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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-2020-0831; Project Identifier 2019-CE-031-AD; Amendment 39-21471; AD 2021-06-04]

RIN 2120-AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Gulfstream Aerospace Corporation (Gulfstream) Model GV airplanes. This AD was prompted by notification of corrosion present in floor beam support links. This AD requires inspecting the right butt line 6 floor beam inboard support links and bushings for corrosion. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2021. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2021.

ADDRESSES: For service information identified in this final rule, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402-2206; phone: (800) 810-4853; fax: (912) 965-3520; email: pubs@gulfstream.com; website: <https://www.gulfstream.com/en/customer-support/>. 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. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0831.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0831; 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: Ronald Wissing, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5552; fax: (404) 474-5606; email: ronald.wissing@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Gulfstream Model GV airplanes. The NPRM published in the **Federal Register** on December 10, 2020 (85 FR 79443). The NPRM was prompted by notification of a failed floor beam support link at right butt line (RBL) 6 on a Gulfstream Model GV airplane, resulting from seizure of the retaining sleeve and bushing at the lower attachment point due to undetected corrosion.

The floor beam support links at RBL 6, fuselage stations (FS) 499, 531, and 569.5 have a two-piece installation with straight bushings rather than spherical bearings in the inboard link lower end. Design of the support links allows floor beam movement when the cabin is pressurized. Seizure of the lower bushing will not allow the link assembly to move as designed, resulting in bending stress and potential failure of the link, which may compromise the integrity of the pressure vessel floor. Gulfstream determined that the procedures for the existing Aircraft Maintenance Manual (AMM) inspection do not reliably detect corrosion in the floor beam support link lower bushings. Accordingly, Gulfstream has revised the airworthiness limitation requirements to the AMM by adding a detailed inspection with an initial and repetitive inspections at intervals of 96 months

and including references for removal and installation instructions for RBL 6 Floor Beam Support Links.

In the NPRM, the FAA proposed to require inspecting the right butt line 6 floor beam inboard support links and bushings for corrosion. The FAA is issuing this AD to prevent link failure, which can compromise the integrity of the pressure vessel floor and lead to loss of pressurization of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from Gulfstream. The following presents the comment received on the NPRM and the FAA's response to the comment.

Request for Clarification on Reporting

Gulfstream requested the FAA clarify whether the AD requires or recommends reporting the CB 231A inspection results to Gulfstream. Gulfstream noted a discrepancy in the NPRM, where the section titled "Proposed AD Requirements" states that the proposed AD recommends sending the inspection results to Gulfstream, but the section titled "Differences Between this Proposed AD and the Service Information" states that the proposed AD would not require reporting the results of the inspection to Gulfstream.

The FAA agrees. This AD does not require reporting the results of the inspection. This AD is not an interim action; mandating a report of the inspection results is not necessary to correct the unsafe condition. The FAA should not have included conflicting language in the NPRM to this effect. The FAA has revised the preamble of this final rule to correct this discrepancy.

Conclusion

The FAA reviewed the relevant data, considered any comments received, 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. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Gulfstream GV Customer Bulletin Number 231,

Revision A, dated July 30, 2019 (Gulfstream CB 231A). The service information contains procedures for the inspection of the RBL 6, FS 499, 531, and 569.5, and the bushing in the lower end of the link and all attachments for corrosion.

The FAA reviewed Table 13: Fuselage Inspection Table in Section 05–10–10 of Chapter 5—Time Limits/Maintenance Checks of Gulfstream GV Aircraft

Maintenance Manual, Revision 51, dated February 28, 2020. The service information identifies tasks for a recurring detailed inspection of the floor beam and wing links FS 465 through FS 576.

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.

Differences Between This AD and the Service Information

Gulfstream CB 231A specifies reporting the results of the inspection to Gulfstream, and this AD does not.

Costs of Compliance

The FAA estimates that this AD affects 148 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection per the Customer Bulletin, all 3 locations.	120 work-hours × \$85 per hour = \$10,200	Not applicable	\$10,200	\$1,509,600
Revise the AMM	1 work-hour × \$85 per hour = \$85	Not applicable	85	12,580

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the inspection. The FAA has no way of determining the number of

airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of all 3 links	40 work-hours × \$85 per hour = \$3,400	\$316	\$3,716

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

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:

2021–06–04 Gulfstream Aerospace

Corporation: Amendment 39–21471; Docket No. FAA–2020–0831; Project Identifier 2019–CE–031–AD.

(a) Effective Date

This airworthiness directive (AD) is effective May 4, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GV airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 53: Fuselage Structure.

(e) Reason

This AD was prompted by a report that current inspection procedures of floor beam support links, which can fail due to corrosion, are inadequate. The FAA is issuing this AD to detect and correct corrosion on a floor beam support link lower bushing. This condition, if not addressed, could result in link failure, which can compromise the integrity of the pressure vessel floor and lead to loss of pressurization of the airplane.

(f) Compliance

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

(g) Actions

(1) Within 24 months after the effective date of this AD, inspect the right butt line 6 floor beam inboard support links at fuselage stations (FS) 499, 531, and 569.5 for corrosion by following the Accomplishment Instructions, steps A through M, of Gulfstream GV Customer Bulletin No. 231, Revision A, dated July 30, 2019 (Gulfstream CB 231A). Where Gulfstream CB 231A specifies contacting Gulfstream for procedures if any corrosion is found, you must replace the support link in accordance with a method approved by the Manager, Atlanta ACO Branch, FAA, before further flight. For a method to be approved by the Manager, Atlanta ACO Branch, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(2) Within 24 months after the effective date of this AD, revise the airworthiness limitations section of your maintenance manual or inspection program to incorporate the airworthiness limitations specified in Table 13: Fuselage Inspection Table in Section 05–10–10 of Chapter 5—Time Limits/Maintenance Checks of Gulfstream GV Aircraft Maintenance Manual, Revision 51, dated February 28, 2020. Thereafter, except as provided in paragraph (h) of this AD, no alternative inspection intervals may be approved for the fuselage floor beam and wing link FS 465–FS 576.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta 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 paragraph (i)(1) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(i) Related Information

For more information about this AD, contact Ronald Wissing, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5552; fax: (404) 474–5606; email: ronald.wissing@faa.gov.

(j) Material Incorporated by Reference

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

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

(i) Gulfstream GV Customer Bulletin Number 231, Revision A, dated July 30, 2019.

(ii) Table 13: Fuselage Inspection Table in Section 05–10–10 of Chapter 5—Time Limits/Maintenance Checks of Gulfstream GV Aircraft Maintenance Manual, Revision 51, dated February 28, 2020.

(3) For Gulfstream Aerospace Corporation service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; phone: (800) 810–4853; fax: (912) 965–3520; email: pubs@gulfstream.com; website: <https://www.gulfstream.com/en/customer-support/>.

(4) You may view this service information at 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.

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

Issued on March 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06500 Filed 3–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2020–0917; Project Identifier MCAI–2020–00606–A; Amendment 39–21467; AD 2021–06–01]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all

Pilatus Aircraft Ltd. (Pilatus) Model PC–24 airplanes. This AD was prompted by a report that electronic circuit breakers (ECBs) were found in a locked state after maintenance, but before flight. This AD requires revising the airplane flight manual (AFM) to incorporate a procedure to check for the ECB status. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2021.

ADDRESSES: For service information identified in this final rule, contact Pilatus Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: techsupport.ch@pilatus-aircraft.com; website: <https://www.pilatus-aircraft.com/>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust Street, Kansas City, MO. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0917.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0917; 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, the mandatory continuing airworthiness information (MCAI), 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:

Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: doug.rudolph@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Pilatus Model PC–24 airplanes. The NPRM published in the

Federal Register on October 23, 2020 (85 FR 67465). The NPRM was prompted by MCAI originated by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. EASA has issued EASA AD No. 2020–0096, dated April 29, 2020 (referred to after this as “the MCAI”), to correct an unsafe condition for Pilatus Model PC–24 airplanes. The MCAI states:

An occurrence was reported where, before take-off after maintenance of a PC–24 aeroplane, some electronic circuit breakers (ECB) were found in a “LOCKED” state. This condition, if not corrected, could lead to a loss of power supply to equipment, without indication to the flight crew before take-off. To address this potential unsafe condition, Pilatus issued the AFM [temporary revision] TR, as defined in this [EASA] AD, to provide operators with the necessary preflight check instructions. For the reason described above, this [EASA] AD requires amendment of the AFM. You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0917. In the NPRM, the FAA proposed to require revising the AFM to incorporate a procedure to check for the ECB status. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of the Final Airworthiness Directive Comments

The FAA received a comment from Pilatus. The following presents the comment received on the NPRM and the FAA’s response to the comment.

Request To Refer to Revised Service Information

Pilatus stated that the temporary revision referenced in the NPRM has been incorporated into page 4–3–9, dated October 7, 2020, of the “Before Engine Start” procedure (4–PF–04), in Section 4 of Pilatus PC–24 Airplane Flight Manual, Report No. 02371, Issue 003 Revision 03, dated October 8, 2020 (AFM Revision 03). Pilatus requested that the FAA change the proposed AD to require using AFM Revision 03 instead of the temporary revision. The FAA partially agrees. This AD requires adding the language in the temporary revision. However, the FAA has added wording to paragraph (g) of this AD to still allow compliance if later revisions of the AFM contain language identical to that in the temporary revision, such as the page referenced by the commenter.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operations in the United States. Pursuant to our

bilateral agreement with this state of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information reference above. The FAA reviewed the relevant data, considered the comment received, 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. Except for the changes described previously, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed [Pilatus] PC–24 Temporary Revision 02371–016 to PC–24 Airplane Flight Manual, PC24–A–A15–99–0031–00A–0030A–A, dated November 1, 2019. The service information contains a step to be added to the pilot preflight procedures to check the ECB status. 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.

Costs of Compliance

The FAA estimates that this AD affects 30 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
Revise the AFM	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$2,550

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

2021–06–01 Pilatus Aircraft Ltd.:
Amendment 39–21467; Docket No.

FAA–2020–0917; Project Identifier
MCAI–2020–00606–A.

(a) Effective Date

This airworthiness directive (AD) is effective May 4, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Reason

This AD was prompted by a report that electronic circuit breakers (ECBs) were found in a locked state after maintenance, but before flight. ECBs were turned off prior to maintenance and then not reset properly after maintenance was complete. The FAA is issuing this AD to prevent improperly set ECBs, which if not detected, could lead to loss of power supply to equipment without indication to the flightcrew before take-off.

(f) Compliance

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

(g) Revision of the Airplane Flight Manual (AFM)

Within 30 days after the effective date of this AD, revise Section 4 of the existing AFM for your airplane by replacing the information as specified in [Pilatus] PC–24 Temporary Revision 02371–016 to PC–24 Airplane Flight Manual, PC24–A–A15–99–0031–00A–0030A–A, dated November 1, 2019 (PC–24 TR 02371–016). Using a different document with information identical to that contained in PC–24 TR 02371–016 is acceptable for compliance with the requirements of this paragraph.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to: Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: doug.rudolph@faa.gov. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. 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.

(i) Related Information

(1) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust Street, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: doug.rudolph@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD No. 2020–0096, dated April 29, 2020, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0917.

(j) Material Incorporated by Reference

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

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

(i) [Pilatus] PC–24 Temporary Revision 02371–016 to PC–24 Airplane Flight Manual, PC24–A–A15–99–0031–00A–0030A–A, dated November 1, 2019.

(ii) [Reserved]

(3) For Pilatus service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: techsupport.ch@pilatus-aircraft.com; website: <https://www.pilatus-aircraft.com>.

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust Street, Kansas City, MO. For information on the availability of this material at the FAA, call 7(816) 329–4148.

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

Issued on March 1, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–06514 Filed 3–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

18 CFR Part 35

[Docket No. RM18–9–002; Order No. 2222–A]

**Participation of Distributed Energy
Resource Aggregations in Markets
Operated by Regional Transmission
Organizations and Independent
System Operators**

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule.

SUMMARY: In this order, the Federal Energy Regulatory Commission (Commission) addresses arguments raised on rehearing, sets aside in part, and clarifies in part its final rule amending its regulations to remove barriers to the participation of distributed energy resource aggregations in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators (RTOs/ISOs).

DATES: This rule is effective June 1, 2021.

FOR FURTHER INFORMATION CONTACT:

David Kathan (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6404

Nicole Businelli (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8253

Karin Herzfeld (Legal Information), Office of General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8459

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I. Introduction

1. On September 17, 2020, the Federal Energy Regulatory Commission (Commission) issued its final rule (final rule or Order No. 2222) adopting reforms to remove barriers to the participation of distributed energy resource¹ aggregations in the Regional Transmission Organization (RTO) and Independent System Operator (ISO) markets (RTO/ISO markets).²

¹ Order No. 2222 amended the Commission's regulations to define a distributed energy resource as any resource located on the distribution system, any subsystem thereof or behind a customer meter. *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 2222, 85 FR 67094 (Oct. 1, 2020), 172 FERC ¶ 61,247, at P 1 n.1 (2020), *corrected*, 85 FR 68450 (Oct. 29, 2020); 18 CFR 35.28(b)(10). These resources may include, but are not limited to, resources that are in front of and behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment. Order No. 2222, 172 FERC ¶ 61,247 at PP 1 n.1, 114.

² For purposes of Order No. 2222, the Commission defined RTO/ISO markets as the capacity, energy, and ancillary services markets operated by the RTOs and ISOs. Order No. 2222, 172 FERC ¶ 61,247 at P 1 n.2; *see also* 18 CFR 35.28(b)(11). In this order, we modify § 35.28(g)(12)(i) of the Commission's regulations to revise "organized wholesale electric markets" to

Specifically, the Commission found that existing RTO/ISO market rules are unjust and unreasonable in light of barriers that they present to the participation of distributed energy resource aggregations in RTO/ISO markets, which reduce competition and fail to ensure just and reasonable rates.³ To help ensure that RTO/ISO markets produce just and reasonable rates, pursuant to the Commission's legal authority under Federal Power Act (FPA) section 206,⁴ the Commission, in Order No. 2222, modified § 35.28⁵ of the Commission's regulations to require each RTO/ISO to revise its tariff to ensure that its market rules facilitate the participation of distributed energy resource aggregations.⁶

2. More specifically, Order No. 2222 requires each RTO/ISO to revise its tariff to establish distributed energy resource aggregators as a type of market participant that can register distributed energy resource aggregations under one or more participation models in the RTO/ISO tariff that accommodate the physical and operational characteristics

instead read "independent system operator or regional transmission organization markets."

³ Order No. 2222, 172 FERC ¶ 61,247 at P 1.

⁴ 16 U.S.C. 824e.

⁵ 18 CFR 35.28.

⁶ Order No. 2222, 172 FERC ¶ 61,247 at P 1.

of each distributed energy resource aggregation.⁷ Under Order No. 2222, each RTO/ISO must include tariff provisions addressing distributed energy resource aggregations that: (1) Allow distributed energy resource aggregations to participate directly in RTO/ISO markets and establish distributed energy resource aggregators as a type of market participant; (2) allow distributed energy resource aggregators to register distributed energy resource aggregations under one or more participation models that accommodate the physical and operational characteristics of the distributed energy resource aggregations; (3) establish a minimum size requirement for distributed energy resource aggregations that does not exceed 100 kW; (4) address locational requirements for distributed energy resource aggregations; (5) address distribution factors and bidding parameters for distributed energy resource aggregations; (6) address information and data requirements for distributed energy resource aggregations; (7) address metering and telemetry requirements for distributed energy resource aggregations; (8) address coordination between the RTO/ISO, the

⁷ *Id.* P 6.

distributed energy resource aggregator, the distribution utility, and the relevant electric retail regulatory authorities (RERRAs); (9) address modifications to the list of resources in a distributed energy resource aggregation; and (10) address market participation agreements for distributed energy resource aggregators.⁸ Additionally, an RTO/ISO must not accept bids from a distributed energy resource aggregator if its aggregation includes distributed energy resources that are customers of utilities that distributed 4 million megawatt-hours (MWh) or less in the previous fiscal year, unless the RERRA permits such customers to be bid into RTO/ISO markets by a distributed energy resource aggregator.

3. On October 16, 2020, Xcel Energy Services Inc. (Xcel) filed a request for clarification of the final rule. On October 19, 2020, Advanced Energy Economy and Advanced Energy Management Association (together, AEE/AEMA);⁹ the Kansas Corporation Commission (Kansas Commission); and Sierra Club, Sustainable FERC Project, and Natural Resources Defense Council (Public Interest Organizations)¹⁰ filed timely requests for rehearing and clarification of the final rule. On November 3, 2020, American Public Power Association and the National Rural Electric Cooperative Association (APPA/NRECA) filed an answer to AEE/AEMA's and Public Interest Organizations' requests for rehearing and clarification.¹¹

4. Pursuant to *Allegheny Defense Project v. FERC*,¹² the rehearing requests filed in this proceeding may be deemed denied by operation of law. However, as permitted by section 313(a) of the FPA,¹³ we modify the discussion in the final rule and set aside the final rule, in part, as discussed below.¹⁴

5. We either dismiss or disagree with most arguments raised on rehearing. However, we set aside the finding that the participation of demand response in

distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719-A and provide further clarification on the Commission's interconnection policies pertaining to Qualifying Facilities (QFs), restrictions to avoid double counting of services, information sharing in the distribution utility review process, and distribution utility review criterion, as further discussed below. We also modify § 35.28(g)(12)(i) of the Commission's regulations to make a non-substantive ministerial correction.¹⁵

II. Discussion

A. Commission Jurisdiction

1. Exclusive Jurisdiction

6. In Order No. 2222, the Commission stated that it has exclusive jurisdiction over the wholesale markets and the criteria for participation in those markets, including the wholesale market rules for participation of resources connected at or below distribution-level voltages.¹⁶ The Commission reiterated its previous finding that establishing the criteria for participation in RTO/ISO markets, including with respect to resources located on the distribution system or behind the meter, is essential to the Commission's ability to fulfill its statutory responsibility to ensure that wholesale rates are just and reasonable.¹⁷ The Commission further found that, like the Commission's rules governing demand response and electric storage resource participation in RTO/ISO markets, Order No. 2222 “addresses—and addresses only—

transactions occurring on the wholesale market.”¹⁸ The Commission thus found that the FPA and relevant precedent does not legally compel the Commission to adopt an opt-out with respect to participation in RTO/ISO markets by all resources interconnected on a distribution system or located behind a retail meter.¹⁹ Rather, the Commission found that it has jurisdiction to decide which entities may participate in wholesale markets, which means that a RERRA cannot broadly prohibit the participation in RTO/ISO markets of all distributed energy resources or of all distributed energy resource aggregators, as doing so would intrude upon the Commission's statutory authority to ensure that wholesale electricity markets produce just and reasonable rates.²⁰ The Commission also noted that it was not obligated to provide an opt-out in Order No. 719, but rather did so as an exercise of its discretion.²¹

a. Request for Clarification or Rehearing

7. The Kansas Commission requests clarification, or in the alternative rehearing, of the Commission's jurisdictional determinations in Order No. 2222.²² The Kansas Commission asserts that the Commission created uncertainty about its view on its exclusive jurisdiction over rules and practices that directly affect Commission-jurisdictional rates, as well as federal court precedent on that issue, and should grant clarification to resolve that uncertainty. Alternatively, the Kansas Commission asks the Commission to grant rehearing to ensure that its jurisdictional determinations do not violate the prohibition against

¹⁵ See *supra* note 2.

