arrival; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0177] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden

on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0177], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Advanced Notice of Vessel Arrival.

OMB Control Number: 1625–0100.

Summary: The Ports and Waterways Safety Act authorizes the Coast Guard to require pre-arrival messages from any vessel entering a port or place in the United States.

Need: This information is required under 33 CFR 146 and 33 CFR 160 subpart C to control vessel traffic, develop contingency plans, and enforce regulations.

Forms: None.

Respondents: Vessel owners and operators.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 104,515 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04836 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0173]

Information Collection Request to Office of Management and Budget; OMB Control Number 1625–0113

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0113, Crewmember Identification Documents; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0173] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0173], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://*

www.regulations.gov, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Crewmember Identification Documents.

OMB Control Number: 1625–0113.

Summary: This information collection covers the requirement that crewmembers on vessels calling at U.S. ports must carry and present on demand an identification that allows the identity of crewmembers to be authoritatively validated.

Need: Title 46 U.S.C. 70111 mandated that the Coast Guard establish regulation about crewmember identification. The regulations are in 33 CFR part 160 Subpart D.

Forms: None.

Respondents: Crewmembers, and operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 32,955 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04847 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0174]

Information Collection Request to Office of Management and Budget; OMB Control Number 1625–0097

AGENCY: Coast Guard, DHS.

ACTION: Sixty-Day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0097, Plan Approval and Records for Marine Engineering Systems; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0174] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0174], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Plan Approval and Records for Marine Engineering Systems—46 CFR Subchapter F.

OMB Control Number: 1625–0097.

Summary: This collection of information requires an owner or builder of a commercial vessel to submit to the U.S. Coast Guard for review and approval, plans pertaining to marine engineering systems to ensure that the vessel will meet regulatory standards.

Need: Under 46 U.S.C. 3306, the Coast Guard is authorized to prescribe vessel safety regulations including those related to marine engineering systems. Title 46 CFR Subchapter F prescribes

those requirements. The rules provide the specifications, standards and requirements for strength and adequacy of design, construction, installation, inspection, and choice of materials for machinery, boilers, pressure vessels, safety valves, and piping systems upon which safety of life is dependent.

Forms: None.

Respondents: Owners and builders of commercial vessels. .

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 5,793 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04833 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0050]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0022

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0022, Application for Tonnage Measure of Vessels; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0050] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0050], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Application for Tonnage Measurement of Vessels.

OMB Control Number: 1625–0022.

Summary: The information is used by the Coast Guard to determine a vessel's tonnage. Tonnage in turn helps to determine licensing, inspection, safety requirements, and operating fees.

Need: Under 46 U.S.C. 14104 certain vessels must be measured for tonnage. Coast Guard regulations for this measurement are contained in 46 CFR part 69.

Forms:

- CG–5397, Application for Simplified Measurement.

Respondents: Owners of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 15,094 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04834 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0172]

Information Collection Request to Office of Management and Budget; OMB Control Number 1625–0103

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the

U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0103, Mandatory Ship Reporting System for Northeast and Southeast Coasts of the United States; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0172] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0172], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Mandatory Ship Reporting System for the Northeast and Southeast Coasts of the United States.

OMB Control Number: 1625–0103.

Summary: The information is needed to reduce the number of ship collisions with endangered northern right whales. Coast Guard rules at 33 CFR part 169 establish two mandatory ship-reporting systems off the northeast and southeast coasts of the United States.

Need: The collection involves ships' reporting by radio to a shore-based authority when entering the area covered by the reporting system. The ship will receive, in return, information to reduce the likelihood of collisions between themselves and northern right whales—an endangered species-in the areas established with critical-habitat designation.

Forms: None.

Respondents: Operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 137 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04841 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0175]

Information Collection Request to Office of Management and Budget Control; OMB Number 1625–0044

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0044, Outer Continental Shelf Activities; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 10, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0175] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction

Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0175], and must be received by May 10, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Outer Continental Shelf Activities—Title 33 CFR Subchapter N.

OMB Control Number: 1625–0044.

Summary: The Outer Continental Shelf Lands Act, as amended, authorizes the Coast Guard to promulgate and enforce regulations promoting the safety of life and property on Outer Continental Shelf (OCS) facilities. These regulations are located in 33 CFR subchapter N.

Need: The information is needed to ensure compliance with the safety regulations related to OCS activities. The regulations contain reporting and recordkeeping requirements for annual inspections of OCS facilities, employee citizenship records, station bills, and emergency evacuation plans.

Forms:

- CG–5432, Fixed OCS Facility Inspection Report.

Respondents: Operators of facilities and vessels engaged in activities on the OCS.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 9,582 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 3, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–04845 Filed 3–8–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2682–21; DHS Docket No. USCIS–2021–0003]

RIN 1615–ZB86

Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure

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

ACTION: Notice.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Venezuela for Temporary Protected Status (TPS) for 18 months, effective March 9, 2021, through September 9, 2022. This notice also provides procedures for individuals who believe they are eligible for TPS under the designation of Venezuela to apply. This notice also provides information about Deferred Enforced Departure (DED) for eligible Venezuelan nationals (and persons without nationality who last habitually resided in Venezuela), and provides information on how eligible individuals may apply for DED-related EADs with USCIS, based on the January 19, 2021 memorandum from former President Donald Trump directing the Secretary to take appropriate measures for the implementation of DED for Venezuelan nationals for 18 months, through July 20, 2022 (see 86 FR 6845, dated January 25, 2021).

Note: Individuals who apply for and receive TPS and who are also covered by DED do not need to apply for employment authorization under both programs. Individuals who apply for an EAD pursuant to their TPS application will receive an EAD with an expiration date of September 9, 2022, that is eligible for renewal if the Secretary extends TPS for Venezuela after September 9, 2022, after determining that Venezuela continues to meet the conditions supporting its designation for TPS. Individuals who apply for an EAD pursuant to DED will receive an EAD with an expiration date of July 20, 2022. If the President does not direct an extension of the DED authorization, DED, and associated employment authorization, will end on July 20, 2022. USCIS encourages individuals who

believe they are eligible for TPS to file for the benefit during the initial registration period announced in this Notice, even if they are also covered by DED, in case they cannot qualify for TPS late initial filing under 8 CFR 244.2(f)(2) after DED has expired.

DATES: The designation of Venezuela for TPS is effective on March 9, 2021, and will remain in effect for 18 months, through September 9, 2022. The 180-day registration period for eligible individuals to submit TPS applications begins March 9, 2021, and will remain in effect through September 5, 2021. DED and employment authorization for noncitizens covered under DED for Venezuela is effective through July 20, 2022.

FOR FURTHER INFORMATION CONTACT:

- You may contact Maureen Dunn, Division Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.
- For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at *uscis.gov/tps.* You can find specific information about Venezuela's TPS designation by selecting ''Venezuela'' from the menu on the left side of the TPS web page.
- For further information on DED, including additional information on eligibility, please visit the USCIS DED web page at *uscis.gov/humanitarian/temporary-protected-status/deferred-enforced-departure.* You can find specific information about DED for Venezuela by selecting ''DED Granted Country: Venezuela'' from the menu on the left of the DED web page.
- If you have additional questions about DED or TPS, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *uscis.gov,* or visit the USCIS Contact Center at *uscis.gov/contactcenter.*
- Further information will also be available at local USCIS offices upon publication of this notice.

SUPPLEMENTARY INFORMATION: Under section 244(b)(1)(C) of the Immigration and Nationality Act (INA), 8 U.S.C. 1254a(b)(1)(C), the Secretary is authorized to designate a foreign state (or any part thereof) for TPS upon finding that extraordinary and temporary conditions in the foreign state prevent its nationals from returning safely, unless permitting the foreign state's nationals to remain temporarily in the United States is contrary to the national interest of the United States. Regardless of an individual's country of birth, this designation allows eligible Venezuelan nationals (and noncitizens having no nationality who last habitually resided in Venezuela) who have continuously resided in the United States since March 8, 2021, and have been continuously physically present in the United States since March 9, 2021, to apply for TPS. This notice also describes the other eligibility criteria applicants must meet. Individuals who believe they may qualify for TPS under this designation may apply within the 180-day registration period that begins on March 9, 2021, and ends on September 5, 2021. They may also apply for TPS-related Employment Authorization Documents (EADs) and for travel authorization.

This notice also provides information about Deferred Enforced Departure (DED) for eligible Venezuelan nationals (and persons without nationality who last habitually resided in Venezuela), and provides information on how eligible individuals may apply for DED-related EADs with USCIS, based on the January 19, 2021 memorandum from former President Donald Trump directing the Secretary to take appropriate measures for the implementation of DED for Venezuelan nationals for 18 months, through July 20, 2022 (see 86 FR 6845, dated January 25, 2021).

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DED—Deferred Enforced Departure
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Form I–765—Application for Employment Authorization
Form I–797—Notice of Action (Approval Notice)
Form I–821—Application for Temporary Protected Status
Form I–9—Employment Eligibility Verification
Form I–912—Request for Fee Waiver
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
IJ—Immigration Judge
INA—Immigration and Nationality Act
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for eligible nationals of Venezuela (or individuals having no nationality who last habitually resided in Venezuela) to submit an initial registration application under the designation of Venezuela for TPS and apply for an EAD. Under the designation, individuals must submit an initial Venezuela TPS application (Form I–821) and they may also submit an application for Employment Authorization (Form I–765), during the 180-day initial registration period that runs from March 9, 2021, through September 5, 2021. In addition to demonstrating continuous residence in the United States since March 8, 2021, and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since March 9, 2021, the effective date of this designation of Venezuela, before USCIS may grant them TPS. USCIS estimates that approximately 323,000 individuals are eligible to file applications for TPS under the designation of Venezuela.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. Upon return from such authorized travel, TPS beneficiaries retain the same immigration status they had before the travel.
  - The granting of TPS does not result in or lead to lawful permanent resident status.

- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or
  - Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

Why was Venezuela designated for TPS?

Overview

Venezuela is currently facing a severe humanitarian emergency.[1] Under Nicolás Maduro's influence,[2] the country ''has been in the midst of a severe political and economic crisis for several years.'' [3] Venezuela's crisis has been marked by a wide range of factors, including: Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID–19 pandemic, among other factors.[4]

Economic Crisis

Venezuela continues to suffer from a severe economic crisis. The Congressional Research Service (CRS) reported in August 2020 that ''Venezuela's economy has collapsed.'' With the largest proven oil reserves in the world, Venezuela had long been ''one of the most prosperous countries in South America.'' However, in 2014, the country entered into an ongoing ''economic recession marked by hyperinflation, shortages of basic goods and a collapse in public services such as electricity and water.'' Sources attribute Venezuela's economic crisis to a variety of factors, including: The crash of global oil prices; economic mismanagement; heavy government regulation of the economy and the private sector; corruption; and the impact of the COVID–19 pandemic.

Political Crisis

Venezuela continues to be impacted by a prolonged political crisis. Following a May 2018 electoral process that lacked legitimacy, but which Nicolás Maduro claimed to have won, the United States and many other democracies recognized Juan Guaidó as the interim President of Venezuela. Maduro continued to exert control over all Venezuelan institutions after January 2019, aside from the legitimately elected, opposition-controlled 2015 National Assembly. In elections held on December 6, 2020—which were rejected by the Organization of American States, many governments, and other international organizations as fraudulent [5]—supporters of Maduro won a vast majority of seats in the National Assembly under manipulated electoral conditions. Maduro installed a new illegitimate purported National Assembly on January 5, 2021.

Human Rights

While concerns about ''the deterioration of democratic institutions and threats to freedom of speech and press in Venezuela'' have been expressed by human rights organizations for over a decade, CRS reported in August 2020 that human rights conditions are even worse under Maduro than under former President Chávez.[6] The Independent International Fact-Finding Mission created by the UN Human Rights Council to investigate allegations of atrocities since 2014 concluded that there were reasonable grounds to believe that pro-government groups and high-level authorities, including Maduro, had committed violations amounting to crimes against humanity. The mission found the judiciary contributed to arbitrary arrests, impunity for egregious abuses, and denial of justice to victims.[7]

Health Crisis

Venezuela was facing a significant health crisis even before the start of the COVID–19 pandemic. According to CRS, ''overall health indicators, particularly infant and maternal mortality rates,'' had deteriorated well before the impact of the COVID–19 pandemic. In April 2019, Human Rights Watch and the Johns Hopkins Bloomberg School of Public Health reported that ''Venezuela's health system has been in decline since 2012, with conditions worsening drastically since 2017.'' Human Rights Watch reported in May 2020 that ''Venezuela's health system has collapsed. Shortages of medications and health supplies, interruptions of basic utilities at healthcare facilities, and the emigration of healthcare workers have led to a progressive decline in healthcare operational capacity.'' Venezuelans also face ''severe shortages of medicines and medical supplies'' [8] and ''a complex situation in which access to basic services, especially health services remain critical.'' [9]

Food Insecurity

In an October 2020 report, the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) identified Venezuela (and Venezuelan migrants in neighboring countries) as one of 20 ''acute food insecurity hotspots'' [10] in

[1] World Report 2021—Venezuela, Human Rights Watch, Jan. 2021.

[2] Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), Summary, Aug. 26, 2020.

[3] Venezuelan Humanitarian and Refugee Crisis, Center for Disaster Philanthropy, Jan. 18, 2021.

[4] Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), Summary, Aug. 26, 2020; Venezuelan Humanitarian and Refugee Crisis, Center for Disaster Philanthropy, Jan. 18, 2021; Venezuela: Complex Crisis—Overview, ACAPS, Jul. 27, 2020, *https://www.acaps.org/country/venezuela/crisis/complex-crisis* (last visited Feb. 2, 2021); Venezuela: Humanitarian Response Plan with Humanitarian Needs Overview 2020, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.7–9, Jul. 2020; Detailed findings of the independent international factfinding mission on the Bolivarian Republic of Venezuela, United Nations Human Rights Council, p.27, Sep. 15, 2020; Conflictividad Social 2020 [Social Conflict 2020], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 25, 2021; Asmann, Parker, and Jones, Katie, InSight Crime's 2020 Homicide Round-Up, InSight Crime, Jan. 29, 2021; Venezuela 2020 Crime & Safety Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, Jul. 21, 2020.

[5] See Remarks by Bradley A. Freden, Deputy Permanent Representative of the United States OAS Permanent Council, OAS Resolution Condemns the Fraudulent Elections in Venezuela (Dec 9, 2020).

[6] Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), p.7, Aug. 26, 2020.

[7] OHCHR | Venezuela: UN report urges accountability for crimes against humanity (Sep 16, 2020).

[8] Venezuela: Country Focus, European Asylum Support Office (EASO), p.41, Aug. 2020.

[9] United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Venezuela: Health Emergency 12-month update, *https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-health-emergency-12-month-update-mdrve004,* May 20, 2020.

[10] FAO–WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), p.6, Nov. 2020.

the world.[11] In an April 2019 report, Human Rights Watch and the Johns Hopkins Bloomberg School of Public Health reported that ''[h]unger, malnutrition, and severe shortages of food are widespread'' in Venezuela.[12] Despite a lack of nationwide nutrition data—last published by the government in 2007—the report asserted that ''available evidence suggests malnutrition is high.'' [13] Moreover, Human Rights Watch reported in January 2021 that, ''[b]ased on data collected prior to the pandemic, the 2020 National Survey of Life Conditions reported 8 percent of children under five acutely malnourished and 30 percent chronically malnourished, or stunted.''

To help address shortages of food, the Venezuelan government established the Local Committees for Supply and Production (Comités Locales de Abastecimiento y Producción—CLAP) in 2016. According to the European Asylum Support Office (EASO), the CLAP ''are responsible for the delivery of food and other government aid to the communities.'' However, CLAP food boxes ''do not meet the basic nutritional needs,'' and their delivery is reportedly ''inconsistent and discretionary.'' Furthermore, EASO noted that the CLAP are reportedly used to monitor the population—including the political activity of beneficiaries—and ''as a tool to discriminate and harass those who oppose the government or are involved in human rights advocacy.'' There have also been allegations that certain Venezuelans have been ''excluded from the list of CLAP beneficiaries because they were not government supporters.''

Access to Basic Services (Electricity, Water, Gas, etc.)

Venezuela has seen a ''collapse of basic services.'' [14] In a July 2020 report, OHCHR stated that ''Access and quality of basic services, such as transportation, electricity, water and sanitation, and gas, continued to deteriorate, undermining the right to an adequate standard of living.'' [15] Venezuela also faces ''severe shortages of water.'' Further, ''an estimated 86% of Venezuelans reported unreliable water service, including 11% who have none at all'', according to an April 2020 survey of 4,500 residents by the non-profit Venezuelan Observatory of Public Services.[16]

Crime and Insecurity

Sources reported in mid-2020 that Venezuela has ''among the highest homicide and crime victimization rates in Latin America and the Caribbean,'' and ''one of the highest number [sic] of violent deaths in the region and in the world.'' While Venezuela recorded ''a substantial decrease in homicides in 2020,'' InSight Crime noted in January 2021 that ''violence is indeed still rampant'' in the country. InSight Crime also reported that—per the Venezuelan Violence Observatory (Observatorio Venezolano de Violencia or OVV)—''a violence epidemic continues to plague every single state, as well as the capital district of Caracas.'' Sources have attributed recent declines in the homicide rate to a variety of factors, including: A decrease in violence among armed structures that engage in territorial control; fewer opportunities to engage in criminal behavior due to rising poverty, emigration, and economic deterioration, among other factors; and the impact of quarantines and restrictions on movement related to the COVID–19 pandemic. In its 2020 report, the U.S. Department of State's Overseas Security Advisory Council (OSAC) stated that ''[h]eavily armed criminals have used grenades and assault rifles to commit crimes at banks, shopping malls, public transportation stations, and universities.'' [17]

What authority does the Secretary have to designate Venezuela for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government (Government), to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist. The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, or termination of or extension of a designation. *See* INA section 244(b)(5)(A); 8 U.S.C. 1254a(b)(5)(A). The Secretary, in his/her discretion, may then grant TPS to eligible nationals of that foreign state (or noncitizens having no nationality who last habitually resided in the designated country). See INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary does not determine that the foreign state no longer meets the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. See INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Notice of the Designation of Venezuela for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Venezuela's designation for TPS on the basis of extraordinary and temporary conditions are met. See INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C). On the basis of this determination, I am designating Venezuela for TPS for 18 months, from March 9, 2021 through September 9, 2022. See INA section 244(b)(1)(C) and (b)(2); 8 U.S.C. 1254a(b)(1)(C), and (b)(2).

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register for TPS

To register for TPS based on the designation of Venezuela, you must submit an Application for Temporary Protected Status (Form I–821) and pay

[11] FAO–WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), p.5–6,12, Nov. 2020.

[12] Venezuela's Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises, Human Rights Watch & Johns Hopkins Bloomberg School of Public Health, p.4, Apr. 4, 2019.

[13] Venezuela's Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises, Human Rights Watch & Johns Hopkins Bloomberg School of Public Health, p.4, Apr. 4, 2019.

[14] Venezuela: Country Focus, European Asylum Support Office (EASO), p.41, Aug. 2020.

[15] Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), p.4, Jul. 2, 2020.

[16] Latest on Water Shortage in Venezuela, Hispanic Oulook Magazine, June 2020.

[17] Venezuela 2020 Crime & Safety Report, Department of State Overseas Security Advisory Council, July 21, 2020.

the filing fee (or submit a Request for a Fee Waiver (Form I–912)). You may be required to pay the biometric services fee. Please see additional information under the ''Biometric Services Fee'' section of this notice.

Although not required to do so, if you want to obtain an EAD valid through September 7, 2021, you must file an Application for Employment Authorization (Form I–765) and pay the Form I–765 fee (or submit a Request for a Fee Waiver (Form I–912)). If you do not want to request an EAD now, you may also file Form I–765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may complete a Request for Fee Waiver (Form I–912). For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *uscis.gov/tps.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at *dhs.gov/privacy.*

Refiling a TPS Registration Application After Receiving a Denial of a Fee Waiver Request

You should file as soon as possible within the 180-day registration period so USCIS can process your application and issue any EAD promptly. Properly filing early will also allow you to have time to refile your application before the deadline, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to refile by the registration deadline, you may still refile your Form I–821 with the biometrics fee. USCIS will review this situation to determine whether you established good cause for late TPS registration. However, you are urged to refile within 45 days of the date on any USCIS fee waiver denial notice, if possible. See INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late initial registration, visit the USCIS TPS web page at *uscis.gov/tps.* Following denial of your fee waiver request, you may also refile your Form I–765, with fee, either with your Form I–821 or at a later time, if you choose.