¹⁶ Order No. 2222, 172 FERC ¶ 61,247 at P 57 (citing *Elec. Storage Participation in Mkts. Operated by Reg'l Transmission Orgs. and Indep. Sys. Operators*, Order No. 841, 83 FR 9580 (Mar. 6, 2018), 162 FERC ¶ 61,127, at P 35 (2018) (citing *FERC v. Elec. Power Supply Ass'n*, 136 S. Ct. 760 (2016) (*EPSA*)), *order on reh'g and clarification*, Order No. 841-A, 84 FR 23902 (May 23, 2019), 167 FERC ¶ 61,154, at P 38 (2019), *aff'd sub nom. Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 964 F.3d 1177, 1187 (D.C. Cir. 2020) (*NARUC*) (“FERC has the exclusive authority to determine who may participate in the wholesale markets.”); *Advanced Energy Econ.*, 161 FERC ¶ 61,245, at PP 59–60 (2017) (AEE Declaratory Order), *reh'g denied*, 163 FERC ¶ 61,030 (2018) (AEE Rehearing Order); *Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 475 F.3d 1277, 1280–82 (D.C. Cir. 2007); *Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d 667, 696 (D.C. Cir. 2000)).

¹⁷ Order No. 2222, 172 FERC ¶ 61,247 at P 57 (citing Order No. 841-A, 167 FERC ¶ 61,154 at PP 31, 38; AEE Rehearing Order, 163 FERC ¶ 61,030 at P 36). The Commission noted that the Supreme Court also has recognized that the Commission extensively regulates the structure and rules of wholesale auctions, in order to ensure that they produce just and reasonable results. *Id.* P 57 n.138 (citing *Hughes v. Talen Energy Mktg., LLC*, 136 S.Ct. 1288, 1293–94 (2016) (*Hughes*); *EPSA*, 136 S.Ct. at 769).

¹⁸ Order No. 2222, 172 FERC ¶ 61,247 at P 58 (quoting *EPSA*, 136 S.Ct. at 776) (citing *NARUC*, 964 F.3d at 1186, 1189 (finding that “Order No. 841 solely targets the manner in which an [electric storage resource] may participate in wholesale markets” and that Order Nos. 841 and 841-A “do nothing more than regulate matters concerning federal transactions”); Order No. 841-A, 167 FERC ¶ 61,154 at P 44).

¹⁹ *Id.* P 58 (citing Order No. 841-A, 167 FERC ¶ 61,154 at P 32; AEE Declaratory Order, 161 FERC ¶ 61,245 at P 62 (citing *EPSA*, 136 S.Ct. at 776)).

²⁰ *Id.* (citing *NARUC*, 964 F.3d at 1187; *Hughes*, 136 S.Ct. at 1298; *Oneok, Inc. v. Learjet, Inc.*, 575 U.S. 373, 386 (2015)) (internal citations omitted).

²¹ *Id.* P 59 (citing *Wholesale Competition in Regions with Organized Elec. Mkts.*, Order No. 719, 73 FR 64100 (Oct. 28, 2008), 125 FERC ¶ 61,071, at PP 154–55 (2008), *order on reh'g*, Order No. 719-A, 74 FR 37776 (Jul. 29, 2009), 128 FERC ¶ 61,059, *order on reh'g*, Order No. 719-B, 129 FERC ¶ 61,252 (2009); *EPSA*, 136 S.Ct. at 779 (describing the opt-out as a “notable solicitude toward the States,” in recognition of “the linkage between wholesale and retail markets and the States’ role in overseeing retail sales”); *NARUC*, 964 F.3d at 1190 (“Local Utility Petitioners correctly acknowledge that *EPSA* did not condition its holdings on the existence of an opt-out.”)).

²² Kansas Commission Request for Rehearing at 1.

⁸ *Id.* P 8.

⁹ On November 12, 2020, AEE/AEMA filed an errata to its request for rehearing.

¹⁰ On October 20, 2020, Public Interest Organizations filed an errata to its request for rehearing.

¹¹ Rule 713(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 385.713(d)(1), prohibits an answer to a request for rehearing. Accordingly, we reject APPA/NRECA's answer.

¹² 964 F.3d 1 (D.C. Cir. 2020) (en banc).

¹³ 16 U.S.C. 8251(a) (“Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.”).

¹⁴ *Allegheny Def. Project*, 964 F.3d at 16–17.

arbitrary and capricious decision making.

8. According to the Kansas Commission, the Commission previously found that “no federal court has stated that the Commission has exclusive jurisdiction over rules or practices that directly affect a jurisdictional rate.”²³ The Kansas Commission contends, however, that in Order No. 2222, the Commission relied on *EPSA* and *Hughes* to support its assertion of exclusive jurisdiction over rules governing wholesale market participation.²⁴ The Kansas Commission states that, in the August 2020 Tri-State Rehearing Order,²⁵ the Commission declined an opportunity to address the impact of *NARUC* on the findings from the March 2020 Tri-State Order, which has created uncertainty regarding the Commission’s view of its exclusive jurisdiction over rules and practices that directly affect Commission-jurisdictional rates, as well as its interpretation of *EPSA* and *Hughes* on that issue.²⁶ The Kansas Commission therefore asks the Commission to grant clarification to resolve that alleged inconsistency and to clearly articulate the Commission’s views on the scope of its exclusive jurisdiction.

9. Alternatively, the Kansas Commission seeks rehearing on the basis that the Commission acted in an arbitrary and capricious manner, and failed to engage in reasoned decision making, when it held that *EPSA* and *Hughes* support a finding that the Commission has exclusive jurisdiction over rules and practices that directly affect Commission-jurisdictional rates.²⁷ The Kansas Commission argues that Order No. 2222 does not acknowledge the Commission’s findings in the March 2020 Tri-State Order to the contrary or provide any explanation for the Commission’s conflicting interpretations of the Commission’s exclusive authority over rules and practices that directly affect Commission-jurisdictional rates, and therefore, rehearing is warranted to

address these material omissions and inconsistencies.²⁸

b. Commission Determination

10. We disagree with the Kansas Commission that the Commission in Order No. 2222 created uncertainty about its view on its jurisdiction over rules and practices that directly affect Commission-jurisdictional rates.²⁹ We also disagree with the Kansas Commission’s argument that the Commission acted arbitrarily and capriciously by failing to acknowledge the Tri-State proceeding in Order No. 2222.

11. In the March 2020 Tri-State Order, the Commission found that Tri-State’s exit charges are not a rate or charge for a jurisdictional service itself but fall within the Commission’s jurisdiction as a rule or practice directly affecting Tri-State’s jurisdictional wholesale rates.³⁰ The Commission stated that “neither the Supreme Court nor the appellate courts have expressly found that the Commission has *exclusive* jurisdiction over rules or practices that directly affect jurisdictional rates.”³¹ The Commission therefore declined to find that it had exclusive jurisdiction over Tri-State’s exit charges and, as a result, found that the Colorado Public Utility Commission’s jurisdiction over complaints before it regarding Tri-State’s exit charges were not currently preempted.³²

12. However, on rehearing of that order and prior to the issuance of Order No. 2222, the Commission modified that discussion in the underlying order, set aside the finding that Tri-State’s exit charge is not a rate or charge for a jurisdictional service, and instead found that Tri-State’s assessment of an exit charge constitutes a Commission-jurisdictional rate.³³ The Commission stated that it therefore need not address Tri-State’s and Wheat Belt’s argument that the Commission has exclusive jurisdiction over Tri-State’s assessment of exit charges as a practice directly affecting wholesale rates.³⁴ Therefore, contrary to the Kansas Commission’s

argument, the Commission did not make any findings in the Tri-State proceeding regarding its jurisdiction with respect to practices that directly affect Commission-jurisdictional rates that could be inconsistent with Order No. 2222. We continue to find, as the Commission did in Order No. 2222, the AEE Declaratory Order, and Order No. 841, that the Commission has exclusive jurisdiction over wholesale markets and the criteria for participation in those markets, including the wholesale market rules for participation of resources connected at or below distribution-level voltages.³⁵ This view is consistent with the D.C. Circuit’s holding in *NARUC* that “Congress gives [the Commission] exclusive authority over the regulation of the sale of electric energy at wholesale in interstate commerce, *including both wholesale electricity rates and any rule or practice affecting such rates*” and that the Commission “has the exclusive authority to determine who may participate in the wholesale markets.”³⁶

2. Order No. 719 Demand Response Opt-Out

13. In Order No. 2222, the Commission stated that the final rule

²³ See Order No. 2222, 172 FERC ¶ 61,247 at P 57 n.137 (citing, e.g., Order No. 841, 162 FERC ¶ 61,127 at P 35 (citing *EPSA*, 136 S.Ct. 760)); Order No. 841–A, 167 FERC ¶ 61,154 at P 38; AEE Declaratory Order, 161 FERC ¶ 61,245 at PP 59–60.

³⁶ *NARUC*, 964 F.3d at 1181, 1187 (internal citations omitted) (emphasis added). In response to Commissioner Danly’s suggestion that we are “obstructing the states from asserting their own authority over distributed energy resource aggregations,” *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 2222–A, 174 FERC ¶ 61,198, at P 2 (Danly, Comm’r, dissenting), we reiterate that Order No. 2222 and this order on rehearing address the rules governing wholesale market participation, a matter under the Commission’s exclusive jurisdiction. See *NARUC*, 964 F.3d at 1187–88. For similar reasons, we disagree with Commissioner Christie’s suggestion that the Commission is undermining the FPA’s jurisdictional framework. See Order No. 2222–A, 174 FERC ¶ 61,198 at P 5 (Christie, Comm’r, dissenting). Because the terms of wholesale market participation are a matter under exclusive Commission jurisdiction, today’s order does not infringe upon or otherwise diminish state authority. *NARUC*, 964 F.3d at 1181, 1187–88; see *id.* at 1188 (noting that Order No. 841 “does not usurp state power” because “States continue to operate and manage their facilities with the same authority they possessed prior to Order No. 841”) (internal quotation marks and alterations omitted); see also *EPSA*, 136 S.Ct. at 776–77 (holding that Order No. 745 was a valid exercise of Commission jurisdiction because it regulated only wholesale market rules and did not aim at matters within state jurisdiction). To the contrary, rather than upending the FPA’s jurisdictional framework, this order fulfills the Commission’s statutory responsibility to ensure that the matters subject to its exclusive jurisdiction are just and reasonable and not unduly discriminatory or preferential. See *NARUC*, 964 F.3d at 1190.

²³ *Id.* at 2–3 (quoting *Tri-State Generation & Transmission Ass’n, Inc.*, 170 FERC ¶ 61,224, at P 121 (March 2020 Tri-State Order), *order on reh’g*, 172 FERC ¶ 61,173 (August 2020 Tri-State Rehearing Order), *order on reh’g*, 173 FERC ¶ 61,097 (2020)).

²⁴ *Id.* at 3–4 (citing Order No. 2222, 172 FERC ¶ 61,247 at PP 57 nn.137–138, 58 nn.139 & 141, 59 n.143).

²⁵ We note that the Kansas Commission states that the August 2020 Tri-State Rehearing Order was issued 11 days after Order No. 2222. However, Order No. 2222 was issued on September 17, 2020, 20 days after the issuance of the August 2020 Tri-State Rehearing Order.

²⁶ Kansas Commission Request for Rehearing at 4.

²⁷ *Id.* at 5.

²⁸ *Id.* at 6.

²⁹ See 16 U.S.C. 824d(a), 824e(a) (providing the Commission with authority to ensure that rules or practices “affecting” Commission-jurisdictional rates are just and reasonable); *EPSA*, 136 S.Ct. at 774 (approving a construction of the FPA “limiting [the Commission’s] ‘affecting’ jurisdiction to rules or practices that *directly* affect the [wholesale] rate”) (emphasis in original) (internal quotation marks omitted).

³⁰ March 2020 Tri-State Order, 170 FERC ¶ 61,224 at PP 118–119.

³¹ *Id.* P 117 (emphasis in original).

³² *Id.* P 121.

³³ August 2020 Tri-State Rehearing Order, 172 FERC ¶ 61,173 at PP 31–32.

³⁴ *Id.* P 34 n.75.

does not affect the ability of RERRAs to prohibit retail customers' demand response from being bid into RTO/ISO markets by aggregators pursuant to Order No. 719.³⁷ The Commission also stated that, because demand response falls under the definition of distributed energy resource, an aggregator of demand response could participate as a distributed energy resource aggregator, but that the final rule does not affect existing demand response rules.³⁸ The Commission further found that the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719-A.³⁹ The Commission therefore clarified that if the RERRA for a demand response resource has either chosen to opt out or has not opted in, then the demand response resource may not participate in a distributed energy resource aggregation.

a. Requests for Clarification or Rehearing

14. Public Interest Organizations argue that the Commission erred by including an opt-out for distributed energy resource aggregations that contain demand response resources.⁴⁰ Public Interest Organizations claim that the Commission's decision in Order No. 2222 to allow RERRAs to opt out with respect to demand response is functionally separate from the opt-out provided in Order No. 719.⁴¹ They state that there may be demand response resources that, for reasons specific to their business models, choose to continue to be classified as demand response resources participating in wholesale markets pursuant to Order Nos. 719 and 719-A.⁴² They argue, however, that demand response resources that participate in distributed energy resource aggregations under Order No. 2222 are a categorically different class of resource than those not participating as distributed energy resources.⁴³ They assert that the Commission therefore has the discretion to treat these two resource classes differently but explicitly chose to expand the Order No. 719 opt-out to apply to demand response resources acting as distributed energy resources.⁴⁴

15. Public Interest Organizations argue that the opt-out is unlawful because legal developments have clarified that the Commission has the exclusive authority to set the eligibility and other terms of wholesale market participation of resources that are composed of retail customer actions or that connect at the distribution system.⁴⁵ They contend that, in upholding Order No. 841, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) did not conclude that withholding the opt-out was merely a reasonable choice within the Commission's discretion but rather "simply a restatement of the well-established principles of federal preemption."⁴⁶ Public Interest Organizations therefore argue that a state cannot determine which resources may participate in RTO/ISO markets because such state actions directly "aim at" wholesale transactions and are field preempted.

16. Public Interest Organizations contend that, even assuming that the Commission had discretion to allow states to prohibit resources from accessing the wholesale market, there is no legally relevant basis to distinguish between categorical state bans on the participation of demand response resources in distributed energy resource aggregations and bans on the participation of electric storage and all other distributed energy resources.⁴⁷ Public Interest Organizations assert that the Commission wrongly suggested that the fact that demand response falls under its jurisdiction over practices that directly affect Commission-jurisdictional rates, whereas distribution-connected generators are engaged in wholesale sales of energy and may qualify as public utilities under the FPA, is a relevant distinction with regard to the application of an opt-out.⁴⁸ They argue that the Commission did not fully explain why such a distinction should affect its decision to extend the opt-out to demand response contained within a distributed energy resource aggregation. Public Interest Organizations assert that other types of technologies also do not necessarily engage in wholesale sales yet are not subject to an opt-out under Order No. 2222, citing the example of a behind-the-meter generator whose function is to reduce the net demand of its host and may never deliver power to the grid,

although it has the potential to do so.⁴⁹ Public Interest Organizations state that the Commission has concluded that such technologies, whether or not they actually deliver power to the grid, are not subject to the opt-out.⁵⁰ They argue that an opt-out impermissibly targets the wholesale markets and is inconsistent with the FPA, regardless of whether it targets an aggregator that engages in wholesale sales or an aggregator that directly affects wholesale rates and regardless of any legitimate state objectives that may motivate the state's action.⁵¹

17. Public Interest Organizations further allege that the demand response opt-out adopted in Order No. 2222 is *ultra vires* because it is an impermissible relinquishment of the Commission's duty under FPA section 206 to ensure just and reasonable rates.⁵² They assert that the Commission identified the changes necessary to address certain market flaws but failed to ensure that these reforms shall be "thereafter observed and in force."⁵³ Public Interest Organizations elaborate that allowing states to obstruct the expansion of demand response resources frustrates the Commission's responsibility to "establish[] the criteria for participation in RTO/ISO markets," which "is essential to the Commission's ability to fulfill its statutory responsibility to ensure that wholesale rates are just and reasonable."⁵⁴

18. Public Interest Organizations maintain that the opt-out unduly discriminates against distributed energy resource aggregations containing demand response resources by treating them differently from aggregations that do not contain demand response even though they provide the same grid services.⁵⁵ Public Interest Organizations argue that, where different technologies appear operationally equivalent from the perspective of the system operator, there is no basis for differentiating eligibility to participate in the market. They claim that the Commission has previously found that the source of a load reduction, whether it comes from behind-the-meter generation or operational shutdown, is irrelevant to a resource's eligibility to participate as

³⁷ Order No. 2222, 172 FERC ¶ 61,247 at P 59 (citing 18 CFR 35.28(g)(1)(iii)).

³⁸ *Id.* P 118.

³⁹ *Id.* P 145.

⁴⁰ Public Interest Organizations Request for Rehearing at 5.

⁴¹ *Id.* at 6.

⁴² *Id.* at 6–7.

⁴³ *Id.* at 7.

⁴⁴ *Id.* at 7–8.

⁴⁵ *Id.* at 8 (citing *EPSA*, 136 S.Ct. at 771; *Hughes*, 136 S. Ct. at 1288).

⁴⁶ *Id.* (quoting *NARUC*, 964 F.3d at 1187).

⁴⁷ *Id.* at 9–10.

⁴⁸ *Id.* at 12 (citing Order No. 2222, 172 FERC ¶ 61,247 at P 60).

⁴⁹ *Id.* at 12–13.

⁵⁰ *Id.* at 13.

⁵¹ *Id.* at 12–14 (citing *Hughes*, 136 S.Ct. at 1290–91).

⁵² *Id.* at 14.

⁵³ *Id.* at 15 (quoting 16 U.S.C. 824e(a)).

⁵⁴ *Id.* at 16 (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 57).