Note: Although a registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the Form I–821 fee) when filing a TPS registration application, you may decide to wait to request an EAD. Therefore, you do not have to file the Form I–765 or pay the associated Form I–765 fee (or request a fee waiver) at the time of registration, and could wait to seek an EAD until after USCIS has approved your TPS registration application. If you choose to do this, to register for TPS you would only need to file the Form I–821 with the biometric services fee, if applicable (or request a fee waiver).

Mailing Information

Mail your application for TPS to the proper address in Table 1.

Table 1-Mailing Addresses:

Mail your completed Application for Employment Authorization (Form I–765) and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service and you live in Florida.	USCIS, Attn: TPS Venezuela, P.O. Box 20300, Phoenix, AZ 85036.
You are using FedEx, UPS, or DHL and you live in Florida	USCIS, Attn: TPS Venezuela, 1820 E. Skyharbor Circle S, Suite 100, Phoenix, AZ 85034
You are applying through U.S. Postal Service and you live in any other state.	USCIS Attn: TPS Venezuela, P.O. Box 805282, Chicago, IL 60690.
You are using FedEx, UPS, or DHL and you live in any other state	USCIS, Attn: TPS Venezuela (805282), 131 South Dearborn—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When registering and requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us to verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at *uscis.gov/tps* under ''Venezuela.''

Purpose of this Action (DED)

Pursuant to the President's constitutional authority to conduct the foreign relations of the United States, foreign policy considerations warrant implementing DED for Venezuela through July 20, 2022.[18] Through this notice, DHS is establishing procedures for individuals covered by DED for Venezuela to apply for employment authorization through July 20, 2022.

[18] *See* Deferred Enforced Departure for Certain Venezuelans, 86 FR 6845, January 25, 2021, available at **Federal Register**: Deferred Enforced Departure for Certain Venezuelans.

What is Deferred Enforced Departure (DED)?

- DED is an administrative stay of removal ordered by the President. The authority to grant DED arises from the President's constitutional authority to conduct the foreign relations of the United States. The President can authorize DED for any reason related to this authority. DED has been authorized in situations where foreign nationals may face danger if required to return to countries experiencing political instability, conflict, or other unsafe conditions, or when there are other foreign policy reasons for allowing a designated group of foreign nationals to remain in the United States.
- Although DED is not a specific immigration status, individuals covered

by DED are not subject to removal from the United States, usually for a designated period of time. Furthermore, the President may direct that certain benefits, such as employment authorization or travel authorization, be available to foreign nationals covered by the DED directive.

- If the President provides for employment or travel authorization, USCIS administers those benefits. USCIS publishes a **Federal Register** notice to instruct the covered population on how to apply for any benefits provided.
- The President issues directives regarding DED and who is covered via presidential memorandum. The qualification requirements for individuals who are covered under DED are based on the terms of the President's directive regarding DED and any relevant implementing requirements established by DHS. Since DED is a directive not to remove particular individuals, rather than a specific immigration status like TPS, there is no DED application form required to obtain DED coverage.

The Presidential Memorandum ordering DED for Venezuelans can be found at: *https://www.federalregister.gov/documents/2021/01/25/2021-01718/deferred-enforced-departure-for-certain-venezuelans*

Eligibility and Employment Authorization for DED

How will I know if I am eligible for employment authorization under the DED Presidential Memorandum for eligible Venezuelans?

The procedures for employment authorization in this notice apply only to noncitizens who are Venezuelan nationals, and persons without nationality who last habitually resided in Venezuela, who are present in the United States as of January 20, 2021, and except for noncitizens:

- Who have voluntarily returned to Venezuela or their country of last habitual residence outside the United States;
- Who have not continuously resided in the United States since January 20, 2021;
- Who are inadmissible under section 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or removable under section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- Who have been convicted of any felony or two or more misdemeanors committed in the United States, or who meet the criteria set forth in section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));
- Who were deported, excluded, or removed, before January 20, 2021;
- Who are subject to extradition;
- Whose presence in the United States the Secretary of Homeland Security has determined is not in the interest of the United States or presents a danger to public safety; or
- Whose presence in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

What will I need to file if I am covered by DED and would like to obtain employment authorization?

If you are covered under DED for Venezuela and would like to work, you must apply for an EAD by filing an Application for Employment Authorization (Form I–765). Please carefully follow the Application for Employment Authorization (Form I–765) instructions when completing the application for an EAD. When filing the Application for Employment Authorization (Form I–765), you must:

- Indicate that you are eligible for DED by entering ''(a)(11)'' in response to Question 27 on the Application for Employment Authorization (Form I–765); and
- Submit the fee for the Application for Employment Authorization (Form I–765).

The regulations require individuals covered under DED who request an EAD to pay the fee prescribed in 8 CFR 103.7 for the Application for Employment Authorization (Form I–765). *See also* 8 CFR 274a.12(a)(11) (employment authorization for DED-covered individuals); and 8 CFR 274a.13(a) (requirement to file EAD application if EAD desired). If you are unable to pay the fee, you may apply for an application fee waiver by completing a Request for Fee Waiver (Form I–912) or submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation.

How will I know if USCIS will need to obtain biometrics?

If biometrics are required to produce your EAD, you will be notified by USCIS and scheduled for an appointment at a USCIS Application Support Center.

Where do I submit my completed DED-based Application for Employment Authorization (Form I–765)?

For DED, mail your completed Application for Employment Authorization (Form I–765) and supporting documentation to the proper address in Table 2.

TABLE 2—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service	USCIS, Attn: DED Venezuela, PO Box 805283, Chicago, IL 60680–6943]
You are using FedEx, UPS, or DHL	USCIS, Attn: DED Venezuela, 131 South Dearborn—3rd Floor, ≤Chicago, IL 60603–5517

Can I file my DED-based Application for Employment Authorization (Form I–765) electronically?

No. Electronic filing is not available when filing an Application for Employment Authorization (Form I–765) based on DED.

What happens after July 20, 2022, for purposes of DED-based employment authorization?

This DED authorization is set to end on July 20, 2022. After that date, employers will no longer accept EADs with a category code of A11 and a July 20, 2022, expiration date, and employees will need to present other evidence of continued work authorization.

General Employment-Related Information for TPS Applicants and Individuals With DED-Based Employment Authorization and Their Employers

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, as well as the status of your TPS or DED-based EAD request, you can check Case Status Online at *uscis.gov,* or visit the USCIS Contact Center at *uscis.gov/contactcenter.* If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at *egov.uscis.gov/e-request/Intro.do* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

When hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on the third page of Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at *uscis.gov/i-9-central/acceptable-documents.* Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I–9 on the I–9 Central web page at *uscis.gov/I–9Central.* An EAD is an acceptable document under List A.

If I have an EAD based on another immigration status, can I obtain a new EAD?

Yes, if you are eligible for DED or TPS, you can obtain a new EAD, regardless of whether you have an EAD based on another immigration status. If you want to obtain a new TPS-based EAD valid through September 9, 2022, then you must file Form I–765, Application for Employment Authorization, and pay the associated fee. If you want to obtain a new DED-based EAD valid through July 20, 2022, then you must file Form I–765, Application for Employment Authorization, and pay the associated fee.

Can my employer require that I provide any other documentation to prove my status, such as proof of my Venezuelan citizenship?

No. When completing Form I–9, employers must accept any documentation that appears on the Form I–9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Venezuelan citizenship when completing Form I–9 for new hires or reverifying the employment authorization of current employees. Refer to the ''Note to Employees'' section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* USCIS accepts calls in English, Spanish and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Form I–9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I–9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Form I–9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *justice.gov/ierandtheUSCISandE-Verifywebsitesatuscis.gov/i-9-central* and *e-verify.gov.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, individuals approved for TPS may show their Form I–797, Notice of Action, indicating approval of their Form I–821 application, or their A12 or C19 EAD to prove that they have TPS. Individuals may present their A11 EAD to show they are covered by DED. However, while Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are covered under TPS and/or DED and/or show you are authorized to work based on TPS and/or DED. Examples of such documents are:

- Your new EAD with a category code of A12 or C19 for TPS, or A11 for DED;
- A copy of your Form I–797, the notice of approval, for a current Form I–821, if you received one from USCIS; or
- Any other relevant DHS-issued document that indicates your immigration status or authorization to be in the United States, or that may be used by DHS to determine whether you have such status or authorization to remain in the United States.

Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. SAVE can verify when an individual has TPS or DED based on the documents above. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at *uscis.gov/save/save-casecheck,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and SAVE verification case number or an immigration identifier number that you provided to the benefit-granting agency. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the response is correct, find detailed information on how to make corrections or update your immigration record, make an appointment, or submit a written request to correct records on the SAVE website at *www.uscis.gov/save.*

[FR Doc. 2021–04951 Filed 3–8–21; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7040–N–05]

60-Day Notice of Proposed Information Collection: Public Housing Assessment System (PHAS) Appeals; PHAS Unaudited Financial Statement Submission Extensions; Assisted and Insured Housing Property Inspection Technical Reviews and Database Adjustments; OMB Control No. 2577–0257

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 10, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

FOR FURTHER INFORMATION CONTACT: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone 202–402–3374, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number). Copies of available documents submitted to OMB may be obtained from Ms. Rogers.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Assessment System (PHAS) Appeals; Public Housing and Multifamily Housing Technical Reviews and Database Adjustments; Assisted and Insured Housing property inspection Technical Reviews and Database Adjustments.

OMB Approval Number: 2577–0257.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–52306.

Description of the need for the information and proposed use: The collection of this information supports HUD's ongoing mission to provide safe, decent, and habitable housing to low income households. To ensure HUD's subsidized housing meets this criteria accurate data and information collection is required to provide an assessment reflective of the property's condition. Poorly performing PHAs may be subject to additional reporting requirements, may receive HUD assistance, and are subject to possible penalties. For the Office of Housing, accurate scores are vital to their monitoring and compliance efforts. Unacceptable property scores result in automatic penalties and referral for enforcement actions.

Pursuant to § 6(j)(2)(A)(iii) the United States Housing Act of 1937, as amended, HUD established procedures in the Public Housing Assessment System (PHAS) rule for a public housing agencies (PHAs) to appeal an overall PHAS score or a troubled designation (§ 902.69). The PHAS rule in §§ 902.24 and 902.68 also provides that under certain circumstances PHAs may submit a request for a database adjustment and technical review, respectively, of physical condition inspection results.

Pursuant to the Office of Housing Physical Condition of Multifamily Properties regulation at § 200.857(d) and (e), multifamily property owners also have the right, under certain circumstances, to submit a request for a database adjustment and technical

review, respectively, of physical condition inspection results.

Appeals, when granted, change assessment scores and designations; database adjustments and technical reviews, when granted, change property physical condition scores. These changes result is more accurate assessments.

Section 902.60 of the PHAS rule also provides that, in extenuating circumstances, PHAs may request an extension of time to submit required unaudited financial information. When granted, an extension of time postpones the imposition of sanctions for a late submission.

Respondents (i.e., affected public): Public Housing Agencies (PHAs) and Multifamily Housing property owners (MF POs).

BURDEN HOUR ESTIMATES FOR RESPONDENTS FOR APPEALS, TRS AND DBAS

Type	Number of respondents	×	Frequency of response	Total responses	×	Estimated hours	=	Total annual burden hours
PHA Appeal	182		1	182		5		910
PHA Extension	79		1	79		0.17		13
PHA DBA	173		1	173		8		1,384
PHA TR	271		1	271		8		2,168
MF PO DBA	233		1	233		8		1,864
MF PO TR	876		1	876		8		7,008
Totals	1,814			1,814				13,347

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507 as amended.

Dated: February 24, 2021.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2021–04818 Filed 3–8–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX20EG00COM0001; OMB Control Number 1028–New]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Markup Application

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before April 8, 2021.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–New in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Tatyana DiMascio by email at *tdimascio@usgs.gov* or by telephone at (303) 202–4206. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on July 1, 2019 (84 FR 31337). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Abstract: The USGS manages the National Hydrography Dataset (NHD), Watershed Boundary Dataset (WBD), and National Hydrography Dataset Plus High Resolution (NHDPlus HR). All three hydrography datasets are user-driven data, where state stewards, or USGS trained editors, perform edits to support data accuracy. The USGS role is also to provide an appropriate editing tool, offer technical support, and to distribute the datasets to the public at no cost via The National Map and, ultimately, US Topo.

''Markup Application'' is the name of the USGS web application that allows citizen participation in volunteer map data collection activities for hydrography datasets. The Markup Application allows citizens to submit proposed changes and corrections, called markups, to the NHD, WBD, and NHDPlus HR by drawing newly proposed geographic features on the map or by filling out a form that explains a suggested change for a selected feature. All submitted markups, along with the user email contact, are saved in a database to be reviewed by NHD or WBD state stewards, or USGS staff, for validation. State stewards or USGS staff may contact the data volunteer via the recorded email address if further clarification is needed for a proposed change. Validated markups go in a queue of edits to be incorporated into the NHD, WBD or NHDPlus HR. The edits are made by NHD or WBD state stewards, or USGS editors using established editing tools. No edits to the hydrography datasets take place within the Markup Application.

Title of Collection: Markup Application.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: New Collection.

Respondents/Affected Public: General Public.

Total Estimated Number of Annual Respondents: 113.

Total Estimated Number of Annual Responses: 1,936.

Estimated Completion Time per Response: 3 minutes.

Total Estimated Number of Annual Burden Hours: 126 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Occasional.

Total Estimated Annual Nonhour Burden Cost: None.

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 Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

David Brostuen,

Director, National Geospatial Technical Operations Center, U.S. Geological Survey.

[FR Doc. 2021–04812 Filed 3–8–21; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L19900000.PO0000.LLWO320.20X; OMB Control Number 1004–0169]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Use and Occupancy Under the Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 8, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Tom Kilbey by email at *tkilbey@blm.gov,* or by telephone at 602–417–9349. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

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), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 23, 2020 (85 FR 67563). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment 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 our 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, *e.g.,* permitting electronic submission of response.

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

Abstract: This information collection enables the BLM to regulate the use and occupancy of unpatented hardrock mining claims, and to take any action necessary to prevent unnecessary or undue degradation of public lands as a result of such use or occupancy. The BLM collects information from mining claimants who want to undertake the activities that are necessary in order to locate a mining claim or mill site. This request is for OMB to extend approval of this OMB control number for an additional three (3) years.

Title of Collection: Use and Occupancy Under the Mining Laws (43 CFR Subpart 3715).

OMB Control Number: 1004–0169.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Mining claimants.

Total Estimated Number of Annual Respondents: 70.

Total Estimated Number of Annual Responses: 70.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 280.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: None

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 Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–04878 Filed 3–8–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ320000.L13300000.EN0000; OMB Control No. 1004–0201]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Oil Shale Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 8, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kyle Free by email at *kfree@blm.gov,* or by telephone at (208) 240–5702. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

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), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 20, 2020 (85 FR 74378). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment 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 our 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, *e.g.,* permitting electronic submission of response.

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

Abstract: This control number applies to the exploration, development, and utilization of oil shale resources on the BLM-managed public lands. Currently, the only oil shale leases issued by the BLM are research, development, and demonstration (RD&D) leases. However, the BLM regulations provide a framework for commercial oil shale leasing and additionally include provisions for conversion of RD&D leases to commercial leases. Section 369 of the Energy Policy Act (42 U.S.C. 15927) addresses oil shale development and authorizes the Secretary of the Interior to establish regulations for a commercial leasing program for oil shale. The Mineral Leasing Act of 1920 (30 U.S.C. 241(a)) provides the authority for the BLM to allow for the exploration, development, and utilization of oil shale resources on the BLM-managed public lands. Additional statutory authorities for the oil shale program are: (1) The Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351–359); and (2) The Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.,* including 43 U.S.C. 1732). This request is for OMB to renewal this OMB control number for an additional three (3) years.

Title of Collection: Oil Shale Management (43 CFR parts 3900, 3910, 3920, and 3930).

OMB Control Number: 1004–0201.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for oil shale leases, oil shale lessees and oil shale operators.

Total Estimated Number of Annual Respondents: 2.

Total Estimated Number of Annual Responses: 24.

Estimated Completion Time per Response: Varies from the number of minutes/hours per response.

Total Estimated Number of Annual Burden Hours: 1,795.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $526,667.

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 Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–04879 Filed 3–8–21; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1534–1536 (Final)]

Methionine From France, Japan, and Spain; Scheduling of the Final Phase of Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731–TA–1534–1536 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of methionine from France, Japan, and Spain, provided for in subheadings 2930.40.00 and 2930.90.46 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value.

DATES: February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Calvin Chang (202–205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as methionine and dl-Hydroxy analogue of dlmethionine, also known as 2-Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula C5H11NO2S, liquid HMTBa has the chemical formula C5H10O3S, and dry HMTBa has the chemical formula (C5H9O3S)2Ca. Subject merchandise also includes methionine processed in a third country including, but not limited to, refining, converting from liquid to dry or dry to liquid form, 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 in-scope methionine or dl-Hydroxy analogue of dl-methionine.

The scope also includes methionine that is commingled (*i.e.,* mixed or combined) with methionine from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations. Excluded from these investigations is United States Pharmacopoeia (USP) grade methionine. In order to qualify for this exclusion, USP grade methionine must meet or exceed all of the chemical, purity, performance, and labeling requirements of the United States Pharmacopeia and the National Formulary for USP grade methionine.

Methionine is currently classified under subheadings 2930.40.00 and 2930.90.46 of the Harmonized Tariff Schedule of the United States (HTSUS). Methionine has the Chemical Abstracts Service (CAS) registry numbers 583–91–5, 4857–44–7, 59–51–8 and 922–50–9. While the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

Background.—The final phase of these investigations is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of affirmative preliminary determinations by Commerce that imports of methionine from France, Japan, and Spain are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 29, 2020, by Novus International, Inc., St. Charles, Missouri.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on April 27, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.— The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 11, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/*

calendarpad/calendar.html. Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 6, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 7, 2021, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is May 4, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 17, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 17, 2021. On June 4, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 8, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–04860 Filed 3–8–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–802]

Bulk Manufacturer of Controlled Substances Application: Patheon Pharmaceuticals Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Patheon Pharmaceuticals Inc has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 10, 2021. Such persons may also file a written request for a hearing on the application on or before May 10, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 2, 2021, Patheon Pharmaceuticals Inc, 2110 East Galbraith Road, Cincinnati, Ohio 45237–1625, applied to be registered as a bulk manufacturer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid.	2010	I

The company plans to manufacture the above-listed controlled substance as Active Pharmaceutical Ingredient (API) that will be further synthesized into Food and Drug Administration-approved dosage forms. No other activities for this drug code are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–04809 Filed 3–8–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–804]

Bulk Manufacturer of Controlled Substances Application: Stepan Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Stepan Company has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 10, 2021. Such persons may also file a written request for a hearing on the application on or before May 10, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 8, 2021, Stepan Company, 100 West Hunter Avenue, Maywood, New Jersey 07607–

1021, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cocaine	9041	II
Ecgonine	9180	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. No other activity for these drug codes is authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–04808 Filed 3–8–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–803]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Groff NA Hemplex LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before May 10, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No. DEA–803 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA-registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on December 29, 2020, Groff NA Hemplex LLC, 100 Redco Avenue, Suite A, Red Lion, Pennsylvania 17356–1436, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–04810 Filed 3–8–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0197]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection; State Criminal Alien Assistance Program (Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i))

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted 60 days until May 10, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments on the estimated burden to facilities covered by the standards to comply with the regulation's reporting requirements, suggestions, or need additional information, please contact, Joseph Husted, telephone number (202) 906–0387, Policy Advisor, Bureau of Justice Assistance, 810 Seventh Street NW, Washington, DC 20531 or by email at *SCAAP@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used;

—Evaluate whether and if so how the quality, utility, and clarity of the information collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of

information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* State Criminal Alien Assistance Program (SCAAP) Authorizing Legislation: Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

3. *The agency form number:* The application process is managed through the internet, using the Office of Justice Programs' (OJP) SCAAP online application system at: *https://bja.ojp.gov/program/state-criminal-alien-assistance-program-scaap/overview?Program_ID=86.*

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal, State, and local public safety agencies. States and local units of general government including the 50 state governments, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and the more than 3,000 counties and cities with correctional facilities.

Abstract: In response to the Violent Crime Control and Law Enforcement Act of 1994 Section 130002(b) as amended in 1996, BJA administers the State Criminal Alien Assistance Program (SCAAP) with the Bureau of Immigration and Customs Enforcement (ICE), and the Department of Homeland Security (DHS). SCAAP provides federal payments to States and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the designated reporting period and for the following correctional purposes;

Salaries for corrections officers
Overtime costs
Performance based bonuses
Corrections work force recruitment and retention
Construction of corrections facilities
Training/education for offenders
Training for corrections officers related to offender population management
Consultants involved with offender population
Medical and mental health services
Vehicle rental/purchase for transport of offenders
Prison Industries
Pre-release/reentry programs
Technology involving offender management/inter agency information sharing
Disaster preparedness continuity of operations for corrections facilities

Other: None.

An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that no more than 700 respondents will apply. Each application takes approximately 90 minutes to complete and is submitted once per year.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply. It is estimated that no more than 700 respondents will apply. Each application takes approximately 90 minutes to complete and is submitted once per year (annually)

a. 700 × 90 minutes = 63,000 minutes/60 = 1,050 hours.

6. An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden to complete the application is 1,050 hours.

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 3, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–04785 Filed 3–8–21; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL SCIENCE FOUNDATION

Request for Public Comment: Interagency Arctic Research Policy Committee Draft Arctic Research Plan

AGENCY: National Science Foundation.

ACTION: Request for public comment.

SUMMARY: The Interagency Arctic Research Policy Committee (IARPC), chaired by the National Science Foundation (NSF), seeks public comment on the draft Arctic Research Plan: 2022–2026, which can be found at *https://www.iarpccollaborations.org/draft-plan.html.*

DATES: Written comments must be submitted no later than June 4, 2021. Comments sent via the U.S. Postal Service must be postmarked by June 11, 2021.

ADDRESSES: Email comments to *IARPCPlan@nsf.gov.* Send written submissions to Roberto Delgado, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Voicemails can be left by calling (703) 783–1658 or our toll-free number (888) 657–7759. Please limit voicemails to five minutes in length.

Instructions: Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. IARPC will review and consider all input received and revise the plan as necessary. When the final plan is released, comments and the commenters' names, along with responses, will become part of the public record and be made available on the IARPC Collaborations website. Do not submit confidential business information or otherwise sensitive or protected information. Comments sent by any other method, to any other address or individual, or received after the end of the comment period will not be considered. IARPC acknowledges and is grateful for the time taken to provide comments.

FOR FURTHER INFORMATION CONTACT: Meredith LaValley at *plan@iarpccollaborations.org* or visit *https://www.iarpccollaborations.org/draft-plan.html* where information about upcoming public webinars on the Arctic Research Plan 2022–2026 can be found.

SUPPLEMENTARY INFORMATION:

About IARPC

IARPC was established by the Arctic Research Policy act of 1984 (ARPA) to ''facilitate cooperation between the Federal Government and State and local governments in Arctic research'' and ''recommend the undertaking of neglected areas of research'' (ARPA Section 104). Now a subcommittee of the National Science and Technology Council (NSTC), IARPC enhances scientific monitoring and research on individual components of the Arctic, as well as how the system operates as a whole, through the coordination of federal agencies and domestic and international collaborators. It consists of representatives from 14 federal agencies, the White House Office of Science and Technology Policy (OSTP), and the Office of Management and Budget (OMB).

About the 2022–2026 Arctic Research Plan

IARPC is required by law to prepare and execute a 5-year Arctic Research Plan, which helps coordinate the overall federal Arctic research effort. To address the interests and needs of all, IARPC works collaboratively with representatives from local communities, Indigenous Peoples, the state of Alaska, the private sector, non-governmental organizations, research institutions, and the academic community.

In September 2019, the IARPC Principals approved the development of the next Arctic Research Plan, covering the period of 2022–2026, with a planned release at the end of 2021. On April 3, 2020, IARPC published a notice in the **Federal Register** to request public input on the content and organization of the 2022–2026 Plan (86 FR 19031). In September 2020, IARPC convened a workshop to develop the potential priority areas for the 2022–2026 Arctic Research Plan for consideration by the IARPC Principals. The draft plan reflects input received from these processes.

Arctic Research Plans focus on research that will be enhanced through collaboration among federal agencies and collaborators, align with federal agencies missions and with the goals and objectives set out by the U.S. Arctic Research Commission. The Arctic Research Plan 2022–2026 will provide a blueprint for effective federal coordination, thus positioning the U.S. to remain a global leader in Arctic research and stewardship for years to come.

Overview of the Draft Plan

As with the Arctic Research Plan 2017–2021, this new plan adheres to four critical policy drivers in U.S. Arctic research that reflect long-standing U.S. interests in the Arctic and the collective priorities of IARPC federal agencies. Policy drivers include: Well-Being; Stewardship; Security; and Arctic-Global Systems.

There are four priority areas with thematic goals that, (1) represent areas of broad, crosscutting focus that need additional attention or research, (2) support one or more policy drivers, (3) meet the mission and interests of more than one federal agency, (4) and engage multiple existing collaboration teams and non-federal partners. Priority areas and goals include:

1. Community Resilience and Health: Improve community resilience and well-being by strengthening research and tools to increase understanding of interdependent social, natural, and built systems in the Arctic.
2. Arctic Systems Interactions: Enhance our ability to observe, understand, predict, and project the Arctic's dynamic interconnected systems and their linkages to the Earth system as a whole.
3. Sustainable Economies and Livelihoods: Monitor, maintain, and proactively adapt the Arctic's natural, social, and built systems to promote sustainable economies and livelihoods.
4. Risk Management and Hazard Mitigation: Secure and improve quality of life through an understanding of disaster risk exposure, sensitivity to hazard, and adaptive capacity.

In addition to identifying four priority areas, this plan builds upon five foundational activities. These activities are critical to achieving the priority area goals and will remain foundational to Arctic research beyond the five-year duration of this plan. Foundational activities include: Co-Production of Knowledge and Indigenous-Led Research; Data Management; Education; Monitoring, Observing, Modeling, and Prediction; and Technology Application and Innovation.

In contrast to the previous Arctic Research Plans, this plan presents a high-level strategy without explicit direction on implementation. For IARPC to respond more swiftly to emerging or immediate needs while continuing to support U.S. Arctic policy, this plan will be carried out through biennial implementation plans. These implementation plans will identify specific objectives, deliverables, and metrics. Four new priority area collaboration teams will be established to direct and coordinate activities including those of existing collaboration teams, to achieve goals and ensure the coordination of non-federal partners and resources.

Seeking Input

IARPC seeks comment on the draft Arctic Research Plan 2022–2026 to ensure Arctic research interests, needs, and priorities are addressed appropriately. Specifically, comment is sought on priority area goals, justifications, and potential partners; the foundational activities; and the implementation and metrics for measuring success.

Dated: March 4, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–04842 Filed 3–8–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0190]

Information Collection: U.S .NRC Acquisition Regulation

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''US NRC Acquisition Regulation.''

DATES: Submit comments by May 10, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0190. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0190 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods;

however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0190. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2020–0190 on this website.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML20280A683 and ML20280A682.

• *Attention:* The PDR, where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0190 in your comment submission. The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized.

1. *The title of the information collection:* 48 CFR Chapter 20, US NRC Acquisition Regulation (NRCAR).
2. *OMB approval number:* 3150–0169.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Monthly, once (at time of award), and on occasion (when changes occur.)
6. *Who will be required or asked to respond:* Contractors and bidders.
7. *The estimated number of annual responses:* 4,908 (4,762 reporting responses + 146 recordkeepers).
8. *The estimated number of annual respondents:* 535.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 12,500 (9,922 reporting + 2,578 recordkeeping).
10. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation (FAR) and ensure that the regulations governing the procurement of goods and services with the NRC satisfy the needs of the agency. This includes reports and recordkeeping requirements for certain contractors or offerors to submit a monthly progress report that summarizes work performed during the previous month, and/or retain records of equipment, payroll, inspection and quality control records, as applicable. Because of differing statutory authorities among Federal agencies, the FAR permits agencies to issue a regulation to implement FAR policies and procedures internally to satisfy the specific need of the agency.

The NRCAR includes policies, procedures, solicitation provisions and contract clauses needed to ensure effective and efficient evaluation, negotiation, and administration of agency acquisitions. Certain reports, such as reports of contractor organizational conflicts of interest or changes in key personnel are collected from contractors on as needed basis as changes occur whether at the time award or throughout the life of the contract. Some reports are required to be submitted monthly such as the Financial Status report and Technical Progress Report. There are also some reports that bidders are required to submit upon request, such as responses to pre-award questions that demonstrate their ability to meet minimum standards set forth in Federal Acquisition Regulations.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: March 4, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–04865 Filed 3–8–21; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Locating and Paying Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, with modifications, to a collection of information (OMB Control Number 1212–0055; expires October 31, 2021) under the Paperwork Reduction Act. The purpose of the information collection is to enable PBGC to pay benefits to participants and beneficiaries. This notice informs the public of PBGC's intent and solicits

public comment on the collection of information, as modified.

DATES: Comments must be received on or before May 10, 2021 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov*. Refer to Locating and Paying Participants information collection in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to Locating and Paying Participants information collection. All comments received will be posted without change to PBGC's website, *http://www.pbgc.gov,* including any personal information provided.

A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-andregulation/federal-register-notices-openfor-comment*. It may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–326–4040.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington DC 20005–4026; 202–229–6563. (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–229–6563.)

SUPPLEMENTARY INFORMATION: This information collection is needed to pay participants and beneficiaries who may be entitled to pension benefits from plans that have terminated. Participants and beneficiaries are asked to provide information in connection with an application for benefits. This includes requests to individuals to provide identifying information so that PBGC may determine whether the individuals are entitled to benefits. All requested information is needed so that PBGC may determine benefit entitlements and make appropriate payments.

This information collection includes My Pension Benefit Account (MyPBA), an application on PBGC's website, *http://www.pbgc.gov,* through which plan participants and beneficiaries may conduct electronic transactions with PBGC, including applying for pension benefits, designating a beneficiary, electing or changing federal income tax withholding from periodic payments, changing contact information, and applying for or changing electronic direct deposit.

PBGC is proposing to eliminate one form (the Form 709), add four forms (form 700RN, form 700RSC, form 703RBD and form 703RBD–MP) and revise several other forms in this collection, specifically Forms: 700, 701, 702, 705, 706, 707, 708, 710, 711, 715 and 717. The proposed revisions include the following.

- PBGC is proposing the addition of four new forms: Form 700RN, Form 700RSC, Form 703RBD and Form 703RBD–MP. Each is intended to improve customer service.

(1) Form 700RN and Form 700RSC will be used in rare situations when participants who are already receiving benefits choose to elect a retroactive annuity starting state. Form 700RN will be used by participants where spousal consent is not required, and Form 700RSC will be used by participants where spousal consent is required. PBGC will use this information to provide eligible participants an option to change their annuity starting date and receive reduced monthly benefits.

(2) Form 703RBD and Form 703RBD–MP will be used in rare situations by participants who have reached their required beginning date (RBD) and are eligible to elect a lump sum payment in lieu of an annuity. Form 703RBD will be used for trusteed plan participants. Form 703RBD–MP will be used for participants claiming benefits under the Missing Participants Program and requires notarization of the participant's signature as a fraud prevention measure. PBGC is separating participants who have reached their RBD from other participants able to elect a lump sum payment to ensure that appropriate information is communicated to participants who have reached their RBD.

- To Form 700, PBGC is proposing to remove the question that asks participants to designate beneficiaries for amounts owed at death and collect this information only on Form 707. This change is intended to reduce errors with customers completing Form 700.
- To Form 701, PBGC is proposing to add a question asking for the gender of the participant's spouse. PBGC will use this information for actuarial calculations required to operate the single-employer insurance program.
- To Forms 701, 702, 705, 706, 707, and 708, PBGC is proposing to clarify the requested information about beneficiaries owed benefits upon the participant's death.
- To Forms 701, 705, 706 and 710, PBGC is proposing to eliminate a question and information about Electronic Transfer Accounts (ETA), as this Department of the Treasury sponsored program ended.
- To Form 711, PBGC is proposing to add a question for notarized spousal consent to the change in a beneficiary for a certain and continuous annuity. This change is intended to comply with applicable requirements under the Internal Revenue Code.
- To Form 715, PBGC is proposing to clarify the instructions to improve customer service.
- To Form 717, PBGC is proposing to eliminate questions asking for gender, the branch or division where the employee worked, lump sum amount and date paid, whether the lump sum was rolled over to an individual retirement account (IRA), and whether the employee is currently receiving retirement benefits. PBGC is proposing to add requests for the last dates of employment, information on the type of retirement plan, and information appearing on SSA Form L–99–C1. This addition will decrease the need for PBGC to follow up with customers for additional, required information and increase processing efficiency.

PBGC is making editorial and formatting changes as well, including changing the design and appearance of MyPBA. PBGC believes these revisions will provide greater clarity to customers and improve their experience with the online system.

The existing collection of information was approved under OMB control number 1212–0055 (expires October 31, 2021). PBGC intends to request that OMB extend its approval (with modifications) for three years. 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.

PBGC estimates that it will receive 170,521 benefit application or information forms annually. The total annual burden associated with this collection of information is estimated to be 58,376 hours and an estimated $58,682, which is the total average maximum cost of notary services for participants' or participants' spouses' signatures on applicable forms.

PBGC is soliciting public comments to—

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including 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.

Issued in Washington, DC, by

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–04831 Filed 3–8–21; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91248; File No. SR–NYSEAMER–2021–12]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule

March 3, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 1, 2021, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') regarding an incentive program for Market Makers. The Exchange proposes to implement the fee change effective March 1, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to eliminate an incentive program that was designed to encourage Market Makers [4] to increase their Manual volume above a base rate (the ''Step-Up Program''). The Exchange proposes to implement the rule change on March 1, 2021.

Currently, the Exchange offers discounts on the standard $0.25 per contract fee on Manual volume to Market Makers that increase their Manual volume by a specified percentage of TCADV over their August 2019 volume or, for new Market Makers, that increase Manual volume by a specified percentage of TCADV above a base level of 15,000 ADV (''Increased Manual Volume''). Specifically, the Exchange provides an $0.18 per contract charge on Increased Manual Volume to Market Makers (excluding Specialists and e-Specialists) [5] with Increased Manual Volume of at least 0.15% TCADV and a $0.12 per contract charge on Increased Manual Volume to Market Makers with Increased Manual Volume of at least 0.30% TCADV.

The Exchange adopted the Step-Up Program—a voluntary program—in October of 2019 to encourage Market Makers to increase Manual volume on the Exchange.[6] However, because the Step-Up Program has not been utilized (and therefore did not achieve its intended effect), the Exchange proposes to eliminate the Step-Up Program from the Fee Schedule.[7]

The Exchange believes that the elimination of the Step-Up Program would not impact any Market Makers, given that no Market Makers ever achieved the Increased Manual Volume necessary to qualify for the discounted rates.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[9] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed rule change to eliminate the Step-Up Program from the Fee Schedule is reasonable because this program has not been utilized and thus has not effectively incented Market Makers to increase participation in manual executions on the Exchange. The Exchange believes eliminating an unutilized incentive program would simplify the Fee Schedule. The Exchange believes that eliminating the Step-Up Program from the Fee Schedule is equitable and not unfairly discriminatory because the program would be eliminated in its entirety and would no longer be available to any Market Maker.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, 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. Instead, the Exchange believes that the proposed elimination of the Step-Up Program from the Fee Schedule would not affect intramarket or intermarket competition because, as discussed

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Unless otherwise specified, the term ''Market Makers'' as used herein includes Specialists and e-Specialists.

[5] Specialists and e-Specialists already pay a rate of $0.18 per contract on Manual volume.

[6] *See* Securities Exchange Act Release No. 87404 (October 28, 2019), 84 FR 58772 (November 1, 2019) (SR–NYSEAMER–2019–43) (notice regarding adoption of the Step-Up Program).

[7] *See* proposed Fee Schedule, Section I.A. (reflecting deletion of footnote 8 relating to the Step-Up Program).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

above, the program has not incented Market Makers to increase participation in manual executions on the Exchange. In addition, because only those Market Makers that increased their Manual volume by specified amounts were eligible for discounted rates under the Step-Up Program, the proposed elimination of the program would remove a potential burden on competition in that it would level the playing field for all Market Makers operating on the Exchange.

The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it removes an unutilized program that did not achieve its intended purpose of attracting order flow.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(2) of Rule 19b–4 [11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2021–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2021–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–12, and should be submitted on or before March 30, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04792 Filed 3–8–21; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91247; File No. SR–MSRB–2021–02]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Reduce the Rates of Assessment for Certain Underwriting, Transaction, and Technology Fees Under MSRB Rule A–13

March 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2021 the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to amend MSRB Rule A–13, on underwriting and transaction assessments for brokers, dealers, and municipal securities dealers (collectively, ''dealers''), to temporarily reduce the rate of assessment for certain underwriting, transaction, and technology fees (collectively, ''market activity fees'') on dealers with respect to assessable activity that occurs on April 1, 2021 through September 30, 2022 (the ''proposed rule change''). The MSRB has designated the proposed rule change as ''establishing or changing a due, fee, or other charge'' under Section 19(b)(3)(A)(ii) [3] of the Act and Rule 19b–4(f)(2) [4] thereunder, which renders the proposed rule change effective upon filing with the Commission. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

implementation date for the proposed rule change's temporary fee reduction is April 1, 2021.

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2021-Filings.aspx,* at the MSRB's principal office, 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 MSRB 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 MSRB 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 purpose of the proposed rule change is to temporarily reduce the rate of assessment for the Board's underwriting, transaction, and technology fees under MSRB Rule A–13 with respect to assessable activity that occurs on April 1, 2021 through September 30, 2022.[5] The proposed rule change is designed to promote the collection of reasonable fees and charges as are necessary or appropriate to defray the costs and expenses of operating and administering the Board. The Board believes that the proposed rule change achieves such reasonable fees and charges because it will rightsize the Board's reserves position, in conformance with a prudently established and reasonable target, by forgoing a portion of market activity fees over an eighteenth month period. In effect, the Board intends to utilize its excess reserves to offset the forgone revenue resulting from the temporary fee reduction and, thereby, reasonably reduce the fees of the class of MSRB regulated entities[6] whose prior fee payments directly contributed to the MSRB being in excess of its reserves target.