⁵⁵ *Id.* at 18.

demand response.⁵⁶ They argue however that, under Order No. 2222, distributed energy resource aggregations that have the same ability to meet the qualification and performance requirements are treated differently depending on whether they contain demand response resources or not, which means the ability to compete turns not on the services provided or their cost, but instead on the equipment by which the service is produced. They state that, for example, energy storage resources can be deployed to shape load profiles, shift demand, or modulate demand within a distributed energy resource aggregation in the same manner as most demand response technologies, but air conditioning load control would not be allowed to provide the same service within a distributed energy resource aggregation.⁵⁷ They assert that there is no justification for such discriminatory treatment based solely on the type of equipment by which the service is delivered.⁵⁸

19. Finally, Public Interest Organizations argue that the opt-out is a barrier to competition and the full potential benefits of Order No. 2222 cannot be realized as long as the opt-out remains in place.⁵⁹ They assert that adopting an opt-out applicable to distributed energy resource aggregations that incorporate demand response directly contradicts the Commission's goal to enable heterogeneous aggregations that allow different technologies to provide complementary capabilities at lowest cost, and to unleash competition that spurs innovation and the next generation of technologies and business models.⁶⁰ Specifically, they assert that distributed energy resource aggregations will not be able to incorporate the complementary capabilities of existing and enhanced demand response technologies that would support the integration of large shares of variable renewable resources and create significant economic and reliability benefits.⁶¹

20. AEE/AEMA request that the Commission clarify that the opt-out and opt-in requirements of Order No. 719 will apply only to the non-injection portion of an individual distributed energy resource and not to the injection portion of an individual distributed energy resource.⁶² According to AEE/

AEMA, the Commission's discussion of how its prior rules regarding demand response resources interact with Order No. 2222 may inadvertently limit the participation of individual distributed energy resources that are configured to engage in both non-injection demand response and injection of energy onto the grid to make wholesale sales.⁶³ AEE/AEMA state that it is increasingly common for a single customer load site to include installed energy storage and/or distributed generation resources that have the technical capability to both facilitate demand reduction at the customer's location, and inject energy to provide a broader set of wholesale services, depending on the customer's or the grid's needs and market signals at any given time. They assert that, while such a distributed energy resource's reduction of consumption of electric energy from expected consumption fits the Commission's definition of "demand response," it also has the technical capability to inject energy onto the grid and engage in a broader set of wholesale market activities as part of a distributed energy resource aggregation.⁶⁴ AEE/AEMA contend that interpreting Order No. 2222 as requiring the application of the opt-out and opt-in requirements of Order No. 719 to the entire resource would inappropriately expand the scope of Order No. 719 and work against the overall objective of Order No. 2222 to enhance market competition and ensure just and reasonable rates.⁶⁵

21. According to AEE/AEMA, their requested clarification is technology neutral and would ensure that technologies other than the demand response resources that were the sole focus of Order No. 719 are not inadvertently excluded from distributed energy resource aggregations.⁶⁶ AEE/AEMA state that, under their requested clarification, aggregations consisting solely of demand response or utilizing the non-injection portion of other distributed energy technologies would continue to be subject to Order No. 719 and could not use Order No. 2222 to circumvent the opt-out and opt-in requirements. They further state that the clarification is consistent with the Commission's stated view of its FPA authority because it would apply the Order No. 719 opt-out and opt-in requirements only to instances in which distributed energy resources engage in "practices affecting wholesale rates" and not to those in which they inject

energy or otherwise engage in wholesale sales.⁶⁷

b. Commission Determination

22. We set aside in part the Commission's conclusion that the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719-A. Pursuant to those orders, the Commission's regulations provide a RERRA the ability to prevent "an aggregator of retail customers that aggregates the demand response of the customers of utilities" within its borders from participating in RTO/ISO markets.⁶⁸ As discussed further below, we decline to extend this opt-out to demand response resources that participate in heterogeneous distributed energy resource aggregations—i.e., those that are made up of different types of resources including demand response as opposed to those made up solely of demand response. The opt-out will continue to apply to aggregations made up *solely* of resources that participate as demand response resources, consistent with our regulations.

23. In Order No. 719, the Commission defined an "aggregator of retail customers" as "an entity that aggregates demand response bids (which are mostly from retail loads)." ⁶⁹ Since that time, the Commission's regulations have precluded aggregations of retail customers from participating in RTO/ISO markets where the RERRA prohibits such participation. Prior to this rulemaking, the Commission has never addressed how the opt-out adopted in Order No. 719 applies to demand response resources that participate in RTO/ISO markets through an aggregation that is not solely made up of demand response resources. Upon reconsideration, we decline to extend the opt-out adopted in Order No. 719 to demand response resources that participate in heterogeneous distributed energy resource aggregations. We find that heterogeneous distributed energy resource aggregations that include demand response resources do not fall

⁶⁷ *Id.* at 8 (citing Order No. 2222, 172 FERC ¶ 61,247 at PP 40–42, 60).

⁶⁸ 18 CFR 35.28(g)(1)(iii); see Order No. 719, 125 FERC ¶ 61,071 at P 3 n.3 ("We will use the phrase 'aggregator of retail customers,' or ARC, to refer to an entity that aggregates demand response bids (which are mostly from retail loads)."). The Commission's regulations define demand response as "a reduction in the consumption of electric energy by customers from their expected consumption in response to an increase in the price of electric energy or to incentive payments designed to induce lower consumption of electric energy." 18 CFR 35.28(b)(4).

⁶⁹ Order No. 719, 125 FERC ¶ 61,071 at P 3 n.3.

⁵⁶ *Id.* at 19–20 (citing *Demand Response Supporters v. N.Y. Indep. Sys. Operator, Inc.*, 145 FERC ¶ 61,162, at P 32 (2013)).

⁵⁷ *Id.* at 20.

⁵⁸ *Id.* at 20–21.

⁵⁹ *Id.* at 21–24.

⁶⁰ *Id.* at 22.

⁶¹ *Id.* at 23–24.

⁶² AEE/AEMA Request for Rehearing at 4.

⁶³ *Id.* at 5.

⁶⁴ *Id.* at 6 (citing 18 CFR 35.28(b)(4)).

⁶⁵ *Id.* at 6.

⁶⁶ *Id.* at 7.

squarely within the Order No. 719 opt-out, as set forth in our regulations, because they are not solely aggregations of retail customers.⁷⁰ In addition, for the reasons that follow, we find that extending the Order No. 719 opt-out to demand response resources in heterogeneous distributed energy resource aggregations would undermine the potential of Order No. 2222 to break down barriers to competition, interfering with our responsibility to ensure that wholesale rates are just and reasonable.⁷¹ Accordingly, we clarify that the Order No. 719 opt-out does not apply to demand response resources that participate in a heterogeneous distributed energy resource aggregation.

24. One of the principal advantages of distributed energy resource aggregations is their ability to take advantage of the different resources' operational attributes and complementary capabilities.⁷² As the Commission explained in Order No. 2222, "[p]ermitting distributed energy resource aggregations to participate in the RTO/ISO markets may allow these

resources, in the aggregate, to meet certain qualification and performance requirements, particularly if the operational characteristics of different distributed energy resources in a distributed energy resource aggregation complement each other."⁷³ We agree with Public Interest Organizations that diverse aggregations that include demand response can provide capabilities that are valuable to the efficiency and reliability of the grid.⁷⁴ For instance, the inclusion of demand response resources in a heterogeneous distributed energy resource aggregation can allow the aggregation to collectively deliver ancillary services that those resources would not otherwise be able to provide.⁷⁵ The aggregation of demand response resources with other types of resources may also enable a distributed energy resource aggregation to collectively satisfy reliability needs in order to meet certain performance requirements.⁷⁶ Accordingly, we conclude that extending the Order No. 719 opt-out to demand response resources that seek to participate in heterogeneous distributed energy resource aggregations would undermine one of the advantages of Order No. 2222.

25. Similarly, we find that interpreting the Commission's regulations to preclude certain demand response resources from participating in heterogeneous distributed energy resource aggregations would significantly undermine our goal of removing barriers to the participation of distributed energy resource aggregations in the wholesale markets.⁷⁷ Distributed energy resource aggregations can be

composed of a diverse range of different resource types—including energy-efficient lightbulbs, distributed generation (such as roof top solar), electric vehicles, and smart appliances.⁷⁸ Ensuring that demand response resources can combine with other forms of distributed energy resources has the potential to increase both the number and the variety of distributed energy resource aggregations, thereby enhancing competition and furthering our mandate to ensure that Commission-jurisdictional rates are just and reasonable.⁷⁹

26. In addition to enhancing competition, this diversity also facilitates these non-traditional resources' ability to provide a wide range of services in RTO/ISO markets, as discussed above.⁸⁰ We agree with Public Interest Organizations that applying the Order No. 719 opt-out to aggregations that contain a combination of demand response and other types of distributed energy resources could prevent distributed energy resource aggregators from incorporating the complementary capabilities of existing and future demand response technologies.⁸¹ Ensuring that demand response resources can participate in heterogeneous distributed energy resource aggregations throughout the country has the potential to enable significantly more such complementary aggregations, which will also help to break down barriers to the entry of emerging and future technologies, thus enhancing competition and contributing to ensuring just and reasonable rates.

27. Lastly, we also find that precluding demand response from participating in heterogeneous distributed energy resource aggregations would undermine the Commission's goal of "ensur[ing] a technology-neutral approach to distributed energy resource aggregations, which will ensure that more resources are able to participate in such aggregations, thereby helping to enhance competition and ensure just and reasonable rates."⁸² Because we find that the Order No. 719 opt-out does not apply to heterogeneous distributed

⁷⁰ Compare 18 CFR 35.28(g)(1)(iii) (expressly limiting the application of the Order No. 719 opt-out to "an aggregator of retail customers that aggregates the demand response of the customers of utilities"), with 18 CFR 35.28(b)(10), (g)(12) (requiring RTOs/ISOs to establish market rules applicable to entities that aggregate one or more resources located on the distribution system, any subsystem thereof or behind a customer meter); see also Order No. 2222, 172 FERC ¶ 61,247 at P 114 (finding that distributed energy resources may include, but are not limited to, resources that are in front of and behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment).

⁷¹ See Order No. 2222, 172 FERC ¶ 61,247 at P 142 (finding that the requirement for RTOs/ISOs to allow heterogeneous aggregations will enhance competition in RTO/ISO markets by ensuring that complementary resources, including those with different physical and operational characteristics, can meet qualification and performance requirements); see also *id.* P 1 (finding that existing RTO/ISO market rules are unjust and unreasonable in light of barriers that they present to the participation of distributed energy resource aggregations in RTO/ISO markets, which reduce competition and fail to ensure just and reasonable rates), P 3 (finding that restrictions on competition can reduce the efficiency of RTO/ISO markets, potentially leading an RTO/ISO to dispatch more expensive resources to meet its system needs and that, by removing barriers to the participation of distributed energy resource aggregations in RTO/ISO markets, the final rule will enhance competition and help to ensure that RTO/ISO markets produce just and reasonable rates); see *NARUC*, 964 F.3d at 1189 (finding that the Commission's decision not to include an opt-out in Order No. 841 was not arbitrary or capricious when the Commission considered the benefits of enabling broad electric storage resource participation to promoting just and reasonable wholesale rates, including the effect of increased competition and the promotion of diversity in technology types).

⁷² See, e.g., Public Interest Organizations Request for Rehearing at 23–24.

⁷³ Order No. 2222, 172 FERC ¶ 61,247 at P 26.

⁷⁴ See Public Interest Organizations Request for Rehearing at 23–24.

⁷⁵ See Direct Energy Comments (RM18–9) at 3–4 (describing how the aggregation of a battery storage project with flexible load from industrial customer sites enables the REstore virtual power plant to provide frequency response services by efficiently managing between the two resources and dispatching on a second-by-second basis to respond to system needs).

⁷⁶ See Exelon Comments (RM16–23) at 6 (explaining that pairing a summer-only demand response resource, such as air conditioning load, with wind that blows more in the winter months can create an aggregated product that satisfies the reliability needs of PJM's Capacity Performance product) (citing *PJM Interconnection, L.L.C.*, 162 FERC ¶ 61,159 (2018)); Ictec Comments (RM18–9) at 5–6 (explaining that allowing sites that mix load reductions and other types of distributed energy resources to offer their combined capability enables the delivery of full-year capacity to qualify as a Capacity Performance resource and allows rational energy and ancillary services offer stacks that combine relatively inexpensive resources with relatively expensive load curtailments).

⁷⁷ See Order No. 2222, 172 FERC ¶ 61,247 at P 60 ("[W]e find that the benefits of allowing distributed energy resource aggregators broader access to the wholesale market outweigh the policy considerations in favor of an opt-out.").

⁷⁸ See *id.* P 114.

⁷⁹ See 16 U.S.C. 824e.

⁸⁰ See Order No. 2222, 172 FERC ¶ 61,247 at P 141 (finding that limiting the types of technologies that are allowed to participate in RTO/ISO markets through a distributed energy resource aggregator would create a barrier to entry for emerging or future technologies, potentially precluding them from being eligible to provide all of the capacity, energy, and ancillary services that they are technically capable of providing).

⁸¹ See Public Interest Organizations Request for Rehearing at 23–24.

⁸² Order No. 2222, 172 FERC ¶ 61,247 at P 26.

energy resource aggregations, we conclude that the goal of resource neutrality supports requiring RTOs/ISOs to allow demand response resources to participate in such aggregations on a level playing field as other distributed energy resources.⁸³

28. In summary, we conclude that if a distributed energy resource aggregator aggregates only demand response resources, it is materially indistinct from the aggregations of retail customers subject to the Order No. 719 opt-out. The Commission has not proposed to overturn the Order No. 719 opt-out in this rulemaking and, to the extent parties ask that we do so on rehearing, we find that such requests are out of scope. However, we also conclude that heterogeneous distributed energy resource aggregations that include demand response do not fall squarely within the Order No. 719 opt-out. For the reasons discussed above, we find that allowing a RERRA to preclude demand response from participating in heterogeneous distributed energy resource aggregations would sufficiently undermine the goals of Order No. 2222. As a result, on rehearing, we conclude that demand response resources may participate in heterogeneous aggregations, even when located in states that have exercised the Order No. 719 opt-out. We also clarify that the small utility opt-in adopted in Order No. 2222 still applies to all distributed energy resource aggregations, including those containing demand response resources.⁸⁴

29. Finally, AEE/AEMA request that the Commission clarify that the opt-out and opt-in requirements of Order No. 719 will apply only to the non-injection portion of an individual distributed energy resource and not to the injection portion of an individual distributed energy resource. We clarify that, if an individual distributed energy resource can be configured to engage in either demand response or injection of energy onto the grid to make wholesale sales (e.g., a behind-the-meter generator), it may choose to participate in the wholesale markets by reducing a customer's metered load on the grid from the customer's expected consumption (i.e., as a demand response resource subject to Order No. 719) or it

may choose to participate by injecting energy onto the grid to make wholesale sales (i.e., as a different type of distributed energy resource). If a distributed energy resource aggregation is composed solely of resources that participate as demand response resources, then the Order No. 719 opt-out would apply to that aggregation. If a distributed energy resource aggregation contains any resources that participate as another type of distributed energy resource, then the Order No. 719 opt-out would not apply to that aggregation.⁸⁵

3. Small Utility Opt-In

30. In Order No. 2222, the Commission acknowledged that, notwithstanding its finding that the benefits of the final rule outweigh the policy considerations in favor of a broad opt-out, the final rule may place a potentially greater burden on smaller utility systems.⁸⁶ The Commission stated that, recognizing this potentially greater burden on small utility systems, the Commission would exercise its discretion to include in the final rule an opt-in mechanism for small utilities similar to that provided in Order No. 719–A.⁸⁷ Specifically, the Commission determined that an RTO/ISO must not accept bids from a distributed energy resource aggregator if its aggregation includes distributed energy resources that are customers of utilities that distributed 4 million MWh or less in the previous fiscal year, unless the RERRA affirmatively allows such customers to participate in distributed energy resource aggregations. The Commission found that this opt-in mechanism appropriately balances the benefits that distributed energy resource aggregation can provide to RTO/ISO markets with a recognition of the burdens that such aggregation may create for small utilities in particular.⁸⁸

⁸⁵ See, e.g., Order No. 841–A, 167 FERC ¶ 61,154 at P 53 (“Therefore, when an electric storage device chooses to participate in the RTO/ISO markets as demand response, it is not participating as an ‘electric storage resource’ or injecting electricity onto the grid and should not be subject to the market rules applicable to electric storage resources. Accordingly, because demand response and electric storage resources have differing ways of interacting with RTO/ISO markets and are subject to different market rules, it is not arbitrary or inconsistent for the Commission to take different policy approaches when integrating those resources into the RTO/ISO markets.”).

⁸⁶ Order No. 2222, 172 FERC ¶ 61,247 at P 64 (citing APPA Comments (2018 RM18–9) at 7, 9–10; APPA/NRECA Comments (RM16–23) at 39; NRECA Comments (2018 RM18–9) at 14, 26–28; TAPS Comments (RM16–23) at 15–16).

⁸⁷ *Id.* P 64.

⁸⁸ *Id.* P 65.

a. Requests for Clarification or Rehearing

31. Public Interest Organizations argue that the Commission erred by providing RERRAs the power to prevent distributed energy resource aggregations for utilities that provide 4 million MWh or less annually from participating in wholesale markets.⁸⁹ First, Public Interest Organizations assert that, pursuant to the FPA, state authorities lack jurisdiction to directly determine whether resources are permitted to participate in RTO/ISO markets because such state actions directly “aim at” wholesale transactions and are therefore field preempted.⁹⁰

32. Second, Public Interest Organizations assert that the 4 million MWh threshold for the opt-in is not supported by substantial evidence and should be removed, clarified, or otherwise revisited.⁹¹ According to Public Interest Organizations, the Commission acknowledged that the Small Business Size Standards system no longer uses a numerical MWh metric to determine the appropriate classification for utilities, and therefore it is not reasonable for the Commission to presume that this threshold reflects a meaningful point at which the substantial benefits of Order No. 2222 are outweighed by its burdens.⁹² They argue that the Commission did not identify record evidence to demonstrate that this scale of utility operation has meaningful relation to any harm such entities may face due to the implementation of Order No. 2222. They assert that the Commission's justification that it has used this standard in prior orders is arbitrary because those orders involved different industries unrelated to the burdens faced by utilities with respect to distributed energy resources.⁹³ Public Interest Organizations further contend that Order No. 719–A is inapposite, positing that the Commission failed to show in what way the technical or cost-based challenges faced by utilities 11 years ago with respect to demand response resources relate to the challenges faced by utilities now with respect to distributed energy resources.⁹⁴ They assert that the Commission must provide a rational connection between the numerical threshold chosen and the purported

⁸⁹ Public Interest Organizations Request for Rehearing at 5.

⁹⁰ *Id.* at 26 (quoting *Hughes*, 136 S.Ct. at 1298).

⁹¹ *Id.* at 27, 32.

⁹² *Id.* at 28 (citing Order No. 2222, 172 FERC ¶ 61,247 at PP 67, 63 n.152).

⁹³ *Id.* at 28–29.

⁹⁴ *Id.* at 29.

⁸³ We note that the Order No. 719 opt-out is arguably inconsistent with that goal. The Commission has not proposed to modify the relevant regulations in this proceeding and it would be inappropriate to do so on rehearing. Nevertheless, we note that the Commission is contemporaneously issuing a notice of inquiry to examine the Order No. 719 opt-out and whether it remains just and reasonable. (cross-referenced at 174 FERC ¶ 61,198).