Background on MSRB Fee Structure

The Board discharges its statutory mandate under the Exchange Act by establishing rules for dealers and municipal advisors (together with dealers, ''regulated entities''), collecting and disseminating market information, coordinating with other regulatory authorities, and conducting outreach to external stakeholders.[7] The Board assesses fees on regulated entities to generate funds for these activities. The current fees assessed on regulated entities are the:

1. Municipal Advisor Professional Fee (MSRB Rule A–11): A fee of $1,000 for each person associated with the municipal advisor who is qualified as a municipal advisor representative in accordance with MSRB Rule G–3 and for whom the municipal advisor has on file with the SEC a Form MA–I as of January 31 of each year;

2. Initial Registration Fee (MSRB Rule A–12): A $1,000 one-time registration fee to be paid by each dealer to register with the MSRB before engaging in municipal securities activities and by each municipal advisor to register with the MSRB before engaging in municipal advisory activities;

3. Annual Registration Fee (MSRB Rule A–12): A $1,000 annual fee to be paid by each dealer and municipal advisor registered with the MSRB;

4. Late Fee (MSRB Rule A–11 and MSRB Rule A–12): A $25 monthly late fee and a late fee on the overdue balance (computed according to the prime rate) until paid on balances not paid within 30 days of the invoice date by the dealer or municipal advisor;

5. Underwriting Fee (MSRB Rule A–13): A fee amount of $.0275 per $1,000 of the par value paid by a dealer, on all municipal securities purchased from an issuer by or through such dealer, whether acting as principal or agent as part of a primary offering;

6. Municipal Funds Underwriting Fee (MSRB Rule A–13): A fee amount of $.005 per $1,000 of the total aggregate assets for the reporting period (*i.e.,* the 529 savings plan fee on underwriters), in the case of an underwriter (as defined in MSRB Rule G–45) of a primary offering of certain municipal fund securities;[8]

7. Transaction Fee (MSRB Rule A–13): A fee amount of .001% ($.01 per $1,000) of the total par value to be paid by a dealer, except in limited circumstances, for inter-dealer sales and customer sales reported to the MSRB pursuant to MSRB Rule G–14(b), on transaction reporting requirements;

8. Technology Fee (MSRB Rule A–13): A fee of $1.00 paid per transaction by a dealer for each inter-dealer sale and for each sale to customers reported to the MSRB pursuant to MSRB Rule G–14(b); and

9. Examination Fee (MSRB Rule A–16): A $150 test development fee assessed per candidate for each MSRB examination.

The Board also receives revenues from certain other sources, such as regulatory fine-sharing[9] and MSRB data subscription fees.[10] These revenue sources contribute a smaller portion to the overall MSRB funding.[11] Historically, the vast majority of the MSRB's revenue has been derived from fees on regulated entities, in particular dealers who pay market activity fees pursuant to MSRB Rule A–13(c)(i) and (d), as discussed in more detail below.[12]

Overview of MSRB Budget and Reserves

As a self-funded regulatory organization, MSRB revenue comes primarily from its regulated entities, and the MSRB does not receive any taxpayer dollars. The Board is responsible for independently managing and monitoring the MSRB's financial position on an ongoing basis and ensuring that the MSRB has sufficient reserves to maintain the MSRB's operations without interruption, even in

[5] For the reasons discussed herein, underwriting assessments charged pursuant to Rule A–13(c)(ii) to certain dealers acting as underwriters of municipal fund securities are not included in the temporary fee reduction.

[6] The term ''regulated entities'' is used here as defined below in the first full sentence of the following paragraph (*i.e.,* dealers and municipal advisors).

[7] *See* Section 15B(b) of the Exchange Act (15 U.S.C. 78*o*–4(b)).

[8] *See* note 5 *supra* (clarifying that such fees are not included in the temporary fee reduction).

[9] Fine revenue became a new revenue source as first provided in 2010 under the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''). *See* 15 U.S.C. 78*o*–4(c)(9).

[10] The MSRB charges data subscription service fees for subscribers, including dealers, municipal advisors, and non-regulated entities, seeking direct electronic delivery of municipal trade data and disclosure documents associated with municipal bond issues. Notably, however, this information is available without direct electronic delivery on the EMMA website without charge.

[11] For example, fine-sharing revenue amounted to approximately 3.3 percent of the MSRB's overall revenue in Fiscal Year 2020 (~$1.5 million) and 0.4 percent in Fiscal Year 2019 (~$150,000). *See* MSRB 2020 Annual Report, available at *http://msrb.org/~/media/Files/Resources/MSRB-2020-Annual-Report.ashx?la=en.*

[12] With the extension of the MSRB's jurisdiction to regulate municipal advisors in the Dodd-Frank Act, this class of regulated entity began contributing to the cost of MSRB regulation in 2014. *See* Release No. 34–72019 (Apr. 25, 2014), 79 FR 24798 (May 1, 2014) (File No. SR–MSRB–2014–03). *See also* Release No. 34–81841 (Oct. 10, 2017), 82 FR 48135, 48138 (Oct. 16, 2017) (File No. SR–MSRB–2017–07) (increasing the municipal advisor professional fee from $300 to $500) and Release No. 34–87075 (Sept. 24, 2019), 82 FR 51698 (Sept. 30, 2019) (File No. SR–MSRB–2019–11) (increasing the municipal advisor professional fee from $500 to $1,000 over the course of two years).

economic downturns and other unforeseen disruptions.[13]

Establishing the Reserves Target. The Board establishes a reserves target to ensure that the organization maintains a prudent level of liquid funds to fund operations and ensure the long-term financial sustainability of the organization, taking into consideration a range of reasonably foreseeable market conditions and expected expenditures over a three-year time horizon. The reserves target is determined after conducting a detailed and comprehensive analysis of the liquidity needs in four categories: (1) Working capital, (2) risk reserves, (3) strategic investment reserves, and (4) regulatory reserves.[14] The Board refines the reserves target on an annual basis, being vigilant of the dynamic impact of market activity on the MSRB's financial position and cognizant of the variability of such future market activity.[15]

Monitoring and Management of Reserves. The Board monitors the actual reserves balance on an ongoing basis, and MSRB staff actively manages the financial position of the organization in accordance with the Board-approved target. As necessary or appropriate, the Board is prepared to approve the use of reserves to mitigate unforeseen revenue fluctuations and otherwise maintain funding for services essential to the efficiency of the municipal market.[16] Conversely, when actual revenue exceeds expenses, the MSRB generates additional reserves. In the circumstances of such an operating surplus, the Board balances the need to maintain sufficient reserves in relation to ongoing funding demands, while also examining the fair and equitable balance of its fee structure and opportunities for strategic organizational investments in furtherance of the MSRB's statutory mandate.[17]

Market Activity in Fiscal Year 2020 and Effects on Reserves

The MSRB began Fiscal Year 2020 with reserves above target.[18] The Board anticipated funding a budgeted operating deficit for Fiscal Year 2020, an investment to migrate MSRB market transparency systems to the cloud, and projected deficits in out-year pro forma budgets using these excess reserves. However, the market activity occurring during MSRB Fiscal Year 2020 exceeded the budget established by the Board, due in large part to the COVID–19 pandemic driving increased market volatility and high levels of primary market issuance. While the Board intended its Fiscal Year 2020 budget to result in a deficit and thereby spend excess reserves, the market activity resulting from the pandemic drove unexpected revenues in the collection of market activity fees. All in all, market activity fees paid by dealers exceeded the MSRB's budget by $4.9 million in Fiscal Year 2020. Over the same period, the MSRB's financial results also benefited from expense savings, including savings associated with operating remotely during the pandemic, and, consequently, the MSRB's excess reserves continued to grow beyond their target instead of being reduced as planned.

Board Determination on the Need to Rightsize Reserves

The additional market activity fee revenue generated in Fiscal Year 2020 built upon the Board's existing excess reserves position.[19] As a result, the Board prioritized the evaluation of organizational reserves levels at the beginning of Fiscal Year 2021. Based on this evaluation, the Board has determined that it is necessary and appropriate to temporarily reduce certain fees with the objective of rightsizing its reserves to the target level over an eighteen-month period. The MSRB projects that the proposed rule change will result in approximately $18.8 million of forgone revenue and serve to reduce the MSRB's reserves to the target level over the eighteen-month period of the temporary fee reduction, which the Board has determined is appropriate and consistent with prudent fiscal management.[20]

The Board desires to address its excess reserves by providing a temporary fee reduction to the class of regulated entities that directly contributed to the excess reserves position. During the eighteen-month temporary fee reduction period, the Board will evaluate the organization's fee structure with a view towards the MSRB's long-term financial positioning in relation to its fee structure.[21] For this reason, the Board believes it is reasonable and appropriate to utilize the temporary fee reduction mechanism already established and effectively used in Fiscal Year 2019 while it proceeds with a broader review of its fee structure.[22]

Board Determination to Temporarily Reduce Market Activity Fees

While all regulated entities contribute to the MSRB's revenue base, market activity fees constitute the vast majority of budgeted revenue, a total of approximately 77 percent in Fiscal Year

[13] *See* MSRB Funding Policy, available at *http://msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Funding%20Policy.aspx.* The MSRB publishes its annual audited financial statements, annual fiscal year budgets, and key financial policies on its website. The Board believes that this transparency provides municipal market participants and other stakeholders insight into, and a clearer understanding of, how the Board utilizes its resources in fulfillment of the MSRB's statutory mandate.

[14] *Id* (these four categories are identified in the discussion under ''Reserves Considerations'').

[15] *See* MSRB Fiscal Year 2021 Budget for a further discussion of the MSRB's budget and reserves, available at *http://msrb.org/~/media/Files/Resources/MSRB-FY-2021-Budget-Summary.ashx?la=en.*

[16] For example, in 2010, after several years of heavy investment in the technological infrastructure needed to launch the MSRB's Electronic Municipal Market Access (EMMA®) website, the MSRB's financial reserves levels had dropped below the then reserves target that the MSRB had previously established. As a result, replenishing the MSRB's reserves became a priority. The following year, the MSRB increased the transaction fee under Rule A–13 and began assessing a new technology fee for dealers under the same rule. *See* Release No. 34–63621 (Dec. 29, 2010), 76 FR 604 (Jan. 5, 2011) (File No. SR–MSRB–2010–10).

[17] For example, the Board has designated excess reserves for one-time investments to fund major technological initiatives to benefit the market, including migrating all MSRB market transparency systems to the cloud, which was completed in Fiscal Year 2020. Also, in Fiscal Year 2020, the Board designated $10 million of reserves for a multi-year strategic investment to modernize its market transparency systems to leverage the power of the cloud. *See, e.g., MSRB Holds Final Quarterly Board Meeting of FY 2019* (July 29, 2019), available at *http://msrb.org/News-and-Events/Press-Releases/2019/MSRB-Holds-Final-Quarterly-Board-Meeting-of-FY-2019.aspx;* and *see also MSRB FY 2021 Budget Reflects Priorities of Modernizing EMMA® and Reducing Compliance Burdens* (Oct. 1, 2020), available at *http://msrb.org/News-and-Events/Press-Releases/2020/MSRB%20FY%202021%20Budget%20Priorities.aspx.*

[18] *See* MSRB 2020 Annual Report (link at note 11 *supra*). *See also* discussion of the MSRB's ''Sources and Uses of Funding,'' available at *http://msrb.org/About-MSRB/Financial-and-Other-Information/Sources-and-Uses-of-Funding.aspx* (outlining organizational reserves as compared to the Board-approved target over multiple years).

[19] *Id.*

[20] *See* MSRB Fiscal Year 2021 Budget for a further discussion of the MSRB's reserves (link at note 15 *supra*).

[21] While it is premature to presume any particular outcome of the Board's review, the Board's objectives will include maintaining a fair and equitable balance of fees among regulated entities, evaluating whether the impact of market-based fees, and their inherent volatility, as a contributor to the growth of excess reserves can be mitigated, and ensuring funding is sufficient to address expected structural operating deficits projected in future years under the current fee structure. The Board is cognizant of the temporary fee reductions it has adopted as a mechanism to address excess reserves in recent years and has developed these objectives for its review considering the factors that led to the use of such temporary fee reductions.

[22] The Board filed a proposed rule change amending Rule A–13 to temporarily reduce market activity fees for Fiscal Year 2019. *See* Release No. 34–83713 (July 26, 2018), 83 FR 37538 (Aug. 1, 2018) (File No. SR–MSRB–2018–06); *see also* Release No. 34–85400 (Mar. 22, 2019), 84 FR 11841 (Mar. 28, 2019) (File No. SR–MSRB–2019–06) (providing for an additional temporary fee reduction in Fiscal Year 2019).

2021.[23] Market activity fees are driven by market dynamics and are inherently unpredictable. Because of this unpredictability, the amount of market activity fees collected by the MSRB historically has exceeded the amount budgeted.[24] Therefore, the Board has determined that market activity fees paid by dealers have uniquely and directly contributed to the MSRB's excess reserves position while other fees collected from regulated entities have not. Specifically, the other fees collected by the MSRB have provided a relatively smaller portion of the MSRB's actual revenue, in comparison to market activity fees, and, at the same time, the other fees have not exceeded their respective budgeted amounts as consistently and to the same degree as market activity fees, if at all.[25] Thus, unlike market activity fees, the Board has determined that these other fees on regulated entities have not contributed to the MSRB's excess reserves position.[26]

As the Board has considered and revisited the reasonable fees and charges necessary or appropriate to defray the costs and expenses of operating and administering the MSRB, the Board has continually strived to have a fair and equitable balance of fees among regulated entities.[27] Accordingly, the Board has determined that the market activity fees that directly contributed to the excess reserves position should be the fees that are targeted for a temporary reduction, and so market activity fees paid by dealers are the subject of the proposed rule change.

The Board continually seeks to strike the right balance in fee assessments to maintain sufficient reserves to ensure fiscal sustainability, while providing relief to regulated entities that have contributed to the excess reserves position. The temporary eighteen-month fee reduction for certain market activity fees assessed on dealers would continue these ongoing efforts, allowing the Board to take timely action to provide relief and reduce reserves to target levels while undertaking a longer-term effort to assess and potentially develop a revised fee structure to be implemented at the conclusion of the temporary fee reduction period.[28]

Proposed Rule Change

The proposed rule change would enact a temporary fee reduction on market activity fees by amending section MSRB Rule A–13(h) to reduce by 40 percent the fees for assessable activity that occurs on April 1, 2021 through September 30, 2022.[29]

- Amended MSRB Rule A–13(h)(i) would provide that the underwriting assessment for certain primary offerings during this period would be .00165% of the par value ($0.0165 per $1,000), a reduction of 40 percent from .00275% of the par value ($.0275 per $1,000) assessed under MSRB Rule A–13(c)(i).
- Amended MSRB Rule A–13(h)(ii) would provide that the transaction assessment during this period would be .0006% of the par value ($0.006 per $1,000), a reduction of 40 percent from .001% ($.01 per $1,000) assessed under MSRB Rule A–13(d)(i) and MSRB Rule A–13(d)(ii).
- Amended MSRB Rule A–13(h)(iii) would provide that the technology assessment during this period would be $0.60 per transaction, a reduction of 40 percent from $1.00 per transaction assessed under MSRB Rule A–13(d)(iv).

The temporarily reduced rates would be for assessable activity that occurs during this eighteen-month period, inclusive of activity occurring on the beginning date of April 1, 2021 and the end date of September 30, 2022.[30] Effective October 1, 2022, the rates of assessment for these market activity fees would revert to current levels on assessable activity occurring on and after that date.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(J) of the Act,[31] which states that the MSRB's rules shall:

> . . . provide that each municipal securities broker, municipal securities dealer, and municipal advisor shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Such rules shall specify the amount of such fees and charges, which may include charges for failure to submit to the Board, or to any information system operated by the Board, within the prescribed timeframes, any items of information or documents required to be submitted under any rule issued by the Board.

The MSRB believes that its rules provide for reasonable dues, fees, and other charges among regulated entities. The MSRB believes that the proposed rule change is necessary and appropriate to fund the operation and administration of the Board and satisfies the requirements of Section 15B(b)(2)(J),[32] achieving a more reasonable fee structure, a more equitable balance of fees among regulated entities, and a fairer allocation of the expenses of the MSRB.

As described above, the MSRB's reserves position currently exceeds its target. This surplus has continued despite prior efforts undertaken by the Board to address the MSRB's financial position, such as budgeting operating deficits, providing for prior fee reductions,[33] and making strategically significant investments in market transparency systems.[34] Accordingly, the Board has determined to seek this additional temporary fee reduction for market activity fees after considerable analysis and deliberation, particularly regarding the advantages, disadvantages, and outcomes of its prior activities. Both in light of the impact of the COVID–19 pandemic on the MSRB's Fiscal Year 2020 financial results and also when considered in conjunction with its planned broader examination of the MSRB's fee structure, the Board believes that the proposed rule change resulting in the temporary fee reductions is preferable at this time to address the excess reserves position instead of, for example, funding anticipated future operating deficits over a number of years until excess reserves are depleted.

In this way, the Board's determination to seek the proposed rule change's

[23] *See* MSRB Fiscal Year 2021 Budget (link at note 15 *supra*). Notably, this amount is generally consistent with recent prior fiscal years.

[24] Although the organization's revenue sources have become modestly more diversified since the initial enactment of the Dodd-Frank Act—when market activity fees accounted for 90 percent or more of the Board's annual revenue in certain fiscal years—market activity fees paid by dealers still accounted for approximately 80 percent of actual revenue in Fiscal Year 2018 (~$33.5 million), 72 percent in Fiscal Year 2019 (~$24.4 million), and 77 percent in Fiscal Year 2020 (~$36.6 million). The MSRB's Financial Statements for these years are available at *http://msrb.org/About-MSRB/Financial-and-Other-Information/Annual-Reports.aspx.*

[25] *Id.*

[26] *Id.*

[27] *See, e.g.,* MSRB Regulatory Notice 2017–20 (Sept. 29, 2017) (''The MSRB will continue to review and evaluate its fees over time to ensure that fees are allocated fairly and equitably across all regulated entities.'')

[28] As noted, and for the reasons otherwise discussed herein, underwriting assessments charged pursuant to Rule A–13(c)(ii) to dealers acting as underwriters of municipal fund securities are not included in the temporary fee reduction.

[29] The 40 percent is relative to the existing market activity fees respectively specified in MSRB Rule A–13(c)(i) and MSRB Rule A–13(d). Note, however, that the proposed rule change would amend the temporary fee reduction language of MSRB Rule A–13(h) and would not change the text of MSRB Rule A–13(c)(i) or MSRB Rule A–13(d).

[30] Dealers are typically billed for these fees after the relevant month end. Specifically, the underwriting fee is billed immediately after the respective month end, while the transaction and technology fees are billed thirty days in arrears.

[31] 15 U.S.C. 78*o*–4(b)(2)(J).

[32] *Id.*

[33] *See* note 22 *supra* and related discussion regarding prior temporary fee reductions in Fiscal Year 2019. *See also* Release No. 34–75751 (Aug. 24, 2015), 80 FR 52352 (Aug. 28, 2015) (File No. SR–MSRB–2015–08) (amending the underwriting fee, among other amendments).

[34] *See* note 17 *supra* and related discussion (identifying examples of such investments).

temporary fee reduction is informed by the MSRB's prior experience in attempting to address its excess reserves position. For example, the Board continues to believe that a temporary reduction of market activity fees is a reasonable and appropriate mechanism for reducing its excess reserves position because, as a matter of fairness and equity among regulated entities who pay MSRB fees, it would temporarily decrease fees for those regulated entities that financially contributed to the excess reserves position.

At the same time, the Board believes that the temporary fee reduction—which would be assessed over a relatively extended period of eighteenth months—is more prudent and equitable than other alternatives. Specifically, the Board believes that one of the advantages of extending the temporary fee reduction over the course of eighteen months, as opposed to a shorter period, is that the proposed rule change will capture a larger, and likely more representative, segment of market activity than if the fee reduction was for a shorter duration.[35]

Additionally, stretching the duration of the fee reduction to eighteen months will allow the MSRB to progress toward its reserves target at a more measured pace of net-deficit spending than if, for example, the total percentage amount of the fee reduction was more aggressive. In addition, and as previously noted above, the Board believes that the eighteen-month duration of the temporary fee reduction is reasonable and appropriate because it will provide the Board requisite time to evaluate the organization's fee structure thoughtfully and thoroughly and arrive at longer term conclusions about the MSRB's financial positioning.[36]

Lastly, the Board believes that the mechanism of a temporary fee reduction is preferable to a rebate or similar return mechanisms that would more directly reimburse the regulated entities who paid the market activity fees that contributed to the excess reserves position. The MSRB understands that such direct fee rebates based on past fee payments may pose operational challenges to dealer firms.[37] In contrast, the proposed rule change's temporary fee reduction has the advantage of granting firms notice and time to operationalize the reduced fees into their business processes.

For all the reasons discussed herein, the MSRB believes that the proposed rule change satisfies the applicable requirements of the Act and the Board has developed a reasonable and appropriate mechanism for addressing the excess reserves position generated by the MSRB's current fee structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Act[38] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB believes that the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the act because the proposed rule change proportionately applies to each dealer firm that may pay market activity fees and, thereby, equitably benefits this class of regulated entity. Consequently, the MSRB believes that the proposed rule change will not impact competition in this regard.

The Board's policy on the use of economic analysis is not applicable to those rules for which the Board seeks immediate effectiveness.[39] However, an internal analysis may still be conducted to gauge the economic impact, with an emphasis on the burden on competition involving regulated entities. In this regard, the Board believes the proposed rule change is necessary and appropriate to achieve the goal of reducing the MSRB's reserves. Because the market activity fees that are the subject of the proposed rule change comprised a majority of MSRB's revenue and contributed to the excess reserves, the Board believes that it is reasonable and appropriate to temporarily reduce these fees for the designated period to achieve this objective. Additionally, the MSRB believes that the duration of the proposed rule change's temporary fee reduction is reasonable and appropriate in light of the MSRB's excess reserves position and the Board's ongoing review of the MSRB's overall fee structure and goal of arriving at longer-term conclusions about the MSRB's financial positioning.

The MSRB does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it would temporarily decrease the market activity fees by the same percentage for all dealers subject to these fees. Consequently, the equal application of the fee reduction will not result in an impact on market competition. The proposed fee reduction utilizes the temporary fee reduction mechanism already established and effectively used in Fiscal Year 2019 while the MSRB proceeds with a broader review of its fee structure. Notably, this time the length of the reduction time period is eighteen months versus nine months in Fiscal Year 2019 and the rate of reduction is now 40 percent versus 33 percent in Fiscal Year 2019. Based on the current level of MSRB's reserves and the Board's target level, the Fiscal Year 2021 budget and pro forma for Fiscal Year 2022 (projected budget numbers between April 2021 and September 2022), a 40 percent reduction of the fees assessed under Rule A–13(c)(i) and (d) would forgo revenue of, and thus reduce reserves by, an estimated $18.8 million.[40]

The MSRB believes that the proposed rule change would not impose an unnecessary or inappropriate regulatory burden on dealers, as dealers with different levels of underwriting and trading activities would all benefit from the temporary fee reduction proportionately during the relevant period. For dealers engaging in primary market activity, a temporary 40 percent reduction in the underwriting assessment of the par value will benefit all dealers and the reduction amount will be proportionate to each dealer's total underwriting par amount. Additionally, all dealers engaging in secondary market activity will be impacted by a 40 percent reduction of the transaction assessment on the par

[35] As a general illustration of this point, the MSRB believes that a dealer firm that only occasionally engages in underwriting business is more likely to receive a benefit from a fee reduction occurring over an eighteenth-month period than, for example, a fee reduction occurring over a six-month period.

[36] *See* note 21 *supra.*

[37] The MSRB also understands that dealer firms receiving ''rebates'' and similar after-the-fact reimbursements for prior payments and historical activity may have difficulty in accurately calculating and appropriately redistributing money through or across organizations, particularly for underwriting syndicate participants.

[38] 15 U.S.C. 78*o*–4(b)(2)(C).

[39] The scope of the Board's policy on the use of economic analysis in rulemaking provides that:

[t]his Policy addresses rulemaking activities of the MSRB that culminate, or are expected to culminate, in a filing of a proposed rule change with the SEC under Section 19(b) of the Exchange Act, other than a proposed rule change that the MSRB reasonably believes would qualify for immediate effectiveness under Section 19(b)(3)(A) of the Exchange Act if filed as such or as otherwise provided under the exception process of this Policy.

Policy on the Use of Economic Analysis in MSRB Rulemaking, available at *http://msrb.org/Rules-and-Interpretations/Economic-Analysis-Policy.aspx.* For those rule changes which the MSRB seeks immediate effectiveness, the MSRB usually focuses exclusively its examination on the burden of competition on regulated entities.

[40] In round numbers, the proposed fee reduction would reduce an estimated $6 million fee for underwriting, $9 million fee for transaction, and $4 million fee for technology.

value traded by each dealer and a 40 percent reduction in the technology fee based on the number of trades conducted by each dealer. In summary, no firm would be unduly burdened as compared to another firm. Nor would a firm engaging in both underwriting *and* trading activities be unduly burdened as compared to singularly focused firms, as the proposed rule change would provide for a 40 percent reduction to each of the market activity fees.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit comment on the proposed rule change. Therefore, there are no comments on the proposed rule change received from members, participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [41] and paragraph (f) of Rule 19b–4 [42] 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.

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–MSRB–2021–02 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–MSRB–2021–02. 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 MSRB. 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–MSRB–2021–02 and should be submitted on or before March 30, 2021.

For the Commission, pursuant to delegated authority.[43]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04793 Filed 3–8–21; 8:45 am]

BILLING CODE 8011–01–P

[41] 15 U.S.C. 78s(b)(3)(A).

[42] 17 CFR 240.19b–4(f).

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91252; File No. SR–CBOE–2021–012]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

March 3, 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 22, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III 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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set 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 its Fees Schedule to adopt surcharges in connection with the Exchange's plan to activate the Automated Improvement Mechanism (''AIM'') Auction [3] for S&P 500 Index (''SPX'') and SPX Weekly (''SPXW'') options while the Exchange is operating in its normal hybrid environment, effective February 22, 2021.

By way of background, AIM includes functionality in which a Trading Permit Holder (''TPH'') (an ''Initiating TPH'') may electronically submit for execution an order it represents as agent on behalf of a customer,[4] broker dealer, or any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that this includes Complex AIM (''C–AIM''), as set forth in proposed footnote 26.

[4] The term ''customer'' means a Public Customer or a broker-dealer. The term ''Public Customer'' means a person that is not a broker-dealer. See Rule 1.1.

other person or entity (''Agency Order'') against any other order it represents as agent, as well as against principal interest in AIM (an ''Initiating Order''), provided it submits the Agency Order for electronic execution into an AIM Auction.[5] The Exchange may designate any class of options traded on Cboe Options as eligible for AIM. The Exchange notes that all Users, other than the Initiating TPH, may submit responses to an Auction (''AIM Responses''). AIM Auctions take into account AIM Responses to the applicable Auction as well as contra interest resting on the Cboe Options Book at the conclusion of the Auction (''unrelated orders''), regardless of whether such unrelated orders were already present on the Book when the Agency Order was received by the Exchange or were received after the Exchange commenced the applicable Auction. If contracts remain from one or more unrelated orders at the time the Auction ends, they are considered for participation in the AIM order allocation process.

The Exchange does not currently activate AIM for SPX/SPXW while it operates in its normal hybrid trading environment (*i.e.,* when the trading floor is operable).[6] The Exchange, however, plans to activate AIM for SPX/SPXW on February 22, 2021 for operation in the Exchange's normal hybrid environment. In connection with the planned activation of AIM for SPX/SPXW while the Exchange functions in its normal hybrid setting, the Exchange proposes to adopt certain surcharges under Rate Table—Underlying Symbol List A of the Fees Schedule. Specifically, the Exchange proposes to adopt an SPX AIM Hybrid Surcharge of $0.50 per contract for all Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N'') and Professional (capacity ''U'') (collectively, ''Non-Customers''), and Market-Maker (capacity ''M'') orders in SPX/SPXW options executed in AIM. The Exchange also proposes to adopt an SPX AIM Hybrid Surcharge of $0.39 per contract for all Clearing TPHs (capacity ''F'') and for Non-Clearing TPH Affiliates (capacity ''L'') (collectively, ''Firms'') orders in SPX/SPXW options executed in AIM. Finally, the Exchange proposes to adopt an SPX AIM Hybrid Originator Surcharge of $0.10. Proposed footnote 26 is appended to the proposed surcharges and provides that the SPX AIM Hybrid Surcharges, including the Originator Surcharge, apply only to SPX/SPXW orders executed in AIM and C–AIM[7] during RTH when the Exchange is operating in a hybrid environment (*i.e.,* the trading floor is operable). The SPX AIM Hybrid Surcharge will apply to all SPX/SPXW AIM Agency/Primary, Contra and Response orders. The SPX AIM Hybrid Originator Surcharge will apply to all SPX/SPXW Agency/Primary orders and such fee will be invoiced to the executing TPH.

Particularly, the Exchange notes that it can determine AIM eligibility on a class-by-class basis[8] and, as stated above, historically has not designated SPX/SPXW as eligible for AIM Auctions. As such, the Exchange wants to encourage market participants to continue to execute SPX/SPXW volume in open outcry or against quotes in its electronic Book when AIM is switched on for SPX/SPXW. The Exchange believes the SPX AIM Hybrid Surcharges (including the Originator surcharge) will provide a reasonable cost incentive to market participants to continue to execute SPX/SPXW orders as they do today as well as through AIM when appropriate once activated. More specifically, the SPX AIM Hybrid Surcharges aim to balance incentives between executing via the AIM Auctions and executing via open outcry or the electronic Book, which the Exchange believes will maintain robust hybrid markets and continue to incentivize the provision of liquidity to both its electronic and trading floor environments in order to support price discovery and increased execution opportunities. The new functionality for SPX/SPXW will allow market participants to interact with SPX/SPXW order flow in a manner not previously available in a hybrid trading environment.[9] Therefore, the Exchange believes it is appropriate to assess additional fees to market participants that choose to leverage auction execution opportunities outside of contributing to SPX/SPXW liquidity in open outcry and the [sic] on the electronic Book. Indeed, the Exchange currently does so in various places in the Fees Schedule with respect to other classes. For example, the Exchange currently assesses a higher charge for Non-Customer and Firm AIM Responses in all products, except Sector Indexes[10] and Underlying Symbol List A,[11] of $0.50 (Penny classes) and $1.05 (Non-Penny classes) than the applicable standard transaction rates. The Exchange also notes that when it is operating in a screen-based only environment, it assesses an AIM Agency/Primary Surcharge of $0.10, which, like the proposed SPX AIM Hybrid Originator Surcharge, applies to all AIM Agency/Primary orders in SPX/SPXW and is invoiced to the executing TPH. Additionally, the Exchange notes that it assesses certain surcharges on proprietary products (*i.e.,* SPX/SPXW, SPESG and VIX)[12] to similarly create a reasonable cost equivalence between the primary execution channels (open outcry and electronic book) for such products and likewise maintain a robust hybrid system.[13] Overall, the proposed fees are designed to balance fees at an appropriate level in order to assess SPX/SPXW order flow to the AIM Auctions while also maintaining incentive for participation and the provision of liquidity in SPX/SPXW on the trading floor and in the electronic book when AIM is activated for SPX/SPXW.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section

[5] See Rule 5.37 (AIM); and Rule 5.38 (C–AIM).

[6] In March 2020, the Exchange suspended open outcry trading to help prevent the spread of the novel coronavirus and operated in an all-electronic configuration though June 2020. During this time, the Exchange activated AIM for SPX and SPXW options in an all-electronic environment to provide TPHs with a mechanism to execute crosses electronically, as they could no longer represent those crosses for open outcry execution. Footnote 12 in the Fees Schedule provides specifically that in the event the Exchange operates in a screen-based only environment, AIM may be available for SPX and SPXW during Regular Trading Hours, and the Fees Schedule provides for certain SPX AIM Surcharges that apply only in that case.

[7] *See supra* note 3. The Exchange notes that it already activates FLEX AIM for SPX/SPXW and that all currently applicable FLEX transaction fees and surcharges will continue to apply.

[8] *See* Rule 5.37(a)(1) and 5.38(a)(1).

[9] Previously only available while the trading floor was inoperable for a period of time during 2020. *See supra* note 6.

[10] Sector Index underlying symbols: IXB, SIXC, IXE, IXI, IXM, IXR, IXRE, IXT, IXU, IXV AND IXY. Corresponding option symbols: SIXB, SIXC, SIXE, SIXI, SIXM, SIXR, SIXRE, SIXT, SIXU, SIXV AND SIXY.

[11] Underlying Symbol List A: OEX, XEO, RUT, RLG, RLV, RUI, UKXM, SPX (includes SPXW), SPESG and VIX.

[12] *See* Cboe Options Fees Schedule, ''Rate Table—Underlying Symbol List A'', which assesses an Execution Surcharge of $0.21 for all non-Market-Maker orders in SPX and SPESG and $0.13 for all non-Market-Maker orders in SPXW, and assesses a Customer Priority Surcharge of $0.20 for all Customer maker orders in VIX.

[13] *See e.g.,* Securities and Exchange Release Nos. 71295 (January 14, 2014), 79 FR 3443 (January 21, 2014) (SR–CBOE–2013–129); and 88426 (March 19, 2020), 85 FR 16978 (March 25, 2020) (SR–CBOE–2020–021).

[14] 15 U.S.C. 78f(b).

6(b)(5) [15] 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 Section 6(b)(4) of the Act,[16] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

Particularly, the Exchange believes the proposed rule change to adopt AIM Hybrid Surcharges (including an Originator Surcharge) is reasonable because the proposed surcharges are reasonably designed to ensure that there is appropriate cost incentive to market participants to continue to execute through the Exchange's primary execution channels for SPX/SPXW once AIM is activated for SPX/SPXW. The Exchange believes that the proposed SPX AIM Hybrid Surcharges reasonably balance cost incentives between executing via the AIM Auctions and executing via open outcry or against quotes in the electronic Book, which is in the interest of the Exchange as it must both maintain robust hybrid markets, incentivizing liquidity to both its electronic and trading floor environments in order support price discovery and increased execution opportunities. The planned activation of this functionality for SPX/SPXW will allow market participants to interact with SPX/SPXW order flow in a manner not previously available,[17] and, as a result, the Exchange believes it is reasonable to assess additional fees for market participants that choose to leverage auction execution opportunities outside of contributing to SPX/SPXW liquidity in open outcry and the on the electronic Book.

The Exchange also believes that the proposed fees in connection with SPX AIM orders are reasonable as they do not represent a significant departure from the fees currently offered under the Fees Schedule. The Exchange believes that the proposed SPX AIM Hybrid Surcharges of $0.50 per contract for all Non-Customer and Market-Maker and $0.39 per contract for all Firm orders executed in AIM (Agency/Primary, Contra and Response) are reasonable because these surcharges are, respectively, comparable to or less than the $0.50 and $1.05 rates per contract, which are generally higher than the applicable standard transaction rates, currently assessed for certain AIM orders submitted in all products (with certain exceptions). The Exchange believes that the proposed SPX AIM Hybrid Originator Surcharge is reasonable as it is equivalent to the AIM Agency/Primary Surcharge of $0.10 that is assessed when the Exchange is operating in an screen-based only environment and likewise applies to all AIM Agency/Primary orders in SPX/SPXW and is invoiced to the executing TPH. The Exchange again notes that it assesses certain surcharges on proprietary products (*i.e.,* SPX/SPXW, SPESG and VIX) [18] in order to similarly create a reasonable cost equivalence between its primary execution channels (open outcry and electronic book) for such products as the Exchange seeks to maintain a robust hybrid system.[19] Overall, the Exchange believes the proposed fees are reasonably designed to balance fees at an appropriate level in order to assess SPX/SPXW order flow to AIM Auctions while also maintaining incentive for participation in SPX/SPXW on the trading floor and in the electronic book, thereby supporting incentive for continued liquidity in SPX/SPXW through the Exchange's primary execution channels while AIM is activated for SPX/SPXW, to the benefit of all market participants.

The Exchange believes that the proposed SPX AIM Hybrid Surcharges (including the Originator Surcharge) are equitable and not unfairly discriminatory because the proposed SPX AIM Hybrid Surcharges will apply equally to all similarly situated TPHs that submit orders in SPX/SPXW into AIM. That is, the proposed fees will apply equally to all Non-Customer and Market-Maker orders in SPX/SPXW executed in AIM, to all Firm orders in SPX/SPXW executed in AIM, and to all executing TPHs that submit AIM Agency/Primary orders in SPX/SPXW. The Exchange believes that it is equitable and not unfairly discriminatory to provide lower SPX AIM Hybrid rates for Firms because the Exchange believes that Firm participation in the markets is essential to a robust hybrid market ecosystem as Firms facilitate the execution of customer orders, as well as provide clearing services, both electronically and in open outcry. The Exchange recognizes Firms as an important source of liquidity when they facilitate their own customers' trading activity, which enhances transparency and price discovery to the benefit of all market participants, and, as a result, currently assesses a lower rate to Firms in various places under the Fees Schedule, including for transactions in SPX/SPXW.[20]

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe the proposed SPX AIM Hybrid Surcharges (including the Originator Surcharge) will impose any burden on intramarket competition because they will apply equally to all similarly situated TPHs that submit orders in SPX/SPXW into AIM. That is, the proposed fees will apply equally to all Non-Customer and Market-Maker orders in SPX/SPXW submitted to AIM, to all Firm orders in SPX/SPXW submitted to AIM, and to all executing TPHs that submit AIM Agency/Primary orders in SPX/SPXW. The Exchange does not believe that providing lower SPX AIM Hybrid rates for Firms will impose any significant burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Exchange recognizes that Firm participation in the markets is essential to a robust hybrid market ecosystem as Firms facilitate the execution of customer orders, as well as provide clearing services, both in open outcry and electronically. As a result, the Exchange currently assesses a lower rate to Firms in various places under the Fees Schedule, including for transactions in SPX/SPXW.[21] The Exchange believes that Firms can be an important source of liquidity when they facilitate their own customers' trading activity, which enhances transparency and price discovery to the benefit of all market participants. The Exchange again notes that the proposed SPX AIM

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

[17] Previously only available while the trading floor was inoperable for a period of time during 2020. *See supra* note 6.

[18] *See supra* note 12.

[19] *See supra* note 13.

[20] *See e.g.,* Cboe Options Fees Schedule, ''Rate Table—Underlying Symbol List A'', which generally assesses lower rates for Firm transactions in SPX/SPXW ($0.26 per contract) than for Market-Makers ($0.28) or Non-Customers ($0.42) in SPX/SPXW.

[21] *See id.*

Hybrid Surcharge comparable to or less than rates currently assessed for certain AIM orders submitted in all products (with certain exceptions) and the proposed SPX AIM Hybrid Originator Surcharge is equivalent to the existing AIM Agency/Primary Surcharge which likewise applies to AIM Agency/Primary orders in SPX/SPXW (when the Exchange is operating in an screen-based only environment).

The Exchange does not believe that the proposed rule change in connection with SPX AIM Hybrid Surcharges will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the propose surcharges apply only to an Exchange proprietary product, which is traded exclusively on Cboe Options, and for orders executed in an auction on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and paragraph (f) of Rule 19b–4 [23] 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 change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–012 and should be submitted on or before March 30, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–04791 Filed 3–8–21; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f).

[24] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day Notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before April 8, 2021.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Curtis.Rich@sba.gov;* (202) 205–7030, or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: SBA is required to survey affected disaster areas within a state upon request by the Governor of that state to determine if there is sufficient damage to warrant a disaster declaration. Information is obtained from individuals, businesses, and public officials.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0136.

Title: Disaster Survey Worksheet.

SBA Form Number: 987.

Description of Respondents: Disaster effected individuals and businesses.

Estimated Number of Respondents: 2,400.

Estimated Annual Responses: 2,400.

Estimated Annual Hour Burden: 199.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–04854 Filed 3–8–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0986]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Helicopter Air Ambulance Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 14, 2020. The collection involves the requirement for Helicopter Air Ambulance Operators to report certain information to the FAA. The FAA collects 14 pieces of data from helicopter air ambulance operators, 8 of which are mandated in the report to Congress. We collect data on the following: Number of helicopters, helicopter base locations, number of hours the helicopters are flown, number of patients transported, number of transportation requests accepted or denied, number of accidents, number of instrument flight hours flown, number of night flight hours flown, number of incidents, and the rate of accidents or incidents per 100,000 flight hours. The information to be collected will be used in helping the FAA develop risk mitigation strategies and provide information to Congress.

DATES: Written comments should be submitted by April 8, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Tom Luipersbeck by email at: *Thomas.A.Luipersbeck@faa.gov;* phone: 615–202–9683

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0761.

Title: Helicopter Air Ambulance Operator Reports.

Form Numbers: 2120–0756.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 14, 2020 (85 FR 65133). One comment was received.

The FAA Modernization and Reform Act of 2012 (the Act), as amended by the FAA Reauthorization Act of 2018, mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. See Public Law 112–95, Sec. 306, 49 U.S.C. 44731. The FAA Administrator had 180 days to develop a methodology to collect and store those data. The Act further mandates that not later than 2 years after the date of enactment, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a summary of the data collected.

The helicopter air ambulance operational data provided to the FAA is used by the agency as background information useful in the development of risk mitigation strategies to reduce the helicopter air ambulance accident rate, and to meet the mandates set by Congress. All helicopter air ambulance operators must report data to the FAA.

The FAA collects 14 pieces of data from helicopter air ambulance operators which are mandated in the report to Congress. Data is collected on the following: number of helicopters, helicopter base locations, number of hours the helicopters are flown, number of patients transported, number of transportation requests accepted or denied, number of accidents, number of instrument flight hours flown, number of night flight hours flown, number of incidents in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport, and the number of accidents that occurred while conducting helicopter air ambulance operations. The information is collected annually.