⁸⁴ Order No. 2222, 172 FERC ¶ 61,247 at P 64.

burdens it proposes to ease.⁹⁵ Public Interest Organizations also contend that the record contains only generic allegations of costs distribution utilities may face but no basis for the Commission to conclude that such costs are likely to occur.⁹⁶

33. AEE/AEMA argue that the small utility opt-in should not apply to energy efficiency resources. AEE/AEMA state that the Commission established the small utility opt-in due to concerns that the participation of distributed energy resources in wholesale markets “may place a potentially greater burden on smaller utility systems.”⁹⁷ However, AEE/AEMA contend that energy efficiency resources do not negatively impact the distribution system’s cost, operation, or reliability because they passively reduce demand, do not require a dispatch signal to operate, and do not inject electricity onto the distribution grid. According to AEE/AEMA, the Commission has already recognized that energy efficiency resources are unlikely to present operational or planning complexities that might otherwise interfere with day-to-day operations of utility systems.⁹⁸ AEE/AEMA further argue that, although the Commission based the small utility opt-in on that provided in Order No. 719, the Commission has expressly found that Order No. 719 does not apply to energy efficiency resources.⁹⁹ AEE/AEMA thus conclude that the opt-in as applied to energy efficiency resources is arbitrary, unreasonable and unduly discriminatory under the FPA and the Administrative Procedure Act.¹⁰⁰

b. Commission Determination

34. We disagree with Public Interest Organizations’ arguments on rehearing. As discussed above, in Order No. 719–A, the Commission required RTOs/ISOs to accept bids from an aggregator of retail customers that aggregates the demand response of the customers of utilities that distributed more than 4 million MWh in the previous fiscal year, unless the RERRA prohibits such customers’ demand response to be bid into RTO/ISO markets (*i.e.*, unless the RERRA opts out).¹⁰¹ However, the Commission exercised its discretion to

take a different approach with small utilities by requiring that RTOs/ISOs accept bids from an aggregator of retail customers that aggregates the demand response of the customers of utilities that distributed 4 million MWh or less in the previous fiscal year, only where the RERRA affirmatively permits such customers’ demand response to be bid into RTO/ISO markets (*i.e.*, only where the RERRA opts in).¹⁰² In Order No. 2222, the Commission appropriately exercised its discretion to adopt an opt-in similar to that provided in Order No. 719–A. A RERRA that elects not to opt in under either Order No. 719 or Order No. 2222 does not intrude on the Commission’s exclusive authority over practices that directly affect wholesale rates because the Commission chose to provide such an opt-in and expressly codified this opt-in in the Commission’s regulations.¹⁰³

35. We also disagree that the 4 million MWh threshold for the opt-in is not supported by substantial evidence or that it is outdated due to the Small Business Administration no longer using the same measure for its purposes. As the Commission explained in Order No. 2222, the Commission has used the 4 million MWh threshold in multiple contexts, including, as noted, the analogous situation in Order No. 719–A.¹⁰⁴ Importantly, Public Interest Organizations overlook the fact that this threshold is also consistent with similar, currently effective thresholds in the FPA.¹⁰⁵ Further, while certain entities requested in their comments that the Commission use the 4 million MWh threshold,¹⁰⁶ no commenters suggested that a different standard would be appropriate. In fact, Public Interest Organizations also do not suggest a more appropriate standard in their request for rehearing. Finally, we disagree with Public Interest Organizations that the record contains only generalized allegations that smaller distribution utilities will incur costs as a result of the final rule; the record contains numerous specific comments regarding these costs. For example, commenters identify costs and burdens associated with the Commission’s

proposed action that relate to studying and processing a higher volume of interconnection requests, as well as increasing the flexibility requirements of the supervisory control and data acquisition system, the robustness of the communications system, and the capacity of information systems.¹⁰⁷

36. We also deny AEE/AEMA’s requested clarification. As a general matter, we agree with AEE/AEMA that energy efficiency resources do not typically pose the same planning and operational challenges on the distribution system as other distributed energy resources.¹⁰⁸ However, the Commission granted the small utility opt-in in Order No. 2222 not based on the effect of any particular type of distributed energy resource on the distribution system, but rather on the overall indirect burden borne by small utilities due to the participation of distributed energy resource aggregators in the RTO/ISO markets.¹⁰⁹ For instance, commenters raised such concerns as smaller distribution utilities lacking the necessary staff or resources to coordinate with distributed energy resource aggregators and RTOs/ISOs.¹¹⁰ Thus, we find that the specific effects that any particular type of distributed energy resource may or may not have on the distribution system are not determinative. Finally, we disagree that the opt-in as applied to energy efficiency resources is arbitrary in light

¹⁰⁷ NRECA Comments (2018 RM18–9) at attach. B ¶¶ 8, 10 (Statement of Kenneth M. Raming on behalf of Ozark Elec. Coop., Inc.); *id.* attach. B ¶ 9 (Statement of Brian Callnan on behalf of New Hampshire Elec. Coop., Inc.); *id.* attach. B ¶¶ 8–9 (Statement of Gerry Schmitz on behalf of Adams-Columbia Elec. Coop.); *see also id.* at 14 (citing Triplett Aff. ¶ 38) (discussing how systems and processes that do not exist today will need to be created and maintained to meet RTO/ISO requirements); *id.* attach. B ¶ 13 (Statement of Kevin Short on behalf of Anza Elec. Coop., Inc.) (maintaining that the electric cooperative lacks the funding and technical capabilities to increase the adoption of distributed energy resources); *id.* attach. B ¶ 7 (Statement of Craig C. Turner on behalf of Dakota Elec. Ass’n) (explaining that the electric cooperative would no longer be able to rely on non-wired solutions to reduce its members’ costs and would need to construct expensive additional substation and distribution system capacity).

¹⁰⁸ *See* AEE Declaratory Order, 161 FERC ¶ 61,245 at P 63 (“Unlike demand response resources, [energy efficiency resources] are not likely to present the same operational and day-to-day planning complexity that might otherwise interfere with [a load serving entity’s] day-to-day operations.”).

¹⁰⁹ Order No. 2222, 172 FERC ¶ 61,247 at P 64 (exercising discretion to include in the final rule an opt-in mechanism for small utilities due to the potential for a greater burden on small utility systems).

¹¹⁰ *Id.* n.157 (citing APPA Comments (2018 RM18–9) at 7, 9–10; APPA/NRECA Comments (RM16–23) at 39; NRECA Comments (2018 RM18–9) at 14, 26–28; TAPS Comments (RM16–23) at 15–16).

⁹⁵ *Id.* at 30.

⁹⁶ *Id.* at 30–31.

⁹⁷ AEE/AEMA Request for Rehearing at 19–20 (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 64).

⁹⁸ *Id.* at 20 (citing AEE Declaratory Order, 161 FERC ¶ 61,245 at PP 60, 63).

⁹⁹ *Id.* at 21 (citing AEE Declaratory Order, 161 FERC ¶ 61,245).

¹⁰⁰ *Id.* at 22 (citing 5 U.S.C. 706(2)(A); 16 U.S.C. 824d(b), 824e(a)).

¹⁰¹ Order No. 719–A, 128 FERC ¶ 61,059 at P 51.

¹⁰² *Id.*

¹⁰³ *See* 18 CFR 35.28(g)(1)(iii), 35.28(g)(12)(iv).

¹⁰⁴ *See* Order No. 719–A, 128 FERC ¶ 61,059 at PP 59–60; *Wolverine Power Supply Coop. Inc.*, 127 FERC ¶ 61,159, at P 15 (2009); *San Diego Gas & Elec. Co. v. Sellers of Energy & Ancillary Servs. in Mkts. Operated by the CAISO*, 125 FERC ¶ 61,297, at P 24 (2008).

¹⁰⁵ *See* 16 U.S.C. 824(f); 16 U.S.C. 824j–l(c)(1); Order No. 719–A, 128 FERC ¶ 61,059 at P 51 (explaining same).

¹⁰⁶ NRECA Comments (2019 RM18–9) at 4–5; TAPS Comments (RM16–23) at 16–17; TAPS Comments (2018 RM18–9) at 19 & n.27.

of the AEE Declaratory Order. There the Commission found that “RERRAs may not bar, restrict, or otherwise condition the participation of [energy efficiency resources] in wholesale electricity markets unless the Commission expressly gives RERRAs such authority.”¹¹¹ Order No. 2222 expressly gives RERRAs such authority with respect to distributed energy resource aggregators that fall under the 4 million MWh threshold.¹¹² Accordingly, if a RERRA affirmatively allows customers of utilities that distributed 4 million MWh or less in the previous fiscal year to participate in distributed energy resource aggregations, an RTO/ISO can accept bids from a distributed energy resource aggregator if its aggregation includes such customers. However, an RTO/ISO cannot accept bids from a distributed energy resource aggregator if its aggregation includes distributed energy resources that are customers of utilities that distributed 4 million MWh or less in the previous fiscal year if the RERRA does not affirmatively allow such customers to participate in distributed energy resource aggregations.

4. Distributed Energy Resource Interconnection

37. In Order No. 2222, the Commission found that a large influx of distribution-level interconnections could create uncertainty as to whether certain interconnections are subject to Commission jurisdiction or state/local jurisdiction, and whether they would require the use of an RTO’s/ISO’s standard interconnection procedures and agreement.¹¹³ The Commission further found that such an influx could burden RTOs/ISOs with an overwhelming volume of interconnection requests. The Commission stated that, given those concerns and the confluence of local, state, and federal authorities over distributed energy resource interconnections, the Commission

declined to exercise its jurisdiction over the interconnections of distributed energy resources to distribution facilities for the purpose of participating in RTO/ISO markets exclusively as part of a distributed energy resource aggregation.¹¹⁴

38. The Commission found that requiring use of the RTOs’/ISOs’ standard interconnection procedures and agreement terms for these interconnections was unnecessary to advance the objectives of Order Nos. 2003, 2006, and 845, which established standard interconnection procedures and agreements in order to prevent undue discrimination, preserve reliability, increase energy supply, lower wholesale prices for customers by increasing the number and types of new generation that would compete in the wholesale electricity market, reduce interconnection time and costs, and facilitate development of non-polluting alternative energy sources.¹¹⁵ Rather, the Commission agreed with commenters that state and local authorities, which have traditionally regulated distributed energy resource interconnections, have the requisite experience, interest, and capacity to oversee these distribution-level interconnections.

39. The Commission found that the interconnection of distributed energy resources for the purpose of participating in a distributed energy resource aggregation would not constitute a first interconnection for the purpose of making wholesale sales under the “first use” test.¹¹⁶ The Commission further clarified that only a distributed energy resource requesting interconnection to the distribution

facility for the purpose of directly engaging in wholesale transactions (*i.e.*, not through a distributed energy resource aggregation) would create a “first use” and any subsequent distributed energy resource interconnecting to that distribution facility for the purpose of directly engaging in wholesale transactions would be considered a Commission-jurisdictional interconnection. The Commission thus stated that it believes that this approach will minimize any increase in the number of distribution-level interconnections subject to the Commission’s jurisdiction that the final rule may cause. The Commission further stated that Order No. 2222 does not revise the Commission’s jurisdictional approach to the interconnections of QFs that participate in distributed energy resource aggregations.¹¹⁷

a. Requests for Clarification and Clarification or Rehearing

40. AEE/AEMA request clarification, or in the alternative rehearing, of the Commission’s findings with respect to the interconnection of distributed energy resources. AEE/AEMA request that the Commission clarify what it means by “directly engaging in wholesale transactions,” particularly in light of potential single-resource aggregations.¹¹⁸ AEE/AEMA also suggest that the Commission may need to clarify what happens after the triggering of “first use” if a distributed energy resource in an aggregation seeks to interconnect to a distribution facility for the purpose of participating in a distributed energy resource aggregation.¹¹⁹ According to AEE/AEMA, the Commission is clear what happens if that resource is interconnecting for the purpose of directly engaging in wholesale transactions, but it is not clear what happens if the resource is interconnecting for the purpose of participating in a distributed energy resource aggregation.

41. Xcel requests clarification regarding the statement that the Commission is not revising its jurisdictional approach to QF interconnection, which it asserts could be interpreted to mean either that: (1) The Commission is not changing its existing policy, and therefore any distributed energy resource which is part of an aggregation that will sell to an RTO/ISO market, and is also a QF, is subject to the Commission’s jurisdiction for purposes of interconnection; or (2)

¹¹¹ AEE Declaratory Order, 161 FERC ¶ 61,245 at P 57.

¹¹² Order No. 2222, 172 FERC ¶ 61,247 at P 64.

¹¹³ *Id.* P 95. The Commission explained in detail its historical jurisdictional approach to resources interconnecting to a distribution facility. Specifically, interconnections are governed by the applicable state or local law in the case of the first interconnection to a distribution utility for the purpose of making wholesale sales. Moreover, the Commission has jurisdiction in the case of subsequent interconnections of resources to the same distribution facility for the purpose of engaging in wholesale sales or transmission in interstate commerce. The Commission further noted that it adopted this approach—labeled the “first use” test in practice by some RTOs/ISOs—to avoid crossing a jurisdictional line established by Congress. *Id.* PP 92–94.

¹¹⁴ *Id.* PP 96–97.

¹¹⁵ *Id.* P 96 (citing *Standardization of Generator Interconnection Agreements & Procedures*, Order No. 2003, 68 FR 49846 (Aug. 19, 2003), 104 FERC ¶ 61,103, at P 1 (2003), *order on reh’g*, Order No. 2003–A, 69 FR 15932 (Mar. 26, 2004), 106 FERC ¶ 61,220, *order on reh’g*, Order No. 2003–B, 70 FR 265 (Jan. 4, 2005), 109 FERC ¶ 61,287 (2004), *order on reh’g*, Order No. 2003–C, 70 FR 37661 (June 30, 2005), 111 FERC ¶ 61,401 (2005), *aff’d sub nom. Nat’l Ass’n of Regul. Util. Comm’rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1230 (2007); *Standardization of Small Generator Interconnection Agreements and Procedures*, Order No. 2006, 70 FR 34190 (June 13, 2005), 111 FERC ¶ 61,220, at P 1, *order on reh’g*, Order No. 2006–A, 70 FR 71760 (Nov. 30, 2005), 113 FERC ¶ 61,195 (2005), *order granting clarification*, Order No. 2006–B, 71 FR 42587 (July 27, 2006), 116 FERC ¶ 61,046 (2006), *corrected*, 71 FR 53,965 (Sept. 13, 2006); *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 83 FR 21342 (May 9, 2018), 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, *order on reh’g and clarification*, Order No. 845–A, 84 FR 8156 (Mar. 6, 2019), 166 FERC ¶ 61,137, *errata notice*, 167 FERC ¶ 61,124, *order on reh’g*, Order No. 845–B, 168 FERC ¶ 61,092 (2019)).

¹¹⁶ *Id.* P 97.

¹¹⁷ *Id.* P 98.

¹¹⁸ AEE/AEMA Request for Rehearing at 24–25.

¹¹⁹ *Id.* at 25.

the Commission believes its prior approach to the interconnections of QFs that participate in distributed energy resource aggregations was already consistent with Order No. 2222's holding that the Commission will not assert jurisdiction over distributed energy resources in distributed energy resource aggregations.¹²⁰ Xcel asks the Commission to clarify whether the interconnection of QFs seeking to participate in distributed energy resource aggregations will be subject to the Commission's jurisdiction.¹²¹ Xcel also asks the Commission to hold a technical conference and to consider a rulemaking to simplify its interconnection rules, which Xcel states could provide additional guidance for following the existing rules that both utilities and resource developers could rely upon.¹²²

b. Commission Determination

42. We deny AEE/AEMA's request to clarify what is meant by "directly engaging in wholesale transactions." With regard to single-resource aggregations, the Commission already explained in Order No. 2222 that the Commission will not exercise jurisdiction over the interconnection to a distribution facility of a distributed energy resource for the purpose of participating in RTO/ISO markets exclusively through a single-resource distributed energy resource aggregation.¹²³ As to AEE/AEMA's suggestion to clarify what happens after the triggering of "first use," we reiterate that the Commission will not exercise jurisdiction over the interconnection to a distribution facility of a distributed energy resource for the purpose of participating in RTO/ISO markets exclusively through a distributed energy resource aggregation, even after first-use has been triggered.

43. We grant Xcel's request to clarify the Commission's jurisdictional approach to the interconnections of QFs that participate in distributed energy resource aggregations. Specifically, as discussed further below, we clarify that we decline to exercise our jurisdiction over the interconnections of distributed energy resources, *including the interconnections of QFs*, to distribution facilities for the purpose of participating in RTO/ISO markets exclusively as part of a distributed energy resource aggregation.

44. As explained in Order No. 2222, the Commission in Order Nos. 2003 and 2006 established the "first use" test for distribution system interconnections.¹²⁴ With respect to QFs, the Commission found that when an electric utility interconnecting with a QF does not purchase all the QF's output and instead transmits the QF's power in interstate commerce, the Commission exercises jurisdiction over that interconnection.¹²⁵ Thus, for purposes of Order Nos. 2003 and 2006, the Commission concluded that it exercises jurisdiction over a QF's interconnection to a Commission-jurisdictional transmission system if the QF's owner sells any of the QF's output to an entity other than the electric utility directly interconnected with the QF.¹²⁶ The Commission later clarified that, where a QF seeks interconnection to a distribution facility not subject to an OATT to make jurisdictional wholesale sales, the Commission has jurisdiction over this interconnection, even though Order No. 2003 does not apply.¹²⁷ Thus, the Commission has interpreted its authority over QFs to include all interconnections of QFs that intend to make wholesale sales, not just interconnections of QFs to distribution facilities that are already subject to an OATT.

45. The Commission has also clarified that its jurisdiction applies to a new QF that plans to sell its output to a third party, *and to an existing QF* interconnected to a Commission-jurisdictional transmission system that historically sold its total output to an interconnected utility or on-site customer and *now plans to sell output to a third party*.¹²⁸ However, the Commission stated in Order No. 2003 that a former QF that plans to sell to a third party need not submit a new interconnection request if it represents that the output of the generating facility

will be substantially the same as before.¹²⁹

46. We agree with Xcel that it would be helpful to provide clarification regarding the Commission's jurisdictional approach to the interconnections of QFs participating in distributed energy resource aggregations. We clarify that, in finding that the final rule does not revise the Commission's jurisdictional approach to the interconnections of QFs, the Commission was not modifying how it has applied any of its existing QF interconnection policies. As described above, the Commission has generally exercised jurisdiction over a QF's interconnection if the QF sells any of its output to an entity other than the electric utility directly interconnected with the QF.¹³⁰ However, the presence of distributed energy resource aggregations represents a new circumstance not previously considered in the Commission's QF interconnection precedent. Order No. 2222 addresses only distributed energy resource aggregators' participation in RTO/ISO markets, which, as the final rule itself makes clear, is meaningfully different from a distributed energy resource's direct participation in those markets.¹³¹ The Commission has not previously addressed how an aggregated participation model affects the Commission's QF interconnection policies.

47. Here we clarify that the interconnections of QFs that participate in RTO/ISO markets exclusively through distributed energy resource aggregations will be treated the same under the final rule as the interconnections of non-QF distributed energy resources that participate in distributed energy resource aggregations. This approach helps to avoid a significant increase in the number of distribution-level QF interconnections subject to the Commission's jurisdiction, which, as the Commission observed in Order No. 2222, could create uncertainty and potentially impose an overwhelming

¹²⁴ See *id.* P 72 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 804).

¹²⁵ Order No. 2003, 104 FERC ¶ 61,103 at P 813; Order No. 2006, 111 FERC ¶ 61,220 at P 516.

¹²⁶ Order No. 2003, 104 FERC ¶ 61,103 at PP 813–814; Order No. 2006, 111 FERC ¶ 61,220 at PP 516–517. Order No. 2003 describes the term "Transmission System" to include distribution facilities already being used for transmission in interstate commerce. Order No. 2003, 104 FERC ¶ 61,103 at P 804.

¹²⁷ *PJM Interconnection, LLC.*, 123 FERC ¶ 61,087, at P 7 (2008).

¹²⁸ Order No. 2003, 104 FERC ¶ 61,103 at P 814. The Commission has explained that it will exercise jurisdiction or require the filing of an interconnection agreement only if there is some manifestation of a QF's "plan to sell" output to third parties. *Fla. Power & Light Co.*, 133 FERC ¶ 61,121, at P 21 (2010).

¹²⁹ Order No. 2003, 104 FERC ¶ 61,103 at P 815.

¹³⁰ Order No. 2003, 104 FERC ¶ 61,103 at PP 813–814; Order No. 2006, 111 FERC ¶ 61,220 at PP 516–517.

¹³¹ See Order No. 2222, 172 FERC ¶ 61,247 at P 97 ("As such, only a distributed energy resource requesting interconnection to the distribution facility for the purpose of directly engaging in wholesale transactions (*i.e.*, not through a distributed energy resource aggregation) would create a "first use" and any subsequent distributed energy resource interconnecting for the purpose of directly engaging in wholesale transactions would be considered a Commission-jurisdictional interconnection.").

¹²⁰ Xcel Request for Clarification at 3.

¹²¹ *Id.* at 1, 3.

¹²² *Id.* at 1–2, 6. AEE/AEMA support Xcel's request for a technical conference. AEE/AEMA Request for Rehearing at 3, 26.