Respondents: 62 Helicopter Air Ambulance Operators.

Frequency: Annually.

Estimated Average Burden per Response: Varies per size of operation.

Estimated Total Annual Burden: 738 Hours for all operators.

Issued in Washington, DC, on March 4, 2021.

Sheri A. Martin,

Management and Program Analyst, FAA, Air Transportation Division, AFS–200.

[FR Doc. 2021–04884 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0013]

Agency Information Collection Activities; Notice and Request for Comment; Automated Driving Systems 2.0: A Vision for Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for public comment on an extension of a currently-approved information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently-approved information collection. Before a Federal agency may 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 a collection of information for which NHTSA intends to seek OMB extension approval, titled ''Automated Driving Systems 2.0: A Vision for Safety'' and identified by OMB Control Number 2127–0723, which is currently approved through May 31, 2021. The burden hour calculations have been adjusted to reflect a reduction in burden as well as a reduction in the frequency of response resulting in a total annual burden hour

reduction from 86,100 hours to 12,000 hours.

DATES: Comments must be submitted on or before May 10, 2021.

ADDRESSES: You may submit comments using any of the following methods:

- *Electronic submissions:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone (202) 366–9322.

Instructions: Each submission must include the Agency name and the Docket number identified at the beginning of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act 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 background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Ms. Debbie Sweet, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone (202) 366–7179; Fax: (202) 366–2106; email address: *Debbie.Sweet@dot.gov.* Please identify the relevant collection of information by referring to its OMB Control Number.

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 first 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. OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must request public comment on the following: (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) how to enhance the quality, utility, and clarity of the information to be collected; and (d) 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 comments on the extension of the following collection of information for which the agency is seeking approval from OMB.

Title: Automated Driving Systems 2.0: A Vision for Safety.

Type of Request: Extension of a currently-approved information collection.

OMB Control Number: 2127–0723.

Form Number: None.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from date of approval.

Summary of the collection of Information: In September 2017, NHTSA published a policy document titled, *Automated Driving Systems 2.0: A Vision for Safety* (*ADS 2.0*). Recognizing the potential that Automated Driving Systems (ADSs) have to enhance safety and mobility, this policy document set out an approach to enable the safe deployment of Automated Driving Systems (SAE Automation Levels 3 through 5—Conditional, High, and Full Automation Systems as defined in SAE J3016).[1]

Consistent with its statutory purpose to reduce traffic crashes and deaths and injuries resulting from traffic accidents,[2] NHTSA has recommended disclosure of information via a Voluntary Safety Self-Assessment (VSSA) related to ADS technologies by vehicle manufacturers and other entities as described in *ADS 2.0.* In the section of *ADS 2.0* titled, ''Voluntary Guidance for Automated Driving Systems'' (hereafter referred to as ''Voluntary Guidance''), NHTSA recommended that manufacturers and other entities assess their ADS-equipped vehicle against specific safety elements, summarize that assessment, and then voluntarily disclose that summary to the public.[3] The Voluntary Guidance outlines recommended best practices, many of which should be commonplace in the industry, for the safe pre-deployment design, development, and testing of ADSs prior to commercial sale or operation on public roads.

Description of the Need for the Information and Proposed Use of the Information: To assist States and the public in understanding how safety is being considered by manufacturers and other entities developing and testing ADSs, NHTSA has encouraged disclosures that aid in that mission. The burden estimates contained in this notice are based on the Agency's understanding of the ADS market and the time associated with generating a self-assessment and voluntarily making a summary of that self-assessment public. The estimates in this notice are adjustments from the previous information collection request (ICR) demonstrating a decrease in the burden-hour estimate.

The manner by which NHTSA encourages ADS manufacturers and other entities to disclose information is through a VSSA. The VSSA summarizes how the manufacturer or other entity has considered the safety elements contained in the Voluntary Guidance as shown below:

- System Safety
- Operational Design Domain
- Object and Event Detection and Response
- Fallback (Minimal Risk Condition)
- Validation Methods
- Human Machine Interface
- Vehicle Cybersecurity
- Crashworthiness
- Post-Crash ADS Behavior
- Data Recording
- Consumer Education and Training
- Federal, State and Local Laws

The Agency believes the work associated with consideration of the safety element in the Voluntary Guidance to be an extension of good and safe engineering practices already in place. It therefore believes that manufacturers and other entities will have access to all the information

[1] For more information about SAE J3016, *see https://www.sae.org/standards/content/j3016_201806.*

[2] 49 U.S.C. 30101.

[3] *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf.*

needed to craft a VSSA that discusses how the safety elements were considered and, if they choose, release a summary of that assessment publicly. Of the manufacturers and other entities who voluntarily disclose this information, NHTSA anticipates that most manufacturers and other entities will post the VSSAs online. As of December 28, 2020, NHTSA was aware of 26 VSSAs, all available online.

The safety elements are fully described in the Voluntary Guidance section (section 1) of *ADS 2.0,* as is the VSSA. The VSSA (including the public release of that summary assessment) is intended to communicate to the public (particularly States and consumers) that entities are (1) considering the safety aspects of ADSs; (2) communicating and collaborating with DOT; (3) encouraging the self-establishment of industry safety norms for ADSs; and (4) building public trust, acceptance, and confidence through transparent testing and deployment of ADSs.

Affected Public: Entities involved in the testing and deployment of ADSs.

Estimated Number of Respondents: 20.

Frequency: On Occasion (based on information from the current information collection, respondents are expected to respond, on average, once every three years).

Estimated Total Annual Burden Hours: 12,000 hours.

NHTSA is using the number of entities that have received permits from the State of California as surrogate for the number of respondents that may choose to develop and issue a VSSA. As of December 28, 2020, California has cumulatively issued permits to 58 entities to test Automated Driving Systems with drivers present, five of those entities also received permits to test without a driver present, and one entity (included on both other lists) has a permit to deploy.[4] At the onset of the current information collection, California had issued permits to 45 entities as of November 16, 2017, but NHTSA had expected the number to grow to 60 entities within the three years of the information collection, assuming an addition of new entrants. For that reason, the burden hours and cost were calculated based on 60 respondents. NHTSA expects the number of potential respondents to remain at approximately 60 given the coordinated efforts of some companies on the list, the departure of some of those entities from the industry (departures were not prevalent in 2017 as the industry was new), and accounting for new entrants. As a point of reference, since the previous ICR was approved, NHTSA is aware of 26 published VSSAs. Given that only 26 VSSAs have been published in three years compared to the 58 actively-permitted entities in California, NHTSA believes that 60 respondents is an appropriate high-end for total respondents. However, based on observations of the current information, NHTSA estimates that respondents will only produce and disclose a new VSSA once every three years. Therefore, NHTSA has revised its burden calculations to reflect estimates based on 20 respondents each year.

Components of the Voluntary Guidance in *ADS 2.0* and public disclosure of the VSSA have not changed since release in 2017. NHTSA expects the industry burden of addressing safety elements in the Voluntary Guidance to be comprised of efforts entities would already incur in normal business operation and existing documentation. While the previous ICR calculated burden hours associated with a potential increase in analysis and review in order to develop the VSSA, NHTSA has since determined there to be no increased documentation citing how an entity addressed the safety elements in the Voluntary Guidance. NHTSA does not believe that any entity is documenting its safety efforts solely for the purpose of the VSSA and public disclosure. Therefore, NHTSA reduced the estimation of burden hours by 835 burden hours per respondent per year from the previous ICR.

Development and disclosure of a VSSA is expected to involve burden for format, content, and summary, varying by safety element. NHTSA estimates that each entity will spend approximately 600 hours to develop and disseminate a VSSA. This estimate of burden is comprised of efforts to transmit information from the existing format (520 hours for development) into a summary format that would be consumable by the public, including data translation, analysis, and discussion of traditionally technical information (80 hours to summarize).

The total estimated burden hours for a single VSSA is calculated as 600 hours for each of the 20 respondents. The total burden hours per year is estimated at 12,000 hours, a reduction from the 86,100 hours in the previous ICR.

In summary, NHTSA estimates the total burden associated with disclosure recommendations via a VSSA would be 600 hours per respondent with 20 respondents submitting information each year. The frequency of responding is once every three years; therefore, NHTSA estimates there will be a total of 60 unique responders over the course of the next three years.

The burden hours associated with development of a VSSA are detailed in the tables below.

TABLE 1—BURDEN HOURS ESTIMATES FOR VSSA, PER SAFETY ELEMENT

Safety element in voluntary guidance	Burden hours for VSSA development	Burden hours for VSSA summary
A. System Safety	20	10
B. Operational Design Domain	20	5
C. Object and Event Detection and Response	40	5
D. Fallback	80	10
E. Validation Methods	80	10
F. Human Machine Interface	20	5
G. Vehicle Cybersecurity	20	5
H. Crashworthiness	20	5
I. Post-Crash ADS Behavior	20	5
J. Data Recording	80	10
K. Consumer Education and Training	40	5

[4] *https://www.dmv.ca.gov/portal/vehicle-industry-services/autonomous-vehicles/autonomous-vehicle-testing-permit-holders/.*

TABLE 1—BURDEN HOURS ESTIMATES FOR VSSA, PER SAFETY ELEMENT—Continued

Safety element in voluntary guidance	Burden hours for VSSA development	Burden hours for VSSA summary
L. Federal, State, and Local Laws	80	5
Total Burden Hours Per ADS	520	80

TABLE 2—CALCULATION OF ANNUAL BURDEN HOURS

Estimated Number of Respondents Annually	20
Estimated Burden Hours for Voluntary Assessment Development	520 hours
Estimated Burden Hours for Summarizing Information	80 hours
Total Burden Hours per Respondent	600 hours
Total Estimated Burden Hours for Industry per Year	12,000 hours

NHTSA estimates the hourly cost associated with preparing VSSAs to be $97.36 [5] per hour using the Bureau of Labor Statistics' mean hourly wage estimate for architectural and engineering managers in the motor vehicle manufacturing industry (Standard Occupational Classification #11–9041). Therefore, the total estimated annual burden to each respondent is $58,416 (600 hours × $97.36 = $58,416). Therefore, the total estimated labor costs to all respondents to this collection is $1,168,320.

Estimated Total Annual Burden Cost: NHTSA does not anticipate any further burden to respondents beyond the labor costs associated with the burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for 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.

Cem Hatipoglu,

Associate Administrator for Vehicle Safety Research.

[FR Doc. 2021–04877 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–59–P

[5] The hourly wage is estimated to be $68.35 per hour. National Industry-Specific Occupational Employment and Wage Estimates NAICS 336100—Motor Vehicle Manufacturing, May 2019, *https://www.bls.gov/oes/current/naics4_336100.htm,* last accessed June 30, 2020. The Bureau of Labor Statistics estimates that wages represent 70.2 percent of total compensation to private workers, on average. Therefore, NHTSA estimates the total hourly compensation cost to be $97.36.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2021–0023]

Notice of Tribal Consultation; Request for Comments

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Notice of Tribal consultation; request for comments.

SUMMARY: The U.S. Department of Transportation (DOT or we) announces that it is holding virtual Tribal consultation with American Indian and Alaskan Native Tribes on its implementation of Executive Order 13175 of November 6, 2000, consistent with the Presidential Memorandum of January 26, 2021. We also announce the establishment of a docket to receive comments on our Tribal consultation policies and practices. Testimony presented at these Tribal consultations will be considered by DOT in formulating its plan of actions in response to the Presidential Memorandum of January 26, 2021. We will host a virtual Tribal consultation on March 24, 2021.

DATES: Consistent with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments,* we will hold a virtual Tribal consultation meeting to take oral testimony. The Tribal consultation meeting will be held on Wednesday, March 24, 2021 from 2:00 p.m. to 3:30 p.m. EDT. Participants can access the presentation by logging into the following: *https://www.transportation.gov/self-governance.* Participants may submit written questions in advance of the meeting to *tribalaffairs@dot.gov,* or provide written comments/questions using the chat function during the presentation. Any questions or comments to be considered must be received in writing via email to *tribalaffairs@dot.gov* by 5 p.m. EST, Wednesday, March 31, 2021. Additional information about how to participate during the consultation will be made available at *https://www.transportation.gov/self-governance* in advance of the consultation and announced at the beginning of the consultation.

Additional follow-on listening sessions with Tribal associations may be scheduled. These listening sessions will be open to the public. Please check *https://www.transportation.gov/self-governance* for additional details.

The closing date for comments on this notice is April 19, 2021. The Department will consider late comments to the extent practicable.

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

- *Electronic mail:* Send electronic mail to *tribalaffairs@dot.gov* and reference OST–2021–0023 in the subject line.
- *Electronically through the Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments;
- *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,

West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or

• *Fax:* 1–202–493–2251.

All comment submissions must include the agency name, docket name, and docket number (DOT–OST–2021–0023). DOT solicits comments from the public to better inform its deliberations. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be viewed at *www.dot.gov/privacy.* Physical access to the Docket is available at the Hand Delivery address noted in this section.

FOR FURTHER INFORMATION CONTACT: Milo Booth, Director of Tribal Affairs, 202–309–9786, *milo.booth@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose

On January 26, 2021, President Biden issued a Presidential Memorandum on Tribal consultation and Strengthening Nation-to-Nation Relationships (Presidential Memorandum) [1] reaffirming Executive Order (E.O.) 13175 titled ''Consultation and Coordination With Indian Tribal Governments'' [2] and the policy announced in the 2009 Presidential Memorandum titled ''Tribal Consultation'' (2009 Presidential Memorandum).[3] The Presidential Memorandum directs agencies to consult with Indian Tribes to develop a detailed plan of actions to implement E.O. 13175 and subsequently submit this plan to the Director of the Office of Management and Budget (OMB) and the Assistant to the President for Domestic Policy (APDP) within 90 days (April 26, 2021).

Consistent with E.O. 13175 and the Presidential Memorandum, the U.S. Department of Transportation (DOT or we) announces its intent to engage in Tribal consultation on whether our existing consultation policies and practices are effective in implementing E.O. 13175 and ways we can improve our outreach and communication with Indian Tribes. We also announce the establishment of a docket to receive comments from Indian Tribal officials,[4] tribal organizations, individual tribal members and other interested persons on our communication and outreach with Indian Tribes when we consider ''policies that have tribal implications.'' [5] In section II, below, we identify specific questions to help us assess our implementation of E.O. 13175.

II. Background

A. Agency Mission. Our mission is to ensure America has the safest, most efficient and modern transportation system in the world, which boosts our economic productivity and global competitiveness and enhances the quality of life in communities both rural and urban. The Department and its Operating Administrations (OAs) implement a diverse set of funding and safety programs. We are interested in any general comments or concerns that would help us improve our communication and outreach with Indian Tribes on ''policies that have tribal implications,'' as we strive to achieve our mission.

B. Existing Policies Regarding Interactions with Indian Tribes. We previously have issued two policy statements that set forth principles to promote effective government-to-government interactions with American Indian and Alaska Native Tribes, and to encourage and facilitate Tribal involvement in areas over which the DOT has jurisdiction. DOT Order 5301.1, ''Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes'' (November 16, 1999). (*https://www.transportation.gov/sites/dot.gov/files/docs/DOT%20 5301.1.pdf*) and a Consultation Plan issued in response to the 2009 Presidential Memorandum (*https://www.transportation.gov/sites/dot.gov/files/docs/Tribal%20Consultation%20 Plan.pdf*) comprise these policy statements. These policy statements provide Department-wide guidelines to achieve consistency, but also encourage tailored approaches to consultation and coordination that reflect the circumstances of each situation and the preference of each Tribal government. It is our expectation that all program and OA consultation and coordination practices will be consistent with or adhere to the Department's Tribal consultation policies.

1. Consultation Plan

The U.S. Department of Transportation Tribal Consultation Plan (Consultation Plan) (*https://www.transportation.gov/sites/dot.gov/files/docs/Tribal%20Consultation%20 Plan.pdf*) summarized E.O. 13175, the 2009 Presidential Memorandum, and DOT Order 5301.1. The Consultation Plan did not cancel or displace DOT Order 5301.1. Rather, we read the two documents jointly. The Consultation Plan identified seven goals and specific actions associated with each goal that we would continue to take to support the principles of self-governance, self-determination, and tribal sovereignty identified in E.O. 13175. These goals and actions include the following:

Goal 1: Foster meaningful government-to-government relations by:

• Ensuring participation by Department officials at national tribal conferences, tribal/State meetings, summits, and conferences discussing tribal issues.

• Establishing direct contact with Indian tribal governments, including visiting tribal governments at reservations, Native Villages, and communities.

• Seeking tribal government representation in meetings, conferences, summits, advisory committees, and review boards concerning issues with tribal implications.

Goal 2: Improve existing tribal programs by:

• Seeking tribal input when the DOT develops or revises regulations with tribal implications and providing adequate time to allow for comment.

• Notifying tribes of grant opportunities through multiple means, including direct letters and emails whenever appropriate, as well as announcements on the DOT website and in the **Federal Register**.

• Providing timely technical assistance on changes to legislation, regulations, programs, and grants.

Goal 3: Ensure meaningful tribal input into future tribal transportation programs by:

• Developing policy and programs using input, guidance, and recommendations from tribal leaders.

• Seeking and responding to comments from tribal governments.

• Soliciting tribal comments in the development of the DOT's surface transportation reauthorization proposal.

• Conducting meetings throughout the country after the passage of the next surface transportation authorization legislation to discuss impacts on and

[1] 86 FR 7491 (January 29, 2021).

[2] 65 FR 67249 (November 9, 2000).

[3] 74 FR 57879 (November 9, 2009).

[4] ''Tribal officials,'' as defined in Section I(d) of E.O. 13175, means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

[5] ''Policies that have tribal implications,'' as defined in Section l(a) of E.O. 13175, refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

opportunities for the tribes and their transportation systems.

• Consulting with tribal governments on making transportation services available to improve mobility, employment opportunities, and access to community services for people who have disabilities, are elderly, or low-income.

Goal 4: Ensure the DOT's uniform and effective delivery of tribal programs throughout the country by:

• Reviewing existing tribal policies in DOT's OAs to ensure consistency with this action plan and each other.

• Assessing the resource needs of the tribal transportation programs at DOT.

• Developing training modules for DOT employees on tribal transit and highway programs.

• Developing a training program for DOT employees regarding tribes, the sovereignty of tribal governments, and the unique government-to-government relationship between tribes and the Federal Government.

• Reaffirming DOT's commitment to working with the Bureau of Indian Affairs on the administration of tribal highway safety grants.

• Continuing to support the tribal Technical Assistance Program (TTAP).

• Addressing tribal transportation issues in DOT Strategic Plans.

• Enhancing support for tribal Liaisons in the Federal Transit Administration, the Federal Highway Administration, the Federal Aviation Administration, and other staff throughout the Department working with tribal governments.

• Coordinating efforts among DOT's OAs by establishing a Department-wide working group tasked with making specific recommendations to the Secretary of Transportation.

Goal 5: Assist in implementing tribal infrastructure projects by:

• Building capacity of tribes on DOT Programs and processes, including the Indian Reservation Roads Program and the Tribal Transit Program.

• Initiating a review of the grant process for the Tribal Transit Program in consultation with the tribes.

• Working with tribal governments to develop case studies and best practices in transportation planning and highway safety.

• Developing a highway Safety Management System (SMS) for tribal governments and forming a Steering Committee that includes tribal representatives to advise on the SMS.

• Identifying and communicating to tribal leaders emerging issues that could impact tribal transportation programs.

• Publishing guidance on DOT's programs with potential benefits to tribal governments.

Goal 6: Assist tribal members in developing transportation capacities by:

• Increasing internships for American Indians and Alaska Natives at DOT through outreach to tribal colleges and universities.

• Creating a web page for tribes on the DOT website.

• Increasing the representation of American Indians and Alaska Natives in the DOT workforce, within merit principles and consistent with the application of appropriate veterans' preference criteria.

Goal 7: Assist efforts to coordinate national tribal infrastructure policy and programs within the Federal Government by:

• Working with the U.S. Department of Agriculture, the Indian Health Service, and the Bureau of Indian Affairs to coordinate Federal tribal infrastructure programs and incorporating livability principles as adopted by the Department's Sustainability Partnership with the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency.

We seek your input on these seven goals, which the Department identified in the Consultation Plan developed in 2010 to guide the actions we will take to support the principles set forth in E.O. 13175. Should we revise any of these goals or incorporate new goals? Please explain your recommendation. If a new goal is proposed, what actions should we take, to the extent practicable and consistent with law, to support the principles set forth in E.O. 13175? Please explain why these actions are appropriate and how they are consistent with law.

2. DOT Order 5301.1

The Department issued DOT Order 5301.1 (*https://www.transportation.gov/sites/dot.gov/files/docs/DOT%20 5301.1.pdf*) to ensure that programs, policies, and procedures administered by the Department are responsive to the needs and concerns of American Indians, Alaska Natives, and tribes. DOT Order 5301.1 predates E.O. 13175. It affirms the Department's and the OAs' unique legal relationship with Indian tribes; establishes the Department's consultation and coordination process with Indian tribes for any action that may ''significantly or uniquely affect'' them; and, lists goals and requirements for OAs carrying out policies, programs, and activities affecting American Indians, Alaska Natives, and tribes. These requirements were designed to recognize Indian statutory preferences in employment, Federal financial assistance arrangements, and contracting; respond to the transportation concerns of Indian tribes related to environmental justice, children's safety and environmental health risks, occupational health and safety, and environmental matters; foster opportunities for hiring tribal members and increasing participation in Federal training activities; include tribal colleges and universities in Departmental educational, research, and program activities; and treat correspondence from leaders of Indian tribes in the same manner as Congressional correspondence.

In developing our detailed plan of action for consideration by OMB and the APDP, we have identified a need to review DOT Order 5301.1.

E.O. 13175 requires agencies to ensure meaningful and timely input from Tribal government representatives in the development of rules that have substantial direct effects. What additional or different steps can we take to ''ensure meaningful and timely input'' in the development of ''policies that have tribal implications''? Please explain why these actions are appropriate.

What steps should we continue to take to ensure meaningful and timely input by tribal officials in the development of regulatory ''policies that have tribal implications?''

Are there recommendations for ways the accountability of our consultation process can be improved?

DOT Order 5301.1 defines consultation, in relevant part, as a ''meaningful and timely discussion . . . during the development of regulations, policies, programs, plans or matters that significantly or uniquely affect'' Tribal communities. DOT Order 5301.1 references implementing instructions found in OMB Memorandum M–95–20 and the 1994 Presidential Memorandum titled ''Government-to-Government Consultations with Native American Tribal Governments.'' How do you recommend that we revise DOT Order 5301.1 to align it with E.O 13175? Please explain your recommendation.

E.O. 13175 requires agencies to consult with Tribal governments in the development of rules that impose ''substantial direct compliance costs'' or ''substantial direct effects'' on Tribal communities or the relationship and distribution of power between the Federal Government and Tribes. Please identify actions we have taken that, in your view, impose ''substantial direct compliance costs'' or ''substantial direct effects'' on Tribes or the distribution of power between the Federal Government and Tribes. Please explain why, in your view, these actions have a substantial

direct effect on Tribal communities and how these actions impose substantial direct compliance costs or on Tribes.

Would it be helpful to define the meaning of the terms ''substantial direct compliance costs'' and ''substantial direct effects?'' How do you define these terms when determining whether to consult with DOT?

3. Consultation With ANCSA Corporations

Our policies address consultation with federally-recognized Indian tribes (including Alaska Native tribes, villages, and communities) that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994.11 It does not, however, address consultation with corporations established pursuant to the Alaska Native Claims Settlement Act (ANCSA Corporations). In 2004, through two consolidated appropriations acts, Congress required Federal agencies to consult with Alaska Native Corporations [6] on the same basis as Federally recognized Indian Tribes under E.O. 13175. (Pub. L. 108–199, 118 Stat. 452, as amended by Pub. L. 108–447,118 Stat. 3267.) DOT interprets the term ''Alaska Native Corporations'' in this requirement to mean ''Native Corporations'' as that term is defined under the Alaska Native Claims Settlement Act (ANCSA) of 1971. DOT is considering adding to the DOT Consultation Policy the requirement to consult with Alaska Native Corporations on the same basis as Indian Tribes under E.O. 13175. The Department requests comments on the requirement to consult with Alaska Native Corporations that would help us improve our policy while recognizing the important differences between them and sovereign tribal governments, the Federal trust responsibility to those Tribal governments and corporations obligated to maximize financial returns to shareholders, and that Alaska Native Corporations may not necessarily represent the same perspective or interests as Tribal nations.

4. Consultation With Native Hawaiians and State-Recognized Tribes

Our policies currently include references to non-Federally recognized groups of Indigenous people, such as State-recognized Tribes, but not Native Hawaiians and Native Hawaiian organizations. The intent of our Tribal consultation policies is to outline how DOT will engage and conduct consultation with Federally recognized Tribal Governments in accordance with E.O. 13175 and applicable requirements. To be consistent with the definition of an ''Indian tribe'' in E.O. 13175, the Department is considering removing from our policies implementing E.O. 13175 references to non-Federally recognized Tribes. Please comment on whether you would agree with removing references to non-Federally recognized Tribes.

5. Communicating Agency Disposition of Tribal Input

DOT and its OAs describe tribal input and concerns regarding specific projects in its environmental documents and decision documents. DOT similarly addresses tribal input and concerns in its rulemaking documents by describing any Tribal consultations or concerns that were identified in the course of developing the rulemaking. We are interested in any general comments or concerns that would help us improve our process for communicating with Tribes how their input was considered by agency decision makers. How could we improve our post-consultation communication? Are there best practices of which we should be aware to ensure that tribal concerns are heard and addressed?

6. Recognition of Federal Trust and Treaty Obligations

As set forth in the U.S. Constitution, treaties, U.S. Supreme Court decisions, Federal statutes and regulations, and Executive Orders, the United States has a unique legal relationship with Indian tribes and a special relationship with Alaska Native entities. Based on treaties with Indian tribes, the U.S. Supreme Court shortly after the founding of the United States established the concept of a Federal trust to define the relationship between the Federal and tribal governments. This trust relationship continues to guide and interpret the responsibility of the United States to Indian tribes. The Department acknowledges that the Federal trust doctrine is a cornerstone of Federal Indian law and that it is the responsibility of the U.S. government to faithfully carry out its treaty promises and trust obligations to Indian tribes.

To ensure that the Department is meeting its treaty obligations and trust responsibilities, we are therefore seeking comments on what actions you think the Department should conduct or not conduct regarding its programs and activities with Indian tribes. Please explain your recommendation.

What treaty or other source do you consider creates an obligation that the Department should carry out? Please explain your response.

What treaty or other source do you consider creates a trust obligation for the Department?

In addition to carrying out consultations with tribes on ''policies that have tribal implications,'' what other specific trust obligations should be carried out by the Department? Please explain your recommendation.

III. Tribal Consultation Meeting

This Tribal consultation meeting and any listening sessions hosted by Tribal associations are intended to provide interested parties with an opportunity to discuss their views on the issues; and for us to obtain the views of Federally recognized Tribes, in accordance with E.O. 13175 and the Presidential Memorandum, on ways we can improve our outreach and communication with Indian Tribes when we develop policies with Tribal implications. We consider Tribal consultation meetings a valuable component of our deliberations and believe that these meetings will allow for constructive dialogue with the Tribal community, Tribal officials, Tribal Elders, elected members of Alaska Native Villages or their appointed representatives, and principals of tribally-owned and Alaska Native Corporation-owned firms. Testimony received at these Tribal consultations will guide our review process of our Tribal consultation policies and practice and may be used to develop new policies and strategies for consultation.

Respondents. The Consultation will prioritize the Government-to-Government discussion and will provide elected or appointed leaders of Tribal governments or their designated representatives first opportunity to comment. Other representatives of Tribal governments, Tribal organizations, and members of the public may offer comment after official Tribal representatives. The order of comments will be as follows: First, elected or appointed leaders of Tribal governments or their designated representatives who requested to provide testimony in advance of the meeting; second, elected or appointed leaders of Tribal governments or their designated representatives who requested to provide testimony via a chat function during the consultation; third, other representatives of Tribal governments who request to provide oral testimony in advance of the meeting or via the chat function; fourth,

[6] ''Alaska Native Corporation,'' pursuant to 43 U.S.C. 1602 *et seq.,* is any Regional Corporation, any Village Corporation, any Urban Corporation, and any Group Corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act.

representatives of Tribal organizations, who request to provide oral testimony in advance of the meeting or via the chat function; fifth, other members of the public who request to provide oral testimony in advance of the meeting or via the chat function; and sixth, all other members of the public who identify themselves orally.

Adjournment. We will adjourn Tribal consultation meetings early if all attendees who requested to provide oral testimony in advance of and during the consultation have delivered their comments. We may provide additional or alternate opportunities to comment, including in virtual listening sessions hosted by Tribal transportation associations with Departmental officials. Additional information regarding additional opportunities to provide oral comment will be made available at *https://www.transportation.gov/self-governance.* We will summarize in a letter to Tribal governments the comments received and indicate how Tribal input was considered in the final action. The letter will constitute formal follow-up notification and will be entered as the date Tribal consultation ended.

IV. Request for Comments

We request public comment from Indian Tribes on the Department's implementation of E.O. 13175 and its Tribal consultation policies and practice. Your comments may relate to, but should not be limited to, the questions identified above. All comments will be accepted. The virtual Tribal consultation meetings and listening sessions are not the only opportunity you have to comment on this matter. In addition to, or in place of, attending a virtual meeting, we encourage you to submit comments in accordance with the instructions in **ADDRESSES**, above. Public comment submissions should include the Docket number OST–2021–0023.

DOT solicits comments from the public to better inform its deliberations. The DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be viewed at *www.dot.gov/privacy.*

Issued in Washington, DC, on or about March 4, 2021.

Peter Paul Montgomery Buttigieg,

Secretary of Transportation.

[FR Doc. 2021–04883 Filed 3–8–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley Smith, Acting Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

On March 2, 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 authorities listed below.

BILLING CODE 4810–AL–P

Individuals:

1. BORTNIKOV, Aleksandr Vasilievich (Cyrillic: БОРТНИКОВ, Александр Васильевич), Moscow, Russia; DOB 15 Nov 1951; POB Perm, Russia; nationality Russia; Gender Male (individual) [NPWMD] [UKRAINE-EO13661] (Linked To: FEDERAL SECURITY SERVICE).

   Designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and their Supporters," 70 FR 38567, CFR 3, 2006 Comp., p. 170 (E.O. 13382), for acting or purporting to act for or on behalf, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382, E.O. 13694, as amended, and CAATSA 224.

   Also designated pursuant to 1(a)(ii)(A) of March 16, 2014, "Blocking Property of Additional Persons Contributing to the Situation in Ukraine," 79 FR 15535, 3 CFR, 2014 Comp., p. 229 (E.O. 13661), for being an official of the Government of the Russian Federation.

2. KALASHNIKOV, Alexander Petrovich (Cyrillic: КАЛАШНИКОВ, Александр Петрович) (a.k.a. KALASHNIKOV, Aleksandr (Cyrillic: КАЛАШНИКОВ, Александр)), Russia; DOB 27 Jan 1964; POB Tatarsk, Novosibirsk Region, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

   Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

3. KIRIYENKO, Sergei Vladilenovich (Cyrillic: КИРИЕНКО, Сергей Владиленович), Moscow, Russia; DOB 26 Jul 1962; POB Sukhumi, Georgia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

   Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

4. KRASNOV, Igor Victorovich (Cyrillic: КРАСНОВ, Игорь Викторович) (a.k.a. KRASNOV, Igor (Cyrillic: КРАСНОВ, Игорь); a.k.a. KRASNOV, Igor Viktorovich), 6-3 Michurinsky Prospekt, Moscow, Russia; DOB 24 Dec 1975; POB Arkhangelsk, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

   Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

5. KRIVORUCHKO, Aleksei Yurievich (Cyrillic: КРИВОРУЧКО, Алексей Юрьевич), Russia; DOB 17 Jul 1975; POB Stavropol, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

   Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

6. POPOV, Pavel Anatolievich (Cyrillic: ПОПОВ, Павел Анатольевич), Russia; DOB 01 Jan 1957; POB Krasnoyarsk, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

7. YARIN, Andrei Veniaminovich (Cyrillic: ЯРИН, Андрей Вениаминович), Moscow, Russia; DOB 13 Feb 1970; POB Nizhny Tagil, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13661].

Designated pursuant to 1(a)(ii)(A) of E.O. 13661 for being an official of the Government of the Russian Federation.

Dated: March 2, 2021.

Bradley Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–04783 Filed 3–8–21; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department''), Departmental Offices proposes to modify a current Treasury system of records titled, ''Department of the Treasury, Departmental Offices .214—D.C. Pensions Retirement Records'' System of Records. This system of records is a collection of information used by the Office of D.C. Pensions to administer certain District of Columbia (''District'') retirement plans, and the modification of the system of records notice is being published in order to clarify and update the description of the system of records.

DATES: Submit comments on or before April 8, 2021. The modification of the system of records notice will be applicable on April 8, 2021.

ADDRESSES: Written comments on this notice may be submitted electronically through the Federal government eRulemaking portal at *http://www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Treasury to make the comments available to the public. Please note that comments submitted through *https://www.regulations.gov* will be public and can be viewed by members of the public. Due to COVID–19-related restrictions, Treasury has temporarily suspended its ability to receive public comments by mail.

In general, Treasury will post all comments to *https://www.regulations.gov* without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting material, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Shalamar Barnes, 202–622–6173, the Office of D.C. Pensions, Departmental Offices, 1500 Pennsylvania Avenue NW, Washington, DC 20220. For privacy issues, please contact: The Department of the Treasury, Office of Privacy and Civil Liberties via email at *privacy@treasury.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury (''Treasury''), Departmental Offices proposes to modify a current Treasury system of records titled, ''Department of the Treasury, Departmental Offices .214—DC Pensions Retirement Records System of Records.''

The proposed modification to the system of records makes the following substantive changes:

1. DO .214—DC Pensions Retirement Records, System Location, is being updated to remove the District of Columbia government offices as a location of records in the system of records. Paper and electronic records (including records stored in the District's FileNet system) stored by the District of Columbia government are not federal records.

2. DO .214—DC Pensions Retirement Records, System Purpose, is being modified to add the following purposes: Determining liability for benefit payments to former judges; determining whether someone committed fraud; and determining the accuracy of financial reports. Additionally, the purpose of determining the impact of legislation is being modified to clarify that it applies to all benefit payments not just the federal funds.

3. DO .214—DC Pensions Retirement Records, Categories of Individuals Covered by System, is being modified to add non-annuitant debtors as a category of covered individuals. Non-annuitant debtors covered by the system include people who received benefit payments, by either fraud or mistake, despite not being entitled to benefits.

4. DO .214—DC Pensions Retirement Records, Categories of Records in the System, is being modified to add records provided by domestic partners, clarify the description of tax withholding forms, remove records related to debt other than debt arising from overpayments, change the description of correspondence to include correspondence from individuals covered by the system, use the term ''disability'' in lieu of ''handicap,'' use the term ''death benefit applications'' in lieu of ''death claim,'' delete the category for records submitted by a beneficiary in support of claims to a benefit payment because it was duplicative, and add financial

records of debtors as a new category of records in the system.

5. DO .214—DC Pensions Retirement Records, Record Source Categories, is being modified to remove individuals' co-workers and supervisors as a source of records in the system and to add individuals' representatives and the Department of the Interior Payroll Office as sources of records in the system.

6. DO .214—DC Pensions Retirement Records, Routine Uses of Records Maintained in the System, is being modified to clarify the types of disclosures made to various federal, State, local, and foreign agencies and to Congressional offices. Additionally, the routine use regarding disclosure to an individual's spouse or dependent child regarding health and life insurance coverage, survivor benefit elections, and elections to receive a lump sum is being modified to include domestic partners and to cover any change in health insurance and to eliminate disclosure of change to a survivor benefit election, because survivor benefit elections cannot be changed. Also, the routine use regarding disclosure to state and local governments for debt collection is being modified to include disclosure to federal agencies and collection of debt that is not delinquent. Also, the routine use regarding disclosure to people possibly entitled to a benefit payment is being modified to clarify that it includes people possibly entitled to any type of benefit.

7. DO .214—DC Pensions Retirement Records, Policies and Practices for Retention and Disposal of Records, is being modified to remove District of Columbia guidelines as one of the basis for destroying records covered by the system.

8. DO .214—DC Pensions Retirement Records, Notification Procedures, are being updated to reflect current procedures.

The system of records is collecting information under the Paperwork Reduction Act using the following forms:

- Health Benefits Registration Form (SF 2809) OMB No. 3206–0160 (expiration 04/30/2022)
- Life Insurance Election-FEGLI (SF 2817) OMB No. 3206–0230 (expiration 06/30/2021)
- Designation of Beneficiary Federal Group Life Insurance (FEGLI) Program (SF 2823) OMB No. 3206–0136 (expiration 10/31/2020)
- Withholding Certificate for Pension or Annuity Payments (W–4P) OMB No. 1545–0074 (expiration 01/31/2021)

Treasury will include this modified system in its inventory of record systems.

Below is the description of the Treasury, Departmental Offices .214—DC Pensions Retirement Records System of Records.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Dated: December 22, 2020.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, DO .214—DC Pensions Retirement Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The records are maintained at the Office of D.C. Pensions, Department of the Treasury, in Washington, DC and the Bureau of the Fiscal Service in Parkersburg, WV, Kansas City, MO, and privately run secure storage facilities in various states.

SYSTEM MANAGER

Director, Office of D.C. Pensions, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title XI, subtitle A, chapters 1 through 9, and subtitle C, chapter 4, subchapter B of the Balanced Budget Act of 1997, Public Law 105–33 (as amended); 31 U.S.C 321; and 5 U.S.C. 30.

PURPOSE(S) OF THE SYSTEM:

These records may provide information on which to base determinations of (1) eligibility for, and computation of, benefit payments and refund of contribution payments; (2) direct deposit elections into a financial institution; (3) eligibility and premiums for health insurance and group life insurance; (4) withholding of income taxes; (5) under- or over-payments to recipients of a benefit payment, and for overpayments, the recipient's ability to repay the overpayment; (6) federal payment made from the General Fund to the District of Columbia Teachers, Police Officers and Firefighters Federal Pension Fund and the District of Columbia Judicial Retirement and Survivors Annuity Fund; (7) impact on benefit payments due to proposed federal and/or District legislative changes; (8) District or federal liability for benefit payments to former District police officers, firefighters, teachers, and judges, including survivors, dependents, and beneficiaries who are receiving a federal and/or District benefit; (9) whether someone committed fraud; and (10) reliability of financial statements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former District of Columbia police officers, firefighters, teachers, and judges.

(B) Surviving spouses, domestic partners, children, and/or dependent parents of current and former District of Columbia police officers, firefighters, teachers, or judges, as applicable.

(C) Former spouses and domestic partners of current and former District of Columbia police officers, firefighters, teachers, or judges, as applicable.

(D) Designated beneficiaries of items A, B, and C.

(E) Non-annuitant debtors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records include, but are not limited to, identifying information such as: Name(s); contact information; Social Security number; employee identification number; service beginning and end dates; annuity beginning and end dates; date of birth; sex; retirement plan; base pay; average base pay; final salary; type(s) of service and dates used to compute length of service; military base pay amount; purchase of service calculation and amount; and/or benefit payment amount(s). The types of records in the system may be:

(a) Documentation comprised of service history/credit, personnel data, retirement contributions, and/or a refund claim upon which a benefit payment(s) may be based.

(b) Medical records and supporting evidence for disability retirement applications and continued eligibility, and documentation regarding the acceptance or rejection of such applications.

(c) Records submitted by a surviving spouse, a domestic partner, a child(ren), and/or a dependent parent(s) in support of claims to a benefit payment(s).

(d) Records related to the withholding of income tax from a benefit payment(s).

(e) Retirement applications, including supporting documentation, and acceptance or denial of such applications.

(f) Death benefit applications, including supporting documentation,

submitted by a surviving spouse, domestic partner, child(ren), former spouse, and/or beneficiary, that is required to determine eligibility for and receipt of a benefit payment(s), or denial of such claims.