¹²³ Order No. 2222, 172 FERC ¶ 61,247 at P 186.

burden on RTOs/ISOs.¹³² Thus, due to these concerns and in recognition of the confluence of local, state, and federal authorities over QF distributed energy resource interconnections, we clarify that we decline to exercise our jurisdiction over the interconnections of distributed energy resources, *including the interconnections of QFs*, to distribution facilities for the purpose of participating in RTO/ISO markets exclusively as part of a distributed energy resource aggregation. We note that, if a QF distributed energy resource participates in RTO/ISO markets directly, rather than exclusively through a distributed energy resource aggregation, then the Commission's long-standing QF interconnection policies, as described earlier, would continue to apply.

48. Though Xcel and AEE/AEMA request that the Commission hold a technical conference to consider a rulemaking to simplify the Commission's existing interconnection rules, we decline to do so here. Our clarification here that the interconnections of QFs participating in RTO/ISO markets exclusively through a distributed energy resource aggregation will be treated the same as other distributed energy resources participating in aggregations addresses the specific QF interconnection-related issues raised by Order No. 2222. The broader inquiry into interconnection issues requested by Xcel is outside the scope of this rulemaking.

B. Eligibility To Participate in RTO/ISO Markets Through a Distributed Energy Resource Aggregation

1. Participation Model

49. In Order No. 2222, the Commission required each RTO/ISO to establish distributed energy resource aggregators as a type of market participant and to allow distributed energy resource aggregators to register distributed energy resource aggregations under one or more participation models in the RTO's/ISO's tariff that accommodate the physical and operational characteristics of the distributed energy resource aggregation.¹³³ The Commission stated that each RTO/ISO can comply with this requirement by modifying its existing participation models to facilitate the participation of distributed energy resource aggregations, by establishing one or more new participation models for distributed energy resource aggregations, or by adopting a

combination of those two approaches.¹³⁴

a. Request for Clarification or Rehearing

50. AEE/AEMA request clarification, or in the alternative rehearing, of the Commission's findings with respect to participation models. AEE/AEMA request that the Commission clarify the criteria by which new and existing participation models will be evaluated to ensure that they allow distributed energy resource aggregations to provide all the services they are technically capable of providing.¹³⁵ AEE/AEMA explain that a single customer site could have several technologies capable of providing market services aggregated at a single point of interconnection, such as distributed generation paired with demand response, or energy storage paired with distributed solar.¹³⁶ AEE/AEMA state that these types of configurations may appear as demand response resources, reducing the customer's peak load during peak load periods, while having excess generation available other times of the year. Moreover, AEE/AEMA state, many distributed energy resources located behind a customer meter are sought, in part, for some resiliency benefit, which assumes a design close to the host facility's peak. AEE/AEMA argue that the tendency for RTOs/ISOs to devise two mutually exclusive participation models around generation and demand response is one of the parts of existing participation models that limits distributed energy resources from providing and commercializing their full capability in RTO/ISO markets. Thus, AEE/AEMA request that the Commission confirm that Order No. 2222 requires that RTOs/ISOs accommodate facilities that include both generation and curtailment in a single resource in a manner that allows for participation in all markets commensurate with the resource's technical capabilities.

51. AEE/AEMA assert that there is no question as to whether this can be accomplished utilizing RTOs'/ISOs' existing "generation" and "demand response" market constructs.¹³⁷ AEE/AEMA note that in ISO-NE's Active Demand Capacity Resource participation model, distributed generation resources can be co-located with load reducing resources, and the aggregate dispatch capability of the facility, up to and including net injections, is eligible for energy,

capacity and reserve market obligations.¹³⁸ Instead, AEE/AEMA state that they are requesting that the Commission confirm that RTOs/ISOs must demonstrate that existing constructs and participation models or new participation models created for distributed energy resource aggregations will accommodate distributed energy resources in these various but common configurations as a single resource.¹³⁹

52. AEE/AEMA assert that their requested clarification is necessary to ensure that compliance with Order No. 2222 is not achieved through a disparate collection of participation models, with separate registration, metering, and interconnection processes and market participation parameters.¹⁴⁰ AEE/AEMA claim that, while technically feasible on paper, applying these separate models to individual technologies configured as a single resource would be practically impossible. AEE/AEMA further contend that requiring separate participation models for individual technologies configured as a single resource would not satisfy the Commission's directive to revise existing participation models or create new participation models, but instead would lead to several isolated paths that each impose tradeoffs on distributed energy resource aggregators. AEE/AEMA assert that these isolated paths would not only result in reduced or sub-optimal market participation of single distributed energy resource sites with multiple technologies, but also pose substantial administrative barriers for heterogeneous aggregations.

b. Commission Determination

53. We deny AEE/AEMA's request to clarify the criteria by which new and existing participation models will be evaluated to ensure that they allow distributed energy resource aggregations to provide all the services that they are technically capable of providing. With regard to AEE/AEMA's concern that RTOs/ISOs may propose to achieve compliance through a collection of participation models, we reiterate that the Commission provided each RTO/ISO with flexibility to facilitate the participation of distributed energy resource aggregations in its markets in a way that is efficient and cost-effective as well as fits its market design, including the ability to establish one or more new participation models that accommodate the physical and operational characteristics of each distributed energy resource aggregation.¹⁴¹

¹³⁴ *Id.*

¹³⁵ AEE/AEMA Request for Rehearing at 3, 15–18.

¹³⁶ *Id.* at 17.

¹³⁷ *Id.*

¹³⁸ *Id.* at 17–18.

¹³⁹ *Id.* at 18.

¹⁴⁰ *Id.*

¹⁴¹ Order No. 2222, 172 FERC ¶ 61,247 at P 130.

¹³² See *id.* P 95.

¹³³ *Id.* P 130.

Regardless of the approach, as explained in Order No. 2222, the Commission will evaluate each RTO's/ISO's compliance proposal to determine whether it meets the goals of Order No. 2222 to allow distributed energy resources to provide all services that they are technically capable of providing through aggregation.¹⁴²

54. To the extent that AEE/AEMA are concerned that RTOs/ISOs will exclude demand response from participating in distributed energy resource aggregations, we note that, in Order No. 2222, the Commission clarified that "customer sites capable of demand reduction" may meet the definition of a distributed energy resource.¹⁴³ In addition, in Order No. 2222, the Commission required each RTO/ISO to revise its tariff to allow different types of distributed energy resource technologies to participate in a single distributed energy resource aggregation (*i.e.*, allow heterogeneous distributed energy resource aggregations).¹⁴⁴ The Commission found that, while ISO-NE would prefer to exclude demand response resources from distributed energy resource aggregations to simplify settlement and the allocation of charges and credits to load, the benefits of requiring that RTOs/ISOs allow heterogeneous aggregations outweigh ISO-NE's preference to limit the types of resources that can participate in aggregations.¹⁴⁵

2. Double Counting

55. In Order No. 2222, the Commission required each RTO/ISO to revise its tariff to: (1) Allow distributed energy resources that participate in one or more retail programs to participate in its wholesale markets; (2) allow distributed energy resources to provide multiple wholesale services; and (3) include any appropriate restrictions on the distributed energy resources' participation in RTO/ISO markets through distributed energy resource aggregations, if narrowly designed to avoid counting more than once the services provided by distributed energy resources in RTO/ISO markets.¹⁴⁶

56. The Commission stated that it is appropriate for RTOs/ISOs to place narrowly designed restrictions on the RTO/ISO market participation of distributed energy resources through aggregations, if necessary to prevent double counting of services.¹⁴⁷ The

Commission stated that, for instance, if a distributed energy resource is offered into an RTO/ISO market and is not added back to a utility's or other load serving entity's load profile, then that resource will be double counted as both load reduction and a supply resource. The Commission further stated that, if a distributed energy resource is registered to provide the same service twice in an RTO/ISO market (*e.g.*, as part of multiple distributed energy resource aggregations, as part of a distributed energy resource aggregation and a standalone demand response resource, and/or a standalone distributed energy resource), then that resource would also be double counted and double compensated if it clears the market as part of both market participants. The Commission therefore found that it is appropriate for RTOs/ISOs to place restrictions on the RTO/ISO market participation of distributed energy resources through aggregations after determining whether a distributed energy resource that is proposing to participate in a distributed energy resource aggregation is: (1) Registered to provide the same services either individually or as part of another RTO/ISO market participant; or (2) included in a retail program to reduce a utility's or other load serving entity's obligations to purchase services from the RTO/ISO market.

a. Request for Clarification or Rehearing

57. AEE/AEMA request clarification, or in the alternative rehearing, of the Commission's findings regarding allowing RTOs/ISOs to limit the participation of resources in RTO/ISO markets through a distributed energy resource aggregator that are receiving compensation for the same services as part of another program.¹⁴⁸

58. AEE/AEMA request clarification that RTOs/ISOs do not need to place restrictions on wholesale market participation by a distributed energy resource participating in a retail program if the RTO/ISO has mechanisms in place to prohibit the same distributed energy resource from both reducing the amount of a service the RTO/ISO procures on a forward basis and acting as a provider of that service in the same delivery period.¹⁴⁹ AEE/AEMA argue that placing broad restrictions on distributed energy resources that are "included in a retail program to reduce a utility's or other load serving entity's obligations to purchase services from the RTO/ISO

market," could undermine the Commission's directive to allow dual participation.¹⁵⁰

59. AEE/AEMA explain that, for reliability and system planning purposes, the same distributed energy resource should not reduce the amount of a service that an RTO/ISO procures on a forward-looking basis in a certain time period, while also acting as a provider of that same service in that delivery period.¹⁵¹ AEE/AEMA state that the Commission appeared to be concerned with that possibility when it stated that "if a distributed energy resource is offered into an RTO/ISO market and is not added back to a utility's or other load serving entity's load profile, then that resource will be double counted as both load reduction and a supply resource."¹⁵² According to AEE/AEMA, some RTOs/ISOs, such as New York Independent System Operator, Inc. (NYISO) and ISO New England Inc. (ISO-NE), already have instructive mechanisms in place to avoid the Commission's concern of double counting a distributed energy resource as both load reduction and a supply resource, and others could easily create mechanisms on compliance.¹⁵³ AEE/AEMA state that NYISO adds back any load reductions from Special Case Resources¹⁵⁴ that occur during retail-level demand response program dispatches to NYISO's future load forecast, and also applies this mechanism to its Distributed Energy Resource Participation Framework. Importantly, AEE/AEMA maintain, NYISO places no restrictions on a distributed energy resource participating in a wholesale aggregation and a retail program.¹⁵⁵ AEE/AEMA state that ISO-NE adds back all supply-side demand response to future load forecasts; therefore, participation in a retail-level demand response program will not reduce ISO-NE's Installed Capacity Requirement.¹⁵⁶

60. AEE/AEMA express concern that the Commission's language broadly referring to retail programs could be interpreted to restrict wholesale participation from any distributed energy resource that participates in a retail program where the program has

¹⁵⁰ *Id.* at 10.

¹⁵¹ *Id.*

¹⁵² *Id.* (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 161).

¹⁵³ *Id.* at 10–11.

¹⁵⁴ NYISO defines Special Case Resources as "Demand Side Resources whose Load is capable of being interrupted upon demand at the direction of the ISO, and/or Demand Side Resources that have a Local Generator" NYISO, NYISO Tariffs, NYISO MST, 2.19 MST Definitions—S (25.0.0).

¹⁵⁵ AEE/AEMA Request for Rehearing at 10–11.

¹⁵⁶ *Id.* at 11.

¹⁴² *Id.*

¹⁴³ *Id.* P 115 (citing AEE Comments (RM16–23) at 21).

¹⁴⁴ *Id.* P 142.

¹⁴⁵ *Id.* PP 142–43, 145.

¹⁴⁶ *Id.* P 160.

¹⁴⁷ *Id.* P 161.

¹⁴⁸ AEE/AEMA Request for Rehearing at 2–4.

¹⁴⁹ *Id.* at 2–3, 8–9, 12 (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 161).

the potential to reduce a utility's or other load serving entity's obligations to purchase services from the RTO/ISO market.¹⁵⁷ AEE/AEMA contend that, without clarification, the Commission's language could prohibit many, if not most, distributed energy resources from participating in both retail programs and the wholesale market, and that such restrictions are unnecessary to address the Commission's concerns over double counting.¹⁵⁸ AEE/AEMA recommend clarification because the Commission's reference to retail programs that "reduce a utility's or other load serving entity's obligations to purchase from the RTO/ISO market" risks sweeping in a broad swath of distributed energy resources participating in long-standing retail distributed energy resource policies and programs aimed at providing benefits to customers that do not broadly implicate the Commission's double counting concerns and could result in restrictions that prevent the dual participation the Commission intended.¹⁵⁹

61. AEE/AEMA argue that clarification is also warranted because the Commission's generic language would be unwieldy to implement in that it would force each RTO/ISO to become familiar with the specifics of every retail program in its territory.¹⁶⁰ Furthermore, AEE/AEMA contend, this would risk further exacerbating state and RTO/ISO tensions because the RTO/ISO would have to judge these programs regardless of the state's intent. AEE/AEMA suggest that the RTOs/ISOs instead focus on their own system planning and demand forecasting practices.¹⁶¹

62. AEE/AEMA contend that, to the extent the Commission or RTOs/ISOs are concerned about the potential for conflicting dispatches of the same distributed energy resource in a retail program and the wholesale markets, there is significant infrastructure in place to allow for better coordination between RTOs/ISOs and distribution system operators.¹⁶² AEE/AEMA point out that there are also tools RTOs/ISOs currently use to ensure that wholesale market participation by distributed energy resources is well-coordinated with retail distributed systems. AEE/AEMA lastly argue that providing this clarification and focusing the RTOs/ISOs on determining whether a distributed energy resource is able to reduce the amount of a service procured on a forward basis and act as a provider

of that service in the same delivery period would make sense as a legal and jurisdictional matter, given the FPA's separation of the wholesale and retail markets.¹⁶³

b. Commission Determination

63. In Order No. 2222, the Commission required each RTO/ISO to revise its tariff to include any appropriate restrictions on distributed energy resources' participation in RTO/ISO markets through distributed energy resource aggregations, if narrowly designed to avoid counting more than once the services provided by distributed energy resources in RTO/ISO markets.¹⁶⁴ We clarify that AEE/AEMA is correct that, when the Commission stated that "if a distributed energy resource is offered into an RTO/ISO market and is not added back to a utility's or other load serving entity's load profile, then that resource will be double counted as both load reduction and a supply resource,"¹⁶⁵ the Commission was indicating that, for planning purposes, double counting of services would occur if the same distributed energy resource reduces the amount of a service that an RTO/ISO procures on a forward-looking basis in a certain time period while also acting as a provider of that same service in that same delivery period.

64. We also clarify that, to the extent an RTO/ISO already has restrictions in place to avoid double counting of services, it is not required to propose new restrictions but rather must explain on compliance how these existing restrictions prevent double counting.¹⁶⁶ Such restrictions would only be appropriate "if necessary to prevent double counting of services,"¹⁶⁷ and each RTO/ISO must otherwise "allow distributed energy resources that participate in one or more retail programs to participate in its wholesale markets."¹⁶⁸ Thus, such distributed energy resources should not be prevented from participating in distributed energy resource aggregations unless that is the only possible way to prevent double counting of services. We note that, while AEE/AEMA describe existing mechanisms in the NYISO and ISO-NE tariffs, we will not prejudge these here but instead examine whether particular mechanisms comply with the

requirements of Order No. 2222 when evaluating each RTO's/ISO's compliance filing.

C. Coordination

1. Distribution Utility Review

65. In Order No. 2222, the Commission required each RTO/ISO to modify its tariff to incorporate a comprehensive and non-discriminatory process for timely review by a distribution utility of the individual distributed energy resources that comprise a distributed energy resource aggregation, which is triggered by initial registration of the distributed energy resource aggregation or incremental changes to a distributed energy resource aggregation already participating in the markets.¹⁶⁹

a. Requests for Clarification or Rehearing

66. AEE/AEMA argue that energy efficiency resources should not be included in the pre-aggregation distribution utility review process because such resources never pose a risk to reliable or safe operation of the distribution system.¹⁷⁰ AEE/AEMA assert that a review process that is virtually guaranteed to reach the same conclusion every time regarding the non-impact of energy efficiency resources is precisely the type of arbitrary barrier to wholesale market participation that the Commission acted to remove in Order No. 2222.¹⁷¹ Similarly, Public Interest Organizations also state that, for resources that do not inject power into the distribution system, there should be a presumption of no impact.¹⁷²

67. Public Interest Organizations request that the Commission clarify that the distribution utility actually hosting the distributed energy resource being added to a distributed energy resource aggregation should be the only utility given an opportunity to conduct the distribution utility review.¹⁷³ In addition, they request that the Commission clarify that a distribution utility should not be permitted to object to the withdrawal of a resource from a distributed energy resource aggregation, and that distribution utility review is only required when a resource joins an existing aggregation, not when a resource leaves an aggregation.¹⁷⁴

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 12.

¹⁵⁹ *Id.* at 12–13.

¹⁶⁰ *Id.* at 10.

¹⁶¹ *Id.* at 13.

¹⁶² *Id.* at 14.

¹⁶³ *Id.* at 15.

¹⁶⁴ Order No. 2222, 172 FERC ¶ 61,247 at P 160.

¹⁶⁵ *Id.* P 161.

¹⁶⁶ *Id.* (requiring each RTO/ISO "to describe how it will properly account for the different services that distributed energy resources provide in the RTO/ISO markets").

¹⁶⁷ *Id.* P 161.

¹⁶⁸ *Id.* P 160.

¹⁶⁹ *Id.* P 292.

¹⁷⁰ AEE/AEMA Request for Rehearing at 22–23.

¹⁷¹ *Id.* at 19–21.

¹⁷² Public Interest Organizations Request for Rehearing at 39.

¹⁷³ *Id.* at 36.

¹⁷⁴ *Id.* at 36–37.

68. Public Interest Organizations request that the Commission's direction that the length of time needed to complete the distribution utility review "should not exceed 60 days" be clarified to indicate that 60 days is the firm limit on the amount of time for distribution utility review.¹⁷⁵ Public Interest Organizations also urge the Commission to encourage development of shorter review periods involving initial registration of aggregations under a certain size or additions of resources under certain sizes to an existing aggregation.¹⁷⁶

b. Commission Determination

69. We deny AEE/AEMA's and Public Interest Organizations' requested clarifications with respect to energy efficiency resources and resources that do not inject power into the distribution system. Although such resources participating in distributed energy resource aggregations may be less likely to pose distribution reliability concerns than other types of distributed energy resources, we find that including them in the distribution utility review process is also necessary in order for the reviewing utility to consider non-reliability issues associated with such resources as part of an aggregation, such as the potential for double-counting of peak load reductions provided by energy efficiency resources that participate in both retail programs and wholesale markets. Further, assuming that AEE/AEMA and Public Interest Organizations are correct that such resources by nature have no negative reliability impacts,¹⁷⁷ the incremental time and effort required by the reviewing utility to reach that conclusion will likely be negligible, therefore diminishing the value of the presumption requested by Public Interest Organizations.

70. We grant Public Interest Organizations' request to clarify that only the distribution utility hosting a distributed energy resource (*i.e.*, the utility that owns and/or operates the distribution system to which the resource is interconnected) should be given an opportunity to review the

addition of that resource to a distributed energy resource aggregation. We believe that adding a resource to a distributed energy resource aggregation is unlikely to directly affect the distribution system of more than the one distribution utility that hosts the distributed energy resource. Disputes regarding the distribution utility review process—including those between non-host distribution utilities and a host distribution utility or the RTO/ISO—may be resolved through the RTO's/ISO's dispute resolution process, the Commission's Dispute Resolution Service, or complaints filed pursuant to FPA section 206 at any time.¹⁷⁸

71. We deny Public Interest Organizations' requested clarification regarding distribution utility review when a distributed energy resource leaves an aggregation. Although any modification triggers the distribution utility review process, the Commission clarified that it may be appropriate for each RTO/ISO to abbreviate the distribution utility's review of modifications to distributed energy resource aggregations, including the addition or removal of individual resources.¹⁷⁹ As the Commission explained, in most cases, removal of an individual resource from an aggregation should not negatively impact the distribution system. Nevertheless, the Commission found that an abbreviated process allows distribution utilities to update their records and ensure that the removal does not create negative impacts. Occasionally, the removal of a resource, particularly a large resource, from an aggregation could drastically change the operation and configuration of an aggregation on the distribution system and would need to be examined by a distribution utility. However, because such drastic impacts will likely be the exception more than the rule, we encourage RTOs/ISOs to propose abbreviated distribution utility review processes for modifications to existing aggregations. For example, an RTO/ISO may propose an abbreviated distribution utility review process as a default when an existing aggregation is modified but allow for a more fulsome review when a modification surpasses some materiality threshold or meets certain criteria.

72. We grant Public Interest Organizations' request to limit the length of distribution utility review to no more than 60 days. As the Commission stated in Order No. 2222, a lengthy review time or the lack of a deadline could erect a barrier to

distributed energy resource participation in the RTO/ISO markets and may unduly delay participation.¹⁸⁰ We expect that 60 days should be the maximum time needed for most distribution utility reviews. If an RTO/ISO believes unusual circumstances could give rise to the need for additional distribution utility review time, it may propose provisions for certain exceptional circumstances that may justify additional review time. In addition, as Public Interest Organizations request, we encourage shorter review periods for smaller aggregations and resources to the maximum extent practicable, and reiterate that any proposed review period must be shown to be reasonable based on what is being reviewed.

2. Information Sharing and Procedural Safeguards

73. In Order No. 2222, the Commission required each RTO/ISO to establish market rules that address information and data requirements for distributed energy resource aggregations.¹⁸¹ To support the distribution utility review process, the Commission required RTOs/ISOs to share any necessary information and data about individual distributed energy resources with distribution utilities, and that the results of a distribution utility's review be incorporated into the distributed energy resource aggregation registration process.¹⁸² The Commission also directed RTOs/ISOs to ensure that their distribution utility review processes are transparent and contain specific review criteria.¹⁸³ Finally, the Commission required each RTO/ISO to revise its tariff to establish a process for ongoing coordination, including operational coordination, that addresses data flows and communication among itself, the distributed energy resource aggregator, and the distribution utility.¹⁸⁴

a. Request for Clarification or Rehearing

74. Public Interest Organizations request that the Commission clarify that an aggregator should receive any information that a distribution utility provides an RTO/ISO regarding one of its resources, whether related to registration or ongoing operational coordination.¹⁸⁵ Public Interest Organizations argue that this will enable efficient responses by aggregators to

¹⁷⁵ *Id.* at 37 (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 295).

¹⁷⁶ *Id.* at 37–38.

¹⁷⁷ See, e.g., AEE/AEMA Request for Rehearing at 20 ("By their very nature, energy efficiency resources do not burden utility systems because neither they nor their aggregators negatively impact the cost, operation, or reliability of distribution utilities or the distribution system. Energy efficiency resources effectively reduce electricity demand without the need for an RTO/ISO or a utility to take any actions—they operate without a dispatch signal and do not put any power out onto the distribution grid.").

¹⁷⁸ Order No. 2222, 172 FERC ¶ 61,247 at P 299.

¹⁷⁹ *Id.* P 337.

¹⁸⁰ *Id.* P 295.

¹⁸¹ *Id.* P 236.

¹⁸² *Id.* P 292.

¹⁸³ *Id.* P 293.

¹⁸⁴ *Id.* P 310.

¹⁸⁵ Public Interest Organizations Request for Rehearing at 38.

regulatory and market conditions and also provide the opportunity for aggregators to supplement or correct information, helping support information quality. In addition, Public Interest Organizations request clarification that any decision to deny wholesale market access to a resource should require clear and convincing evidence of a threat to distribution system reliability caused by specific changes in distributed energy resource operation as a result of wholesale market participation.

b. Commission Determination

75. We grant Public Interest Organizations' requested clarification that the specific information regarding a distributed energy resource that is provided by a distribution utility to an RTO/ISO as part of the distribution utility review process should be shared with the distributed energy resource aggregator. Such information could include whether a resource: (1) Affects the safety and reliability of the distribution system; or (2) is capable of participating in an aggregation.¹⁸⁶ We agree that this information sharing will provide the transparency sought by Public Interest Organizations and provide aggregators the opportunity to supplement or correct information as necessary. In addition, on a more general level, to the extent a distribution utility declines to provide distributed energy resources the information needed to participate in RTO/ISO markets via an aggregation, we expect that RTOs/ISOs will provide an avenue to facilitate those resources' participation, including, where appropriate, the use of the RTO/ISO dispute resolution procedures.

76. We deny Public Interest Organizations' request to clarify that wholesale market access cannot be denied without clear and convincing evidence of a threat to distribution system reliability. However, we clarify that, to the extent a distribution utility recommends removal of a distributed energy resource from an aggregation due to a reliability concern, an RTO/ISO should not remove the resource without a showing that the resource's market participation presents a threat to distribution system reliability.¹⁸⁷ In Order No. 2222, the Commission

required that each RTO/ISO coordinate with distribution utilities to develop a distribution utility review process that is non-discriminatory and transparent¹⁸⁸ and that includes criteria by which the distribution utilities will determine whether a proposed distributed energy resource will pose "significant risks to the reliable and safe operation of the distribution system."¹⁸⁹ We are thus providing each RTO/ISO with flexibility to develop review procedures and criteria appropriate for its region, and we recognize that distribution utility review is an important step to ensure that wholesale market participation does not threaten distribution system reliability. We expect, however, that criteria proposed on compliance will require that an RTO/ISO decision to deny wholesale market access to a distributed energy resource for reliability reasons be supported by a showing that the resource presents significant risks to the reliable and safe operation of the distribution system. The Commission also suggested in Order No. 2222 that RTOs/ISOs may consider requiring a signed affidavit or other evidence from the distribution utility that a distributed energy resource's participation in RTO/ISO markets would pose a significant risk to the safe and reliable operation of the distribution system.¹⁹⁰ Such a process would require a distribution utility to justify the removal of, or establishment of operating limits for, a resource that does not inject onto the distribution system.

3. Duplication of Interconnection Review

a. Request for Clarification or Rehearing

77. Public Interest Organizations request that the Commission clarify how the distribution utility review relates to interconnection agreements and standards in order to avoid duplicative review.¹⁹¹ In particular, where a resource is already subject to an executed distribution network interconnection agreement, Public Interest Organizations argue that the scope of utility review of that resource's inclusion in an aggregation participating in wholesale markets should be strictly limited to matters not already addressed in the interconnection agreement. Furthermore, according to Public Interest Organizations, in order to object to a resource's participation in a wholesale market aggregation, the utility

should bear the burden of proving that the manner in which the resource will operate (including the extent and timing of exports) is outside the range of scenarios contemplated in its interconnection agreement.¹⁹²

78. Additionally, where the utility establishes a valid reliability or safety concern associated with a resource's participation in a distributed energy resource aggregation, Public Interest Organizations argue that the utility should be required to give the resource in question an opportunity to modify its interconnection agreement to address the identified concerns and enable wholesale market participation. Finally, with respect to a utility's review of issues not addressed in an interconnection agreement, Public Interest Organizations urge the Commission to clarify its expectation that this would be a narrow range of reliability or safety concerns and to encourage the codification of such concerns into interconnection standards.¹⁹³

b. Commission Determination

79. We partially grant Public Interest Organizations' requested clarification to the extent that, when the Commission found that RTOs/ISOs must include potential impacts on distribution system reliability as a criterion in the distribution utility review process,¹⁹⁴ the Commission was referring specifically to any incremental impacts from a resource's participation in a distributed energy resource aggregation that were not previously considered by the distribution utility during the interconnection study process for that resource. For instance, if the original interconnection study process for a particular distributed energy resource did not consider the impacts to distribution system reliability under scenarios that would account for the resource's participation in a distributed energy resource aggregation in RTO/ISO markets, such as the impact of full generation output while associated load is at a minimum level, then that resource's participation in a distributed energy resource aggregation could present previously unconsidered safety and reliability impacts to the distribution system.

80. We deny Public Interest Organizations' request to encourage the codification of a distribution utility's reliability or safety concerns into interconnection standards or to require that a distribution utility offer a

¹⁸⁶ See Order No. 2222, 172 FERC ¶ 61,247 at P 292.

¹⁸⁷ See *id.* P 297 (finding that such a request for removal of a distributed energy resource from an aggregation should be based on specific significant reliability or safety concerns that the distribution utility clearly demonstrates to the RTO/ISO and distributed energy resource aggregator on a case-by-case basis).

¹⁸⁸ See *id.* PP 292–293.

¹⁸⁹ *Id.* P 292.

¹⁹⁰ *Id.* P 297.

¹⁹¹ Public Interest Organizations Request for Rehearing at 39–41.

¹⁹² *Id.* at 40.

¹⁹³ *Id.* at 40–41.

¹⁹⁴ Order No. 2222, 172 FERC ¶ 61,247 at P 297.

distributed energy resource an opportunity to modify its interconnection agreement to address such concerns. In Order No. 2222, the Commission declined to exercise its jurisdiction over the interconnections of distributed energy resources to distribution facilities for the purpose of participating in RTO/ISO markets exclusively as part of a distributed energy resource aggregation.¹⁹⁵ Further, the Commission stated that the final rule in no way prevents state and local regulators from amending their interconnection processes to address potential distribution system impacts due to the participation of distributed energy resources in aggregations.¹⁹⁶ Moreover, the distribution utility review process, including its processes for dispute resolution as necessary, will allow a distributed energy resource aggregator to address any concerns raised by the distribution utility and propose additional mitigation measures.

4. RERRA Involvement

81. In Order No. 2222, the Commission required each RTO/ISO to specify in its tariff, as part of the market rules on coordination, how each RTO/ISO will accommodate and incorporate voluntary RERRA involvement in coordinating the participation of aggregated distributed energy resources in RTO/ISO markets.¹⁹⁷

a. Request for Clarification or Rehearing

82. Public Interest Organizations request that the Commission encourage RTOs/ISOs to explain in their compliance filings how they will ensure that coordination with RERRAs does not unjustly limit distributed energy resource aggregators' access to wholesale markets.¹⁹⁸

b. Commission Determination

83. We deny Public Interest Organizations' requested clarification. In Order No. 2222, the Commission recognized the voluntary role that RERRAs can play, as the regulatory agencies governing distribution utilities and the distribution system, in stakeholder discussions to establish RTO/ISO rules for distributed energy resource aggregations.¹⁹⁹ In recognizing this role, the Commission required that each RTO/ISO must specify in its tariff any role for RERRA involvement in coordinating the participation of

distributed energy resource aggregations in RTO/ISO markets.²⁰⁰ Consistent with the goals of Order No. 2222,²⁰¹ the Commission will evaluate on compliance whether an RTO's/ISO's proposal delineates a role for RERRAs that would result in unjust and unreasonable limits on the participation of distributed energy resource aggregators in wholesale markets.

III. Information Collection Statement

84. The burden estimates have not changed from the final rule.

IV. Regulatory Flexibility Act

85. The Regulatory Flexibility Act of 1980 (RFA)²⁰² generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Pursuant to section 605(b) of the RFA, we still conclude that this rule will not have a significant economic impact on a substantial number of small entities.

V. Document Availability

86. 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).

87. 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.

88. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-

²⁰⁰ *Id.* P 324.

²⁰¹ See *id.* P 279 (stating that "coordination requirements should not create undue barriers to entry for distributed energy resource aggregations"); see also *id.* P 130 ("The Commission will evaluate each proposal submitted on compliance to determine whether it meets the goals of this final rule to allow distributed energy resources to provide all services that they are technically capable of providing through aggregation.").

²⁰² 5 U.S.C. 601-612.

8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

VI. Effective Date and Congressional Notification

89. The further revised regulation in this order is effective June 1, 2021.

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By the Commission.

Commissioner Danly is dissenting with a separate statement attached.

Commissioner Christie is dissenting with a separate statement attached.

Issued: March 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission is proposing to amend part 35, chapter I, title 18, Code of Federal Regulations, as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for Part 35 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

■ 2. In § 35.28, paragraph (g)(12)(i) is revised as follows:

§ 35.28 Non-discrimination open access transmission tariff.

* * * * *

(g) * * *

(12) * * * (i) Each independent system operator and regional transmission organization must have tariff provisions that allow distributed energy resource aggregations to participate directly in the independent system operator or regional transmission organization markets.

* * * * *

Note: The following appendices will not appear in the Code of Federal Regulations

Department of Energy Federal Energy Regulatory Commission

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators; Docket No. RM18-9-002

DANLY, Commissioner, *dissenting*:

1. I dissent from this order on rehearing of Order No. 2222, the Commission's distributed energy resource aggregations mandate, for the same reasons that I dissented from the

¹⁹⁵ *Id.* P 90.

¹⁹⁶ *Id.* P 294.

¹⁹⁷ *Id.* P 322.

¹⁹⁸ Public Interest Organizations Request for Rehearing at 41-42.

¹⁹⁹ Order No. 2222, 172 FERC ¶ 61,247 at PP 322-324.

original.¹ It oversteps the reasonable exercise of the Commission's authority at the expense of the states. I am surprised and disappointed that no party sought rehearing of the Commission's decision not to establish a state opt-out—if parties, especially states, do not vigorously advocate for their own interests before the Commission, their failure denies the Commission the record evidence it needs to weigh the issues at stake in our proceedings and, more critically, they deprive themselves of a vehicle for appeal.

2. I acknowledge the recent cases upon which the Commission relies to exercise its jurisdiction in this order, but these cases concerned whether the Commission possesses claimed authority, reserving the question of whether the Commission has discretion to exercise it.² Clearly the Commission has the power, exclusive jurisdiction or not, to establish a state opt-out.³ I would decline to exercise our jurisdiction to obstruct the states from asserting authority over distributed energy resource aggregations. The Commission owes fidelity to the clear division of jurisdiction between the federal government and the states, a due regard for federalism that is embedded in the very structure of the Federal Power Act (FPA). This order unnecessarily invades an area best left to the states, burdening them with another of our Good Ideas, the details of which we leave them to figure out, and the burdens of which we leave to them to bear.

3. And, as always, this decision, which flies in the face of the division of state and federal authority in the FPA, will inevitably lead to more conflicting and incoherent law in which no principled basis can be adduced for why the Commission embraces some actions while at the same time refusing to countenance others. Put another way: blurred lines create fuzzy results. For example, the Commission ruled in Order No. 2222 that it has jurisdiction and chose to exercise it over the electricity sales of distributed energy resource aggregations. Or, as we summarized it in today's order,

the Commission found that it has jurisdiction to decide which entities may participate in wholesale markets, which means that a [relevant electric retail regulatory authority (RERRA)] cannot broadly prohibit the participation in RTO/ISO markets of all distributed energy resources or of all distributed energy resource aggregators, as doing so would intrude upon the Commission's statutory authority to ensure that wholesale electricity markets produce just and reasonable rates.⁴

4. The Commission's assertion of authority over "RERRAs," including "states," includes electricity sales by qualifying facilities even if the qualifying facility is the sole entity in a distributed energy resource aggregation, which, by the by, strikes me as loading the term "aggregation" with quite a bit more weight than it can reasonably bear.⁵

5. As if to intentionally muddy the waters, we then "clarify" on rehearing that "we decline to exercise our jurisdiction over the interconnections of distributed energy resources" that also are qualifying facilities that participate in a distributed energy resource aggregation.⁶ This also is true even if the qualifying facility is the sole entity in a distributed energy resource aggregation.⁷ We decline this latter exercise of our authority "to avoid a significant increase in the number of distribution-level [qualifying facility (QF)] interconnections subject to the Commission's jurisdiction, which . . . could create uncertainty and potentially impose an overwhelming burden on RTOs/ISOs."⁸ We also cite the "confluence of local, state, and federal authorities over QF distributed energy resource interconnections."⁹

6. I agree wholeheartedly with every word of that. And these are the exact same excellent reasons to decline to exercise any authority we may have over distributed energy resource aggregations in the first place. It is difficult to square these two outcomes. Either we have jurisdiction over "aggregations" of QF power that allows us to prevent the states from prohibiting QFs from selling in the RTO markets, or we do not. But once we have asserted that we do have such jurisdiction over aggregators selling power generated by QFs interconnected at the distribution level, it is odd indeed to then disclaim jurisdiction over the QF's

interconnections. These are the kinds of inconsistent determinations that inevitably arise when the Commission goes too far in exercising its discretion to assert its jurisdiction absent a principled basis. This inconsistency counsels strongly for prudent, deliberate action before the Commission usurps the states' already diminishing power.

7. My point is not that I want the Commission to exercise jurisdiction over QF interconnections at the distribution level, but that I prefer that the Commission stay out of the way when it can—as it certainly can here—and let the states exercise their own authority to the maximum extent possible over distribution systems and retail sales. A free enterprise market system might also develop and do a better job than the Commission at efficiently allocating resources to the development of distributed energy resources. I prefer that free-market, local approach over drawing arbitrary lines between Commission and "RERRA" authority, such as over the sales but not the interconnections of QFs participating—even as the sole entity—in distributed energy resource aggregations.

8. We saw the same jurisdictional inconsistencies when it came to demand response. The Commission previously required (some assert, "allowed") wholesale demand response programs to permit states to opt out.¹⁰ In Order No. 2222, the Commission worked itself into fits to assert jurisdiction over distributed energy resource aggregations, which include many demand response resources, without detracting from the state opt-out the Commission previously required (or "allowed") for wholesale demand response programs.¹¹ Today we issue a Notice of Inquiry aimed at eliminating the state opt-out for demand response.¹² While one may see this as an admirable first, if small, step toward consistency, it would have been better, and consistent from the outset, if the Commission simply honored the states and their decision whether or not to participate in wholesale programs.

9. But the inconsistency is not cabined merely to this genus of Commission-created wholesale program—no, it is seen in nearly all the

¹ See *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 85 FR 67,094 (Oct. 21, 2020), 172 FERC ¶ 61,247 (2020) (Danly, Comm'r, dissenting).

² Compare *FERC v. Elec. Power Supply Ass'n*, 136 S. Ct. 760 (2016) (EPSA), with *Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 964 F.3d 1177 (D.C. Cir. 2020) (NARUC).

³ See *NARUC*, 964 F.3d at 1189 ("The Supreme Court described the opt-out feature as 'cooperative federalism . . .'"') (quoting *EPSA*, 136 S. Ct. at 780).

⁴ *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222-A, 174 FERC ¶ 61,197, at P 6 (2021).

⁵ See Order No. 2222, 172 FERC ¶ 61,247 at P 186.

⁶ Order No. 2222-A, 174 FERC ¶ 61,197 at P 47.

⁷ See *id.* PP 42–47.

⁸ *Id.* P 47.

⁹ *Id.*

¹⁰ See *Wholesale Competition in Regions with Organized Elec. Mkts.*, Order No. 719, 125 FERC ¶ 61,071, at P 154 (2008), *order on reh'g*, Order No. 719-A, 128 FERC ¶ 61,059, at P 60, *reh'g denied*, Order No. 719-B, 129 FERC ¶ 61,252 (2009).

¹¹ See Order No. 2222, 172 FERC ¶ 61,247 at P 145; see also *id.* at PP 41–43, 118.

¹² See *Participation of Aggregators of Retail Demand Response Customers in Mkts. Operated by Reg'l Transmission Orgs. and Indep. Sys. Operators*, 174 FERC ¶ 61,198 (2021).

Commission's treatment of our jurisdictional markets. The same Commission that asserts jurisdiction over distribution resources and demand response, seemingly to "protect" the wholesale markets, enthusiastically permits the states to suppress wholesale capacity market prices through renewable subsidy programs. We issue such an order today in a ruling that—inexplicably—holds that an expansive Virginia tax break that overwhelmingly targets new solar resources is *not* a state subsidy under PJM's minimum offer price rule because other types of pollution controls also qualify for the relief.¹³ The notion that the Commission acts to protect wholesale markets when it deprives the states of their authority over local concerns that may affect those markets cannot be squared with our simultaneous decisions granting the states broad latitude to distort the same markets.

10. As a final thought, I would simply issue a warning. The Commission's longstanding policy has been to promote the development of RTOs and ISOs.¹⁴ As the march of federal overreach into the retail and distribution operations of RTO participants proceeds apace, it becomes increasingly difficult to imagine why any utility that has not already joined an RTO would even consider joining or forming a new one. Assertion of jurisdiction, especially when exercised inconsistently and in tension with the statute, will do nothing to encourage the development of our markets.

11. In sum, I would decline to exercise our jurisdiction over distributed energy resource aggregations, including both the sales and interconnections of qualifying facilities participating in a distributed energy resource aggregation, whether the sole resource in the aggregation or not.

For these reasons, I respectfully dissent.

James P. Danly,
Commissioner.

¹³ See *Hollow Road Solar LLC*, 174 FERC ¶ 61,200 (2021).

¹⁴ See, e.g., *Reg'l Transmission Orgs.*, Order No. 2000, FERC Stats. & Regs. ¶ 31,089 (1999) (cross-referenced at 89 FERC ¶ 61,285), *order on reh'g*, Order No. 2000–A, FERC Stats. & Regs. ¶ 31,092 (2000) (cross-referenced at 90 FERC ¶ 61,201), *aff'd sub nom. Pub. Util. Dist. No. 1 of Snohomish Cty. v. FERC*, 272 F.3d 607 (D.C. Cir. 2001); Order No. 719, 125 FERC ¶ 61,071 at P 1 ("National policy has been, and continues to be, to foster competition in wholesale electric power markets. This policy was embraced in the Energy Policy Act of 2005 . . . and is reflected in Commission policy and practice.") (citation omitted).

Department of Energy

Federal Energy Regulatory Commission

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators; Docket No. RM18–9–002

CHRISTIE, Commissioner, *dissenting*:

1. Today the majority doubles down on siding with commercial interests seeking entry into the RTO/ISO markets and against the states and other authorities¹ whose job is to defend the *public*, not private, interest.² By doing so, the majority also sides against the consumers who for years to come will almost surely pay billions of dollars for grid expenditures likely to be rate-based in the name of "Order 2222 compliance."³

2. It is indeed ironic that at the same time we hear many, including some members of this Commission, demanding that FERC 'respect' state public policies in capacity markets instead of imposing MOPR-type rules (and I have agreed with trying to accommodate state policies in RTO markets), this order goes in the exact opposite direction. So apparently 'respect' for state public policies only applies when states are doing what some want.

3. Sadly, instead of making the states, municipal and public-power authorities and electric co-operatives truly equal partners in managing the timing and

¹ Other Relevant Electric Retail Regulatory Authorities (RERRAs), as referenced in both Orders No. 2222 and 2222–A, include municipal and public-power authorities, and electric co-operatives, all of whom face costly operational compliance challenges. See, e.g., November 6, 2019 Reply Comments of the National Rural Electric Cooperative Association (NRECA) at 3–6, February 13, 2017 Comments of American Public Power Association (APPA) and NRECA at 22; see also April 17, 2019 Supplemental Comments of APPA and NRECA at 2–3, 5–6.

² See also June 26, 2018 Comments of the National Association of Regulatory Utility Commissioners (NARUC) at 3–4 ("State commissions, like FERC, are required to act in the public interest. The limited opt-out provision envisions a scenario in which an entity that is solely motivated by its commercial interests makes a unilateral decision about its participation before the State commission can determine whether this distribution asset should participate in that market, which puts profits before State responsibilities. FERC should not eschew cooperative federalism and attempt to give control over resource adequacy and other crucial State decisions to a commercial stakeholder instead of FERC's longstanding partners in energy regulation, State commissions.")

³ Technically speaking, Order No. 2222–A is issued today in response to requests for rehearing of Order No. 2222, approved by the Commission last September, when I was not a member. It keeps all the worst aspects of Order No. 2222 largely intact; the relatively minor changes it does make, render Order No. 2222 even worse in its infringement on state policies and potential costly impact on consumers.

conditions of deployment of behind-the-meter DERs in ways that are sensitive to local needs and challenges—both *technical* and *economic*—today's order denies them any meaningful control by prohibiting any opt-out or opt-in options except in relatively tiny circumstances. This order—and its predecessor—intentionally seize from the states and other authorities their historic authority to balance the competing interests of deploying new technologies while maintaining grid reliability *and* protecting consumers from unaffordable costs.

4. A rapid concentration of behind-the-meter aggregated DERs at various locations on the local grid will inevitably require costly upgrades to a distribution grid that has largely been engineered to deliver power *from* the substation *to* end-user retail customers. Meeting the technological challenges of this re-engineering of the local grid are not insuperable but there are substantial costs and we all know these costs will ultimately be imposed on retail consumers. States, public-power authorities and co-operatives are far better positioned to manage these costs and competing interests in their own areas of responsibility than FERC.⁴

5. Order No. 2222–A is not "cooperative federalism,"⁵ but its opposite. It undermines the overarching policy framework that Congress incorporated into the Federal Power Act decades ago: *Federal* regulation of wholesale rates and the bulk power system; *state* regulation of retail rates and the local distribution grid. Any argument that allowing state policies to determine the entry of aggregated DERS into capacity or other markets will result in a 'checkerboard' or 'patchwork' of different policies, is an argument against state authority itself. The

⁴ While Order No. 2222–A ostensibly leaves state regulators in charge of interconnection, that apparent authority is merely an illusion if state regulators are blocked from the fundamental decision whether interconnection for purposes of entry by aggregators into RTO markets is worth the costs to all consumers of the system upgrades necessary to protect reliability. Even more practically, this order invites endless litigation as commercial interests seeking entry into RTO markets challenge state interconnection policies as illegal barriers to entry and use litigation as a weapon against the state regulators, public-power authorities and co-operatives, which are limited in the resources they have available to fight such litigation. See, e.g., Order No. 2222–A at P 83 ("Consistent with the goals of Order No. 2222, the Commission will evaluate on compliance whether an RTO's/ISO's proposal delineates a *role for RERRAs that would result in unjust and unreasonable limits on the participation of distributed energy resource aggregators in wholesale markets.*" (footnote omitted)) (emphasis added).

⁵ *FERC v. Elec. Power Supply Ass'n*, 136 S. Ct. 760, 780 (2016).

existence of fifty states by definition means a patchwork of 50 state retail regulatory structures, but that goes with the territory in our constitutional structure and is entirely consistent with the Federal Power Act's basic division of federal and state authority. This panoply of diverse state policies is exactly what Justice Brandeis celebrated when he recognized states as laboratories of democracy.⁶

6. Unfortunately this order is a missed opportunity. It could have been a constructive move in the development and deployment of behind-the-meter DERs. For at least the next several years the regime set up should have been made fully "opt out" for all load-serving utilities, including state-regulated, municipals and co-operatives, which this Commission clearly has the authority to do.⁷ Providing such flexibility to the states and other RERRAs would allow them to manage the deployment of behind-the-meter DERs in ways necessary to meet their own unique challenges.

7. In addition, at a time when there has been discussion about how to incentivize states to require or allow their utilities to enter RTOs/ISOs, I note that if the cost of entering an RTO/ISO is forfeiting a big chunk of the state's authority to balance protecting its consumers with the costs of new technology deployments and associated grid upgrades, the incentive for states to approve RTO membership just took a nosedive in value with the approval of this order. Combined with the NOI obviously designed to remove or severely restrict the current opt-out provisions in Order Nos. 719 and 719-A on today's agenda, these two orders may not only deter states currently outside RTOs from participation, but may well cause states in RTOs/ISOs to reconsider whether their consumers' interests are best served by continued participation.

8. Let me be clear: *Encouraging the development of DERs is a good thing; eviscerating the states' historic authority in the name of encouraging DER*

development is not. On the contrary, it is the states and other local authorities that are far better positioned than FERC to manage successfully the development and deployment of DERs in ways that serve reliability needs, that protect consumers from inflated costs, and that are far more sustainable in the long run.

For these reasons, I respectfully dissent.

Mark C. Christie,
Commissioner.

[FR Doc. 2021-06089 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9944]

RIN 1545-BP42

Credit for Carbon Oxide Sequestration; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations (Treasury Decision 9944) that were published in the **Federal Register** on Friday, January 15, 2021. The final regulations provide guidance of the Internal Revenue Code.

DATES: These corrections are effective on March 30, 2021 and are applicable on January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Maggie Stehn at (202) 317-6853 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9944) that are the subject of this correction are issued under section 45Q of the Internal Revenue Code.

Need for Correction

As published on January 15, 2021, the final regulations (TD 9944) contain errors that needs to be corrected.

Correction of Publication

■ Accordingly, the final regulations (TD 9944), that are the subject of FR Doc. 2021-00302, published on January 15, 2021 (86 FR 4728), are corrected to read as follows:

1. On page 4731, the third column, the third through fifth lines of the first paragraph, the language "have existing contracts that were signed before the

date these final regulations are published in the **Federal Register**" is corrected to read "have existing contracts that were entered into before January 13, 2021,".

2. On page 4738, the first column, the eighteenth line from the top of the of the first full paragraph, the language "began. Factors indicating that multiple" is corrected to read "began. Commenters suggested that the final regulations provide that factors indicating that multiple".

3. On page 4738, the first column, the twenty-first line from the top of the of the first full paragraph, the language "of a single project include, but are not" is corrected to read "of a single project should include, but should not be".

4. On page 4742, the second column through the third column, the last partial sentence of the block quote, delete the language "A commenter requested the definition of tertiary injectant in § 1.45Q-2(h)(6) of the".

5. On page 4742, the third column, the first line from the top of the column, the language "proposed regulations be revised because" is corrected to read "A commentator requested the definition or tertiary injectant in § 1.45Q-2(h)(6) of the proposed regulations be revised because".

6. On page 4745, the first column, the seventh through tenth lines of the last full paragraph, the language "14040:2006 and ISO 14044:2006. In addition, Taxpayers must use the NETL's CO2 Utilization Guidance Toolkit, including the guidance and" is corrected to read "14040:2006 and ISO 14044:2006".

7. On page 4745, the second column, lines one and two from the top of the column, delete the language "data available on DOE's website at <https://www.netl.doe.gov/LCA/CO2U>".

8. On page 4759, the third column, the twenty-ninth through thirty-first lines from the top of the column, the language "Treasury decision will take effect on the date of filing for public inspection in the **Federal Register**." is corrected to read "Treasury decision will take effect on January 13, 2021".

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2021-05156 Filed 3-29-21; 8:45 am]

BILLING CODE 4830-01-P

⁶ *New State Ice Co. v. Liebman*, 52 S. Ct. 371, 386-87 (1932) (Brandeis, J. dissenting).

⁷ The Commission recognizes in today's order that even if it possesses jurisdiction, it may provide opt-outs and opt-ins to the RERRAs. Order at P 34 (in addressing the small utility opt-in, the Commission noted that "[a] RERRA that elects not to opt in under either Order No. 719 or Order No. 2222 does not intrude on the Commission's exclusive authority over practices that directly affect wholesale rates because the Commission chose to provide such an opt-in and expressly codified this opt-in in the Commission's regulations." (footnote omitted)). To my point: Even if the Commission believes it has exclusive jurisdiction, the Commission has the discretion to provide an opt-out or an opt-in. See *id.*

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA–R06–OAR–2016–0611; FRL–10021–20–Region 6]****Air Plan Approval; Texas; Interstate Visibility Transport****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is disapproving elements of two State Implementation Plan (SIP) submissions from the State of Texas for the 2012 PM_{2.5} National Ambient Air Quality Standard (NAAQS) and the 2015 Ozone NAAQS. These submittals address how the existing SIP provides for implementation, maintenance, and enforcement of the 2012 PM_{2.5} and 2015 Ozone NAAQS (infrastructure SIP or i-SIP). The i-SIP requirements are to ensure that the Texas SIP is adequate to meet the state's responsibilities under the CAA for these NAAQS. Specifically, this disapproval addresses the interstate visibility transport requirements of the i-SIP for the 2012 PM_{2.5} and 2015 Ozone NAAQS under CAA section 110(a)(2)(D)(i)(II). In addition to this disapproval, we are finalizing our determination that the requirements of those i-SIP elements are met through the Federal Implementation Plans (FIPs) in place for the Texas Regional Haze program, and no further federal action is required.

DATES: This rule is effective on April 29, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2016–0611. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Jennifer Huser, EPA Region 6 Office, Regional Haze and SO₂ Section, 214–665–7347, huser.jennifer@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting

COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our October 27, 2020 proposal (85 FR 68021). In that document, we proposed to disapprove the interstate visibility transport elements of two SIP submissions from the State of Texas: One for the 2012 PM_{2.5} NAAQS and the other for 2015 Ozone NAAQS. We simultaneously proposed, in exercising our authority under section 110(c) of the Act, to find that the interstate visibility transport requirements that were intended to be addressed by those infrastructure SIPs are met through the Best Available Retrofit Technology (BART)-alternative FIPs already in place for the Texas Regional Haze program, and that no further action is required.

The public comment period for the proposed action closed on November 27, 2020. We received one public comment concerning our proposed action. The comment is included in the publicly posted docket associated with this action at <https://www.regulations.gov>. Below we provide a summary of the comment along with our detailed responses. After careful consideration, we have decided to finalize our action with no changes from the proposed action.

II. Response to Comments

Comment: The commenter raised concerns regarding the necessity of implementing a FIP and stated that a FIP is a good resource for states that are not complying with requirements for NAAQS set under the CAA. However, the commenter explains that Texas had submitted multiple SIPs in which requirements outside of the regional haze and visibility transport were met. The commenter asserts that the original regional haze SIP met EPA requirements when it was developed, but the D.C. Circuit remanded the Clean Air Interstate Rule (“CAIR”) which was a central part of Texas’ SIP. The commenter further contends that when EPA replaced CAIR with the Cross-State Air Pollution Rule (“CSAPR”), the FIP imposed requirements on sources in Texas rather than allowing Texas to find the best method to utilize the new rule and submit a SIP revision. The commenter asserts that the final regional haze FIP imposed the trading program for SO₂ on specific Electric Generating

Units (EGUs) and did not allow out-of-state trading. By the time the final regional haze FIP for Texas was issued in 2017, Texas could have proposed a revised SIP that satisfied the NAAQS requirements without targeting specific EGUs. The commenter concludes that just because CSAPR is better than BART does not mean it should be the only option.

Response: First, we note that comments regarding CAIR and CSAPR, as well as EPA’s 2012 limited disapproval of the 2009 Texas Regional Haze SIP or EPA’s obligation to promulgate a FIP to address the BART requirements for EGUs in Texas, are beyond the scope of this action, and as such, we will not be responding to them. However, because we are relying on the Texas regional haze FIP to fulfill the visibility transport requirements, we will address comments only as they are relevant to the current action. We agree with the commenter that Texas could have proposed a revised SIP to address the requirements. However, in response to court deadlines and without a revised Texas SIP submission, EPA was required to adopt a FIP to address BART. Texas may submit a SIP to replace the BART FIP at any point, including a SIP that includes an approach to implementing necessary emission reductions that is different from the trading program included in EPA’s FIP, but the State has not done so to date.

EPA further notes that it is not implementing a new FIP in this action but is instead finding that an existing regional haze FIP also satisfies the interstate visibility transport requirements in CAA section 110(a)(2)(D)(i)(II). In our August 12, 2020 final rulemaking on Texas regional haze,¹ we affirmed our previous finding that Texas’ participation in CSAPR to satisfy NO_x BART and our SO₂ intrastate trading program, as amended, fully addressed Texas’ interstate visibility transport obligations for the following six NAAQS: (1) 1997 8-hour ozone; (2) 1997 PM_{2.5} (annual and 24 hour); (3) 2006 PM_{2.5} (24-hour); (4) 2008 8-hour ozone; (5) 2010 1-hour NO₂; and (6) 2010 1-hour SO₂. This action was based on our determination in the October 2017 FIP that the regional haze measures in place for Texas are adequate to ensure that emissions from the State do not interfere with measures to protect visibility in nearby states, because the emission reductions are consistent with the level of emissions reductions relied upon by other states during interstate consultation under 40

¹ 85 FR 156 (August 12, 2020).

CFR 51.308(d)(3)(i)–(iii) and when setting their reasonable progress goals.² The October 2017 FIP relies on CSAPR for ozone season NO_x as an alternative to EGU BART for NO_x, which exceeds the NO_x emission reductions and that other states relied upon during interstate consultation for the first planning period.³ Similarly, the Texas SO₂ intrastate trading program ensures emission reductions consistent with and below the emission levels relied upon by other states during interstate consultation. Accordingly, consistent with our earlier finding that the October 2017 FIP results in emission reductions adequate to satisfy the requirements of CAA section 110(a)(2)(D)(i)(II) with respect to visibility for the six NAAQS addressed by the August 12, 2020 rulemaking, we find that the FIP also satisfies these requirements with respect to the 2012 PM_{2.5} and 2015 Ozone NAAQS.

Comment: The commenter raises concerns regarding the financial implications of the regional haze FIP, noting that, in October 2017 when the FIP was finalized, three of the Luminant coal-fired power plants listed in the FIP were announced to be shut down. The commenter states that the shutdown of the Big Brown Power plant was devastating to the small community in Freestone County, as the power plant was the largest employer in the area, providing over 200 jobs and \$65 million in tax revenue for the small town. The commenter further speculates that while carbon capture technology may have been a future option for Luminant, the application of “sudden” legislation forced the shutdown, which may have been avoided had Texas developed a SIP that showed “reasonable further progress” and allowed a more stable adaptation or phase out for the effected facilities.

Response: We disagree with the commenter’s assertion that the finalization of the October 2017 FIP correlated to the shutdown of Luminant’s power plants, specifically Big Brown. According to Luminant’s website, the plants were “economically

challenged in the competitive ERCOT market. Sustained low wholesale power prices, an oversupplied renewable generation market, and low natural gas prices, along with other factors, have contributed to this decision.”⁴ We also note that the FIP did not impose the addition of site-specific controls, but rather established an intrastate trading program with assurance provisions that resulted in an aggregate visibility impact from Texas EGU emissions under the trading program similar to, or less than, what would have been realized from Texas participation in the CSAPR SO₂ trading program. Finally, we note that Luminant/Vistra provided a comment letter in support of EPA’s prior FIP action in October 2017, and the affirmation of that rule in August 2020.⁵

III. Final Action

The EPA is disapproving the interstate visibility transport elements of two SIP submissions from the State of Texas: One for the 2012 PM_{2.5} NAAQS and the other for 2015 Ozone NAAQS. We simultaneously find, in exercising our authority under section 110(c) of the Act, that the interstate visibility transport requirements that were intended to be addressed by those infrastructure SIPs are met through the BART-alternative FIP already in place for the Texas Regional Haze program, and that no further action is required.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This final action is not a “significant regulatory action” was therefore not submitted to the Office of Management and Budget for review.

B. Paperwork Reduction Act (PRA)

This final action does not impose an information collection burden under the PRA because it does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action merely disapproves a SIP submission as not meeting the CAA.

⁴ <https://www.luminant.com/luminant-close-two-texas-power-plants/>.

⁵ EPA–R06–OAR–2016–0611–0186 (January 2020) and EPA–R06–OAR–2016–0611–0162 (October 2018).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action does not apply on any Indian reservation land, any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, or non-reservation areas of Indian country. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it merely disapproves a SIP submission as not meeting the CAA.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential

² See 2009 Texas Regional Haze SIP, section 4.3 titled “Consultations On Class I Areas In Other States.” The submittal can be found at www.regulations.gov, Docket ID EPA–R06–OAR–2016–0611, Document ID EPA–R06–OAR–2016–0611–0002.

³ The 2018 EGU emission projections for NO_x used by CENRAP for Texas, which other states potentially impacted by emissions from Texas sources agreed upon during interstate consultation and relied on in their regional haze SIPs, were approximately 160,000 tons. In contrast, under the CSAPR ozone season NO_x trading program, Texas’ 2017 NO_x ozone season budget is 52,301 tons of NO_x. See 81 FR 74504, 74508 (Oct. 26, 2016).

disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action merely disapproves a SIP submission as not meeting the CAA.

K. Congressional Review Act (CRA)

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Visibility transport.

Dated: March 19, 2021.

David Gray,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. Amend § 52.2304 by revising paragraph (d) to read as follows:

§ 52.2304 Visibility protection.

* * * * *

(d) Portions of SIPs addressing noninterference with measures required to protect visibility in any other state are disapproved for the 1997 PM_{2.5}, 2006 PM_{2.5}, 1997 ozone, 2008 ozone, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5}, and 2015 ozone NAAQS.

* * * * *

[FR Doc. 2021-06135 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2020-0096; FRL-10015-36-Region 9]

Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; California; Infrastructure Requirements for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to partially approve and partially disapprove the state implementation plan (SIP) revisions submitted by the State of California pursuant to the requirements of the Clean Air Act (CAA or “Act”) for the implementation, maintenance, and enforcement of the 2015 national ambient air quality standards (NAAQS or “standards”) for ozone. Specifically, the EPA is approving the SIP revision for all elements except those that relate to prevention of significant deterioration (PSD). EPA is partially approving and partially disapproving three elements of the SIP revision due to PSD deficiencies in certain air pollution control or air quality management districts (APCD, AQMD, or “district”). The disapprovals will not create any new consequences for these districts or the EPA as the districts are already subject to the EPA’s federal PSD program at 40 CFR 52.21. As part of this action, we are also reclassifying certain regions of the State for emergency episode planning purposes with respect to ozone. We are also approving into the SIP two updated state provisions addressing CAA conflict of interest requirements for the entire state, and emergency episode plans for the Amador County APCD,

Calaveras County APCD, Mariposa County APCD, Northern Sierra AQMD, and Tuolumne County APCD. Finally, we are approving an exemption from emergency episode planning requirements for ozone for the Lake County AQMD.

DATES: This rule is effective April 29, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2020-0096. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Panah Stauffer, Air Planning Office (AIR-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3247, or by email at stauffer.panah@epa.gov. **SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. Background

A. Statutory Requirements

Section 110(a)(1) of the CAA requires each state to submit to the EPA, within three years after the promulgation of a

primary or secondary NAAQS or any revision thereof, a SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS.

Section 110(a)(2) of the CAA contains the infrastructure SIP requirements, which generally relate to the information, authorities, compliance assurances, procedural requirements, and control measures that constitute the “infrastructure” of a state’s air quality management program. These infrastructure SIP requirements (or “elements”) required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate pollution abatement and international air pollution.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, prevention of significant deterioration (PSD), and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1) and are therefore not addressed in this action. These two elements are: (i) Section 110(a)(2)(C) to the extent it refers to permit programs required under part D (nonattainment new source review (NSR)), and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address requirements for the nonattainment NSR portion of section 110(a)(2)(C) or the whole of section 110(a)(2)(I).

B. NAAQS Addressed by This Final Rule

Ground-level ozone pollution is formed from the reaction of volatile organic compounds and oxides of nitrogen (NO_x) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to elevated levels of ozone, particularly in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.

On October 26, 2015, the EPA promulgated a revised NAAQS for ozone.¹ The EPA had previously promulgated NAAQS for ozone in 1979, 1997 and 2008. The 2015 ozone NAAQS revised the level of the standards to 0.070 parts per million (ppm) averaged across eight hours.

C. California’s Submittals

In California, the California Air Resources Board (CARB or “State”) is the state agency responsible for the adoption of California SIPs and SIP revisions and submission to the EPA. CARB submitted its infrastructure SIP revision (“2018 Infrastructure SIP” or “California’s 2018 Submittal”) for the 2015 ozone NAAQS on October 1, 2018.²

On June 25, 2020, CARB supplemented its 2018 Infrastructure SIP by submitting ozone emergency episode contingency plans for San Luis Obispo County APCD, Amador County APCD, Calaveras County APCD, Mariposa County APCD, Northern Sierra AQMD, and Tuolumne County APCD.³ It also submitted an exemption request from emergency episode planning requirements for Lake County AQMD based on that District’s attainment status. This submittal (“California’s 2020 Submittal”) addresses CAA section

110(a)(2)(G) requirements for the 2015 ozone NAAQS.

We refer to these submittals collectively herein as “California’s Infrastructure SIP Submittals.”

D. EPA’s Proposal

On October 16, 2020, we proposed to partially approve and partially disapprove California’s Infrastructure SIP Submittals.⁴ Specifically, we proposed to approve the submittals for the requirements of CAA sections 110(a)(2)(A), 110(a)(2)(B), 110(a)(2)(E), 110(a)(2)(F), 110(a)(2)(G), 110(a)(2)(H), 110(a)(2)(K), 110(a)(2)(L), and 110(a)(2)(M). We also proposed to partially approve and partially disapprove the submittal for CAA sections 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J) due to PSD program deficiencies in certain air districts. These partial disapprovals will not create any new consequences for these districts or the EPA as the districts are already subject to the EPA’s federal PSD program at 40 CFR 52.21. They will also not create any new highway sanctions, which are not triggered by disapprovals of infrastructure SIPs. Today’s rule finalizes the October 16, 2020 proposal in its entirety.

At this time, the EPA is not acting on the interstate transport requirements of 110(a)(2)(D)(i)(I), which prohibit emission sources from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state. The EPA will propose action on the interstate transport requirements for the 2015 ozone NAAQS in a separate rulemaking.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period that ended on November 16, 2020. During this period, the EPA received one comment from an anonymous commenter.⁵ The comment is not relevant to the EPA’s action.

III. Final Action

A. Partial Approvals and Partial Disapprovals

Under CAA section 110(a), we are partially approving and partially disapproving California’s Infrastructure SIP submittals for the 2015 ozone NAAQS. Specifically, we are approving the submittal for the requirements of CAA sections 110(a)(2)(A), 110(a)(2)(B), 110(a)(2)(E), 110(a)(2)(F), 110(a)(2)(G), 110(a)(2)(H), 110(a)(2)(K), 110(a)(2)(L),

¹ 80 FR 65292.

² Letter dated October 1, 2018, from Richard W. Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region IX.

³ Letter dated June 16, 2020, from Richard W. Corey, Executive Officer, CARB, to John Busterud, Regional Administrator, EPA Region IX, with Ozone Emergency Episode Plans for Amador County, San Luis Obispo County, Northern Sierra, Tuolumne County, Mariposa County, and Calaveras County and Exemption Request for Lake County.

⁴ 85 FR 65755.

⁵ The comment letter is available in the docket for this rulemaking.

and 110(a)(2)(M). We are also partially approving and partially disapproving the submittal for CAA sections 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J) due to PSD program deficiencies in Amador, Antelope Valley, Calaveras, Colusa, El Dorado, Glenn, Lake, Lassen, Mariposa, Mendocino, Modoc, Mojave Desert, North Coast, Northern Sierra, Northern Sonoma, Sacramento Metro, San Diego, Shasta, Siskiyou, South Coast, Tehama, and Tuolumne air districts. These partial disapprovals will not create any new consequences as the air districts with PSD deficiencies are already subject to PSD federal implementation plans (FIPs).

At this time, EPA is not acting on the interstate transport requirements of 110(a)(2)(D)(i)(I), which prohibit emission sources from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state. The EPA will propose action on the interstate transport requirements for the 2015 ozone NAAQS in a separate rulemaking.

B. Approval of Updated California Code of Regulations Provisions

California's Infrastructure SIP Submittals included an updated version of the California Code of Regulations (CCR), Title 2, section 18700, which maintains the key provisions of that section and also incorporates language in CCR, Title 2, section 18701 that the EPA previously approved into the SIP to meet the conflict of interest requirements of CAA sections 110(a)(2)(E)(ii) and 128. It also included an updated version of CCR, Title 2, section 18701. We proposed to approve the updated versions of CCR, Title 2, sections 18700 and 18701 into the SIP in our October 16, 2020 rulemaking. These updated provisions continue to meet the conflict of interest requirements of CAA sections 110(a)(2)(E)(ii) and 128. We are finalizing approval, as proposed, of these updated provisions with this action.

C. Approval of Reclassification Requests for Emergency Episode Planning

In its 2018 submittal, CARB requested that the EPA reclassify three air quality control regions (AQCRs) with respect to the emergency episode planning requirements of CAA section 110(a)(2)(G) and 40 CFR part 51, subpart H, as applicable to ozone.⁶ The air

quality tests for classifying AQCRs are prescribed in 40 CFR 51.150 and are pollutant-specific (e.g., ozone) rather than being specific to any given NAAQS (e.g., 1997 ozone NAAQS). Consistent with the provisions of 40 CFR 51.153, reclassification of AQCRs must rely on the most recent three years of air quality data. For ozone, an AQCR with a 1-hour ozone level greater than 0.10 ppm over the most recent three-year period must be classified Priority I, while all other areas are classified Priority III. AQCRs that are classified Priority I are required to have SIP-approved emergency episode contingency plans, while those classified Priority III are not required to have such plans, pursuant to 40 CFR 51.151 and 51.152. We interpret 40 CFR 51.153 as establishing the means for states to review air quality data and request a higher or lower classification for any given region and as providing the regulatory basis for the EPA to reclassify such regions, as appropriate, under CAA sections 110(a)(2)(G) and 301(a)(1).

On the basis of California's ambient air quality data for 2015–2017, we are finalizing approval, as proposed, of California's request to reclassify Lake County, North Central Coast, and South Central Coast to Priority I areas for ozone.

D. Approval of Emergency Episode Contingency Plans

To meet the requirements of CAA 110(a)(2)(G), California's 2020 Submittal included the ozone emergency episode contingency plans for Amador County APCD, San Luis Obispo County APCD, Northern Sierra AQMD, Tuolumne County APCD, Mariposa County APCD, and Calaveras County APCD, as well as the exemption request for Lake County AQMD based on its attainment status. The contingency plans meet the requirements of 40 CFR 51.152(a) to specify two or more stages of episode criteria, provide for public announcement whenever any episode stage has been determined to exist, and to specify adequate emission control actions to be taken at each episode stage. The emergency episode contingency plans also meet the requirements of 40 CFR 51.152(b) to provide for prompt acquisition of forecasts of atmospheric stagnation conditions, to provide for inspection of sources to ascertain compliance with applicable emission control action requirements, and provide for communications procedures for transmitting status reports and orders as

to emission control actions to be taken during an episode stage. We are finalizing approval, as proposed, of these emergency episode contingency plans into the California SIP.

Because of Lake County's attainment status for ozone, it meets the criteria of 40 CFR 51.152(d)(1) that permits the Administrator to exempt those portions of Priority I regions that have been designated as attainment under section 107 of the CAA. The mix of ozone precursor sources in Lake County, as well as the historical 1-hour ozone levels below 0.10 ppm make it unlikely that additional measures are needed to keep ozone pollution below the significant harm level of 0.6 ppm. We are finalizing approval, as proposed, of the request to exempt the Lake County AQMD from emergency episode contingency planning requirements of 40 CFR 51.152.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents 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).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

⁶ In our proposed rulemaking, we inadvertently stated that CARB requested to re-classify the AQCRs for NO₂ and SO₂. CARB did not make such a request in either of its submittals for the 2015 ozone NAAQS and we did not propose to re-classify the

AQCRs for those NAAQS in our proposal. See 85 FR 65755, 65773 (October 16, 2020).

- 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 the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practical 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a

“major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 18, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(551) and (c)(552) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(551) The following plan was submitted on October 1, 2018, by the Governor’s designee.

(i) [Reserved]

(ii) *Additional materials.*

(A) California Air Resources Board.

(1) California Infrastructure SIP Revision for the 0.070 parts per million Federal 8-Hour Ozone Standard, release date September 27, 2018, excluding Attachments 1, 3, and 4.

(2) [Reserved]

(B) [Reserved]

(552) The following plans were submitted on June 25, 2020, by the Governor’s designee as an attachment to a letter dated June 16, 2020.

(i) *Incorporation by reference.* (A) Amador Air District.

(1) “Ozone Emergency Episode Plan,” dated August 26, 2019 and adopted, as Resolution No. 19–06, on October 15, 2019.

(2) [Reserved]

(B) San Luis Obispo County Air Pollution Control District.

(1) “San Luis Obispo County Ozone Emergency Episode Plan,” adopted, as Resolution No. 2020–1, on January 22, 2020.

(2) [Reserved]

(C) Northern Sierra Air Quality Management District.

(1) “Ozone Emergency Episode Plan,” adopted, as Resolution #2020–01, on February 24, 2020.

(2) [Reserved]

(D) Tuolumne County Air Pollution Control District.

(1) “Ozone Emergency Episode Plan,” adopted, as Resolution No. 32–20, on April 7, 2020.

(2) [Reserved]

(E) Mariposa County Air Pollution Control District.

(1) “Final Ozone Emergency Episode Plan,” dated February 21, 2020 and adopted, as Resolution No. 1APCD–2020–4, on April 7, 2020.

(2) [Reserved]

(F) Calaveras County Air Pollution Control District.

(1) “Ozone Emergency Episode Plan,” dated December 2019 and adopted, as Resolution No. 20200526r056, on May 26, 2020.

(2) [Reserved]

(ii) *Additional materials.* (A) Lake County Air Quality Management District.

(1) “Request for Exemption of the Ozone Emergency Episode Plan,” adopted on April 7, 2020.

(2) [Reserved]

(B) [Reserved]

* * * * *

- 3. In § 52.220a amend table 1 in paragraph (c) by revising the entries for “18700” and “18701” to read as follows:

§ 52.220a Identification of plan—in part.

* * * * *

(c) * * *

TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS ¹

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
18700	Basic rule and guide to conflict of interest regulations.	12/31/2016	[INSERT Federal Register CITATION], 3/30/2021.	Filed on December 17, 1976, effective upon filing, and last amendment filed on December 1, 2016, operative December 31, 2016. Previously approved on 4/1/2016, 81 FR 18766.
18701	Determining Whether a Financial Effect Is Reasonably Foreseeable.	7/10/2015	[INSERT Federal Register CITATION], 3/30/2021.	Filed on January 22, 1976, effective February 21, 1976, and last amendment filed on July 10, 2015, operative July 10, 2015. Previously approved on 4/1/2016, 81 FR 18766.

¹ Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in Table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).

* * * * *

§ 52.221 Classification of regions.

■ 4. Section 52.221 is revised to read as follows:

The California plan was evaluated on the basis of the following classifications:

TABLE 1 TO § 52.221

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Great Basin Valley Intrastate	I	III	III	III	III
Lake County Intrastate	II	III	III	III	I
Lake Tahoe Intrastate	II	III	III	I	III
Metropolitan Los Angeles Intrastate	I	III	III	I	I
Mountain Counties Intrastate	II	III	III	I	I
North Central Coast Intrastate	II	III	III	III	I
North Coast Intrastate	II	III	III	III	III
Northeast Plateau Intrastate	III	III	III	III	III
Sacramento Valley Intrastate	II	III	III	I	I
San Diego Intrastate	II	III	III	I	I
San Francisco Bay Area Intrastate	II	III	III	I	I
San Joaquin Valley Intrastate	II	III	III	I	I
South Central Coast Intrastate	III	III	III	III	I
Southeast Desert Intrastate	I	III	III	III	I

■ 5. Section 52.223 is amended by adding paragraph (p) to read as follows:

§ 52.223 Approval status.

* * * * *

(p) *2015 ozone NAAQS*: The 2018 Infrastructure SIP, submitted on October 1, 2018, is partially disapproved for specific requirements of Clean Air Act section 110(a)(2) for the 2015 8-hour ozone NAAQS for the air pollution control districts (APCDs), air quality management districts (AQMDs), or air quality control regions (AQCRs) listed in this paragraph.

(1) Mendocino County AQMD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use

“dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(2) North Coast Unified AQMD (PSD requirements for the regulation of PM_{2.5}, PM_{2.5} precursors, condensable PM_{2.5}, PM_{2.5} increments, and NO_x as an ozone precursor, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent

significant deterioration of air quality, only), and (J).

(3) Northern Sonoma County APCD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use “dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(4) Sacramento Metro AQMD (for sources subject to a FIP, including cogeneration and resource recovery projects, projects with stack heights greater than 65 meters or that use “dispersion techniques” as defined in 51.100 (which are major sources or major modifications under 52.21), and sources for which the EPA has issued permits under 52.21 for which applications were received by July 31, 1985, only) for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J).

(5) All areas in California that are subject to the federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only), and (J), except for South Coast AQMD where the federal PSD program applies to all pollutants except greenhouse gases.

(6) All areas in California that are subject to the federal PSD program as provided in 40 CFR 52.270 for sections 110(a)(2)(D)(ii) (with respect to section 126(a), only).

* * * * *

[FR Doc. 2021-06110 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R08-OAR-2020-0516; FRL-10020-22-Region 8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA or the “Act”) section 111(d) state plan submitted by the South Dakota Department of Environment and Natural Resources (DENR or the “Department”) on January 3, 2020. This plan was submitted to fulfill the requirements of the CAA and is responsive to the EPA’s promulgation of Emission Guidelines and Compliance Times (EG) for existing municipal solid waste (MSW) landfills. The South Dakota state plan establishes performance standards and operating requirements for existing MSW landfills

within the State of South Dakota and provides for the implementation and enforcement of those standards and requirements by the Department. The EPA is taking this action pursuant to requirements of the CAA.

DATES: This rule is effective on April 29, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 29, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2020-0516. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-TRM, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, (303) 312-6396, lohrke.gregory@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our October 29, 2020 proposed rule (85 FR 68538). In that document we proposed to approve the South Dakota state plan for existing MSW landfills as it was submitted by the Secretary of the South Dakota DENR on January 3, 2020. Analysis of the South Dakota state plan may be found in the aforementioned proposed rule and the technical support document (TSD) associated with the docket for today’s action.

We received comments from one commenter during the public comment period opened by the proposed rule. Our response to the comments is addressed in Section II. below.

II. Response to Comments

The proposed rule published in the **Federal Register** at 85 FR 68538 received comments on Sections I and II of the preamble of that publication. The comments relevant to today’s action are summarized here with the corresponding Agency response.

Comment: On Section I of the preamble of the proposed rule, the commenter broadly questioned the efficacy of both implementing the standards and requirements of “outdated” EG finalized in 2016, and the promulgation of two separate and distinct emission standards—one for new and another for existing facilities within the same source category.

Response: The EPA is not statutorily obligated to conduct review and revision of EG for existing sources but maintains the discretion to do so when appropriate. Changes in best practices and cost effectiveness of available technology within the MSW landfill industry since the original EG for MSW