(g) Documentation of enrollment and/or change in enrollment for health and life insurance benefits/eligibility.

(h) Designation(s) of a beneficiary(ies) for a life insurance benefit and/or an unpaid benefit payment.

(i) Court orders submitted by former spouses or domestic partners in support of claims to a benefit payment(s).

(j) Records relating to under- and/or over-payments of benefit payments.

(k) Records relating to the refunds of employee contributions.

(l) Records relating to child support orders, bankruptcies, tax levies, and garnishments.

(m) Records used to determine a total benefit payment and/or if the benefit payment is a District or federal liability.

(n) Correspondence received from individuals covered by the system.

(o) Records relating to time served on behalf of a recognized labor organization.

(p) Records relating to benefit payment enrollment and/or change to enrollment for direct deposit to an individual's financial institution.

(q) Records relating to educational program enrollments of age 18 and older children of former police officers, firefighters, teachers, and judges.

(r) Records relating to the mental or physical disability condition of age 18 and older children of former police officers, firefighters, teachers, and judges.

(s) Records relating to a debtor's financial information, including financial disclosure forms, credit reports, tax filings, bank statements, and financial obligations.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from:

a. The individual, or their representative, to whom the information pertains.

b. District pay, leave, and allowance records.

c. Health benefits and life insurance plan records maintained by the Office of Personnel Management, the District, and health and life insurance carriers.

d. Federal civilian retirement systems.

e. Military retired pay system records.

f. Social Security Old Age, Survivor, and Disability Insurance and Medicare Programs.

g. Official personnel folders.

h. Physicians who have examined or treated the individual.

i. Surviving spouse, domestic partners, child(ren), former spouse(s), former domestic partner(s), and/or dependent parent(s) of the individual to whom the information pertains.

j. State courts or support enforcement agencies.

k. Credit bureaus and financial institutions.

l. Government Offices of the District of Columbia, including the District of Columbia Retirement Board.

m. The General Services Administration National Payroll Center.

n. The Department of the Interior Payroll Office.

o. Educational institutions.

p. Other components of the Department of the Treasury.

q. The Department of Justice.

r. Death reporting sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the United States Department of Justice (''DOJ''), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where the Department of Justice or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation provided that the disclosure is compatible with the purpose for which records were collected.

(2) To an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DC Pension decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

(3) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) To the National Archives and Records Administration Archivist (or Archivist's designee) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and persons when (1) the Department of the Treasury suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To disclose information to a federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(8) To disclose information to another federal agency, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a federal agency, when the federal government is a party to the judicial or administrative proceeding. In those cases where the federal government is not a party to the proceeding, records may not be disclosed unless the party complies with the requirements of 31 CFR 1.11;

(9) To disclose information to contractors, subcontractors, financial agents, grantees, auditors, actuaries, interns, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Department, or the District;

(10) To disclose information needed to adjudicate a claim for benefit payments or information needed to conduct an analytical study of benefits being paid under such programs as: Social Security Administration's Old Age, Survivor, and Disability Insurance and Medical Programs; military retired pay programs; and federal civilian employee retirement programs (Civil Service Retirement System, Federal Employees Retirement System, and other federal retirement systems);

(11) To disclose to the U.S. Office of Personnel Management (OPM) and to the District, information necessary to verify the election, declination, or waiver of regular and/or optional life insurance coverage, or coordinate with contract carriers the benefit provisions of such coverage;

(12) To disclose to health insurance carriers contracting with OPM to provide a health benefits plan under the Federal Employees Health Benefits Program or health insurance carriers contracting with the District to provide a health benefits plan under the health benefits program for District employees, Social Security numbers and other information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination for benefits provisions of such contracts;

(13) To disclose health insurance enrollment information to OPM. OPM provides this enrollment information to their health care carriers who provide a health benefits plan under the Federal Employees Health Benefits Program, or health insurance carriers contracting with the District to provide a health benefits plan under the health benefits program for District employees, Social Security numbers and other information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination for benefits provisions of such contracts;

(14) To disclose to certain people possibly entitled to a benefit payment information that is contained in the record of a deceased current or former police officer, firefighter, teacher, or judge to assist in properly determining the eligibility and amount of a benefit payment to a surviving recipient, or information that results from such determination;

(15) To disclose to any person who is legally responsible for the care of an individual to whom a record pertains, or who otherwise has an existing, facially-valid power of attorney, including care of an individual who is mentally incompetent or under other legal disability, information necessary to assure application or payment of benefits to which the individual may be entitled;

(16) To disclose to the Parent Locator Service of the Department of Health and Human Services, upon its request, the present address of an individual covered by the system needed for enforcing child support obligations of such individual;

(17) In connection with an examination ordered by the District or the Department under:

(a) Medical examination procedures; or

(b) Involuntary disability retirement procedures to disclose to the representative of an employee, notices, decisions, other written communications, or any other pertinent medical evidence other than medical evidence about which a prudent physician would hesitate to inform the individual; such medical evidence will be disclosed only to a licensed physician, designated in writing for that purpose by the individual or his or her representative. The physician must be capable of explaining the contents of the medical record(s) to the individual and be willing to provide the entire record(s) to the individual;

(18) To disclose information to any source from which the Department seeks additional information that is relevant to a determination of an individual's eligibility for, or entitlement to, coverage under the applicable retirement, life insurance, and health benefits program, to the extent necessary to obtain the information requested;

(19) To disclose information to the Office of Management and Budget (OMB) at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19;

(20) To disclose to federal, state, and local government agencies responsible for the collection of income taxes the information required to implement voluntary income tax withholdings from benefit payments;

(21) To disclose to the Social Security Administration the names and Social Security numbers of individuals covered by the system when necessary to determine (1) their vital status as shown in the Social Security Master Records and (2) whether retirees receiving benefit payments under the District's retirement plan for police officers and firefighters with post-1956 military service credit are eligible for or are receiving old age or survivors benefits under section 202 of the Social Security Act based upon their wages and self-employment income;

(22) To disclose to federal, state, and local government agencies information to help eliminate fraud and abuse in a benefits program administered by a requesting federal, state, or local government agency; to ensure compliance with federal, state, and local government tax obligations by persons receiving benefits payments; and/or to collect debts and overpayments owed to the requesting federal, state, or local government agency;

(23) To disclose to a federal agency, or a person or an organization under contract with a federal agency to render collection services for a federal agency as permitted by law, in response to a written request from the head of the agency or his designee, or from the debt collection contractor, data concerning an individual owing a debt to the federal government;

(24) To disclose, as permitted by law, information to a state court or administrative agency in connection with a garnishment, attachment, or similar proceeding to enforce alimony or a child support obligation;

(25) To disclose information necessary to locate individuals who are owed money or property by a federal, state, or local government agency, or by a financial institution or similar institution, to the government agency owing or otherwise responsible for the money or property (or its agent);

(26) To disclose information necessary in connection with the review of a disputed claim for health benefits to a health plan provider participating in the Federal Employees Health Benefits Program or the health benefits program for District employees, and to a program enrollee or covered family member or an enrollee or covered family member's authorized representative;

(27) To disclose information to another federal agency for the purpose

of effecting administrative or salary offset against a person employed by that agency, or who is receiving or eligible to receive benefit payments from the agency when the Department as a creditor has a claim against that person relating to benefit payments;

(28) To disclose information concerning delinquent debts relating to benefit payments to other federal agencies for the purpose of barring delinquent debtors from obtaining federal loans or loan insurance guarantees pursuant to 31 U.S.C. 3720B;

(29) To disclose to federal, state, and local government agencies information used for collecting debts relating to benefit payments;

(30) To disclose to appropriate agencies, entities, and persons when:

(a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; or

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(31) To disclose to a former spouse information necessary to explain how his/her former spouse's benefit was computed;

(32) To disclose to a surviving spouse, domestic partner, surviving child, dependent parent, and/or legal guardian information necessary to explain how his/her survivor benefit was computed; and

(33) To disclose to a spouse, domestic partner, or dependent child (or court-appointed guardian thereof) of an individual covered by the system, upon request, whether the individual:

(a) Changed his/her health insurance coverage and/or changed life insurance benefit enrollment, or

(b) received a lump-sum refund of his/her retirement contributions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records in this system are stored in secure facilities in a locked drawer, behind a locked door. Electronic records are stored on magnetic disc, tape, digital media, and CD–ROM in secure facilities.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by various combinations of name; date of birth; Social Security number; and/or an automatically assigned, system-generated number of the individual to whom they pertain.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with National Archives and Records Administration (NARA) retention schedule, N1–056–09–001, certain records will be destroyed after 115 years from the date of the former police officer's, firefighter's, teacher's or judge's birth; or 30 years after the date of his/her death, if no application for benefits is received. Under that retention schedule, if a survivor or former spouse receives a benefit payment, such record will be destroyed after his/her death. All other records covered by this system will be destroyed in accordance with approved federal and Department guidelines. Paper records will be destroyed by shredding or burning. Records in electronic media will be electronically erased using NARA guidelines.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable Treasury automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on November 7, 2016 as the Department of the Treasury, Departmental Offices .214—DC Pensions Retirement Records.

[FR Doc. 2021–04826 Filed 3–8–21; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee March 23–24, 2021, Public Meeting

ACTION: Notice of meeting.

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) teleconference public meeting scheduled for March 23–24, 2021.

Date: March 23, 2021 and March 24, 2021.

Time: 2:00 p.m. to 4:00 p.m. (EST) (March 23, 2021) and 10:00 a.m. to 1:00 p.m. (March 24, 2021).

Location: This meeting will occur via teleconference. Interested members of the public may dial in to listen to the meeting at (888) 330–1716; Access Code: 1137147.

Subject: Review and discussion of obverse and reverse candidate designs for the Merchant Mariners of World War II Congressional Gold Medal (Pub. L. 116–125); review and discussion of candidate designs for the 2022 American Innovation $1 Coin Program (Rhode Island, Vermont, Kentucky, and Tennessee).

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in listening in to the provided call

number, this is a reminder that the public attendance is for listening purposes only. Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by email to *info@ccac.gov*.

For Accommodation Request: If you need an accommodation to listen to the CCAC meeting, please contact the Diversity Management and Civil Rights Office by March 17, at 202–354–7260 or 1–888–646–8369 (TYY).

FOR FURTHER INFORMATION CONTACT: Jennifer Warren, United States Mint Liaison to the CCAC; 801 9th Street NW; Washington, DC 20220; or call 202–354–7208.

(Authority: 31 U.S.C. 5135(b)(8)(C))

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2021–04805 Filed 3–8–21; 8:45 am]

BILLING CODE P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: March 11, 2021, from Noon to 3 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing. Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 938 4665 0671, to participate in the meeting. The website to participate via Zoom Meeting and screen share is *https://kellen.zoom.us/j/93846650671.*

STATUS: Parts of this meeting will be open to the public. Parts of this meeting will be closed to the public pursuant to Government in the Sunshine Act exemptions (c)(9)(B) and (c)(10) (see agenda below for further information).

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

Portions Open to the Public

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the January 28, 2021 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Draft Minutes of the January 28, 2021 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Replacement of UCR Board Member—UCR Board Chair and UCR Executive Director

For Discussion and Possible Action

One member of the UCR Board of Directors whose term expires on May 31, 2021 has requested that he not be re-appointed to serve an additional term. The UCR Board will discuss and may take action to recommend an appointment to the Board from the United States Department of Transportation for this position.

VI. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant activity.

VII. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VIII. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Tracking of Audit Data in the Focused Anomaly Reviews (FARs)—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will discuss the merits of the Subcommittee having an oversight role in the audit notes on closed audits regarding the FARs and MCS–150 databases when there is an indication of an error or insufficient documentation to close the audit.

B. MCS–150 Retreat Audit Program—UCR Audit Subcommittee Chair and DSL Transportation

The UCR Audit Subcommittee Chair and DSL Transportation will lead a discussion regarding the MCS–150 retreat audit program provided by UCR and the progress made with participating states. States may opt into the program. States will remain engaged in the audit process but may have a lesser burden of having to attend to unresponsive/unproductive retreat audits.

C. 2020 State UCR Audit Reports—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion regarding the states upcoming obligations regarding 2020 audit reports. Reminder that the 2020 UCR state annual audit reports will be reviewed after March 31, 2021.

D. UCR Violation Assigned in the National Registration System—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion on the importance of states to follow up with motor carriers having inspection and UCR violations in the NRS.

E. NRS Testing—Penetration and Vulnerability Testing—UCR Technology Manager

The UCR Technology Manager will provide an update on plans to conduct testing of the National Registration System (NRS) to ensure that appropriate measures are taken to resist unwanted attacks.

F. State Compliance Reviews—UCR Depository Manager

The UCR Depository Manager will provide an update on plans to conduct state compliance reviews and will remind states that have been selected for reviews in 2021.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Review UCR Bank Balance Summary Report—UCR Depository Manager

The UCR Depository Manager will review the UCR Bank Balance Summary Report as of February 28, 2021 and answer questions from the Board.

B. Review 2021 Administrative Expenses Through February 28, 2021—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2021 through February 28, 2021, compared to the budget for the same time-period, and discuss all significant variances.

C. Status of 2020 and 2021 Registration Years Fee Collections and Compliance Percentages—UCR Depository Manager

The UCR Depository Manager will provide updates on the results of collections and registration compliance rates for the 2020 and 2021 registration years.

D. Plans for April 2021 Distribution—UCR Depository Manager

The UCR Depository Manager will discuss the plans for making a second distribution of funds to the remaining states that have not yet achieved their full revenue entitlements for the 2021 registration year.

E. Plans for Additional Subcommittee Meetings in 2021—UCR Finance Subcommittee Chair

The UCR Finance Subcommittee Chair will discuss the plans for holding two additional Subcommittee meetings. The first meeting is scheduled for Thursday, April 1, 2021. A second meeting is planned for mid-May. A date has not yet been finalized for this meeting.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

• Update on Basic Audit Training Module and Flow Chart/Decision Tree—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on the development of the Basic Audit Training Module and Flow Chart/Decision Tree.

IX. Contractor Reports—UCR Executive Director

• *UCR Executive Director's Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

• *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, and other matters.

• *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the NRS.

• *UCR Administrator Report (Kellen)—UCR Operations and Depository Managers*

The UCR Staff will provide its management report covering recent activity for the Depository, Operations, and Communications.

Portions Closed to the Public

Pursuant to the Government in the Sunshine Act at 5 U.S.C. 552b(d)(1), the Board must now vote to approve closing the portion of the meeting dealing with item X on the agenda.

The Chief Legal Officer has advised that the Board may close this portion of this meeting pursuant to Government in the Sunshine Act exemptions (9)(B) and (10). By approving this action, the Board determines that public participation would likely disclose information for which premature disclosure would likely frustrate implementation of a proposed agency action and/or specifically concern the discussion of information, the premature disclosure of which would likely negatively impact the agency's participation in an ongoing civil action or proceeding. Therefore, by approving this action, the Board is invoking Exemptions (9)(B) and (10) to close this portion of the meeting (5 U.S.C. 552b(c)(9)(B) and (10)).

A copy of the vote on the closure of this portion of this meeting shall be made publicly available on the Unified Carrier Registration Plan website within one day of the vote taken herein (*https://plan.ucr.gov*).

X. Discussion and Possible UCR Board Action Concerning the March 2019 Data Event—UCR Chief Legal Officer

For Discussion and Possible Action

The UCR Chief Legal Officer will discuss available legal and financial options for obtaining reimbursement of the costs and expenses incurred by the UCR as a result of the March 2019 Data Event. The Board may adopt legal and/or financial courses of action to obtain reimbursement.

Portions Open to the Public

XI. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, March 4, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–04983 Filed 3–5–21; 4:15 pm]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on the Readjustment of Veterans will hold a virtual meeting. The meetings will begin and end as follows:

Date:	Time:	Open session:
March 22, 2021	4:10 p.m. to 5:00 p.m. EST.	Yes.

The meeting session is open to the public.

The purpose of the Committee is to advise the Department of Veterans Affairs (VA) regarding the provision by VA of benefits and services to assist Veterans in the readjustment to civilian life. In carrying out this duty, the Committee shall take into account the needs of Veterans who served in combat theaters of operation. The Committee assembles, reviews, and assesses information relating to the needs of Veterans readjusting to civilian life and the effectiveness of VA services in assisting Veterans in that readjustment.

The Committee, comprised of 13 subject matter experts, advises the Secretary, through the VA Readjustment Counseling Service, on the provision by VA of benefits and services to assist Veterans in the readjustment to civilian life. In carrying out this duty, the Committee assembles, reviews, and assesses information relating to the needs of Veterans readjusting to civilian life and the effectiveness of VA services in assisting Veterans in that readjustment, specifically taking into account the needs of Veterans who served in combat theaters of operation.

On March 22, 2021, the agenda will include review of the Committee's 21st annual report, from 4:10 p.m.–5:00 p.m., For public members wishing to join the meeting, please use the following Webex link: *https://*

veteransaffairs.webex.com/webappng/sites/veteransaffairs/meeting/download/a7dab2e27f9141489feb92e312c90050?siteurl=veteransaffairs&MTID=md879f953bd7df38a4a112fe79318136b.

No time will be allotted for receiving oral comments from the public; however, the committee will accept written comments from interested parties on issues outlined in the meeting agenda or other issues regarding the readjustment of Veterans. Parties should contact Mr. Richard Barbato via email at *VHA10RCSAction@va.gov,* or by mail at Department of Veterans Affairs, Readjustment Counseling Service (10RCS), 810 Vermont Avenue, Washington, DC 20420. Any member of the public seeking additional information should contact Mr. Barbato at the phone number or email addressed noted above.

Dated: March 4, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–04839 Filed 3–8–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0013]

Agency Information Collection Activity Under OMB Review: Application for United States Flag for Burial Purposes

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0013.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0013'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 2301(f)(1).

Title: Application for United States Flag for Burial Purposes, VA Form 27–2008.

OMB Control Number: 2900–0013.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 27–2008 is used for family members and/or next-of-kin to apply for a burial flag.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 250 on December 30, 2020, pages 86652 and 86653.

Affected Public: Individuals or Households.

Estimated Annual Burden: 535,026.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 753,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–04868 Filed 3–8–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Tuesday,

No. 44 March 9, 2021

Part II

The President

Notice of March 5, 2021—Continuation of the National Emergency With Respect to Iran

Federal Register
Vol. 86, No. 44
Tuesday, March 9, 2021

Presidential Documents

Title 3—

The President

Notice of March 5, 2021

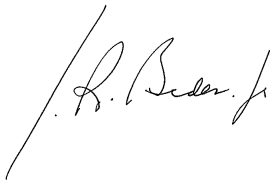
Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran. On May 6, 1995, the President issued Executive Order 12959, imposing more comprehensive sanctions on Iran to further respond to this threat. On August 19, 1997, the President issued Executive Order 13059, consolidating and clarifying those previous orders. The President took additional steps pursuant to this national emergency in Executive Order 13553 of September 28, 2010; Executive Order 13574 of May 23, 2011; Executive Order 13590 of November 20, 2011; Executive Order 13599 of February 5, 2012; Executive Order 13606 of April 22, 2012; Executive Order 13608 of May 1, 2012; Executive Order 13622 of July 30, 2012; Executive Order 13628 of October 9, 2012; Executive Order 13645 of June 3, 2013; Executive Order 13716 of January 16, 2016, which revoked Executive Orders 13574, 13590, 13622, 13645 and provisions of Executive Order 13628; Executive Order 13846 of August 6, 2018, which revoked Executive Orders 13716 and 13628; Executive Order 13871 of May 8, 2019; Executive Order 13876 of June 24, 2019; Executive Order 13902 of January 10, 2020; and Executive Order 13949 of September 21, 2020.

The actions and policies of the Government of Iran—including its proliferation and development of missiles and other asymmetric and conventional weapons capabilities, its network and campaign of regional aggression, its support for terrorist groups, and the malign activities of the Islamic Revolutionary Guard Corps and its surrogates—continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For these reasons, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2021. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran declared in Executive Order 12957. The emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170 in connection with the hostage crisis. This renewal, therefore, is distinct from the emergency renewal of November 2020.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 5, 2021.

[FR Doc. 2021–05037
Filed 3–8–21; 11:15 am]
Billing code 3295–F1–P

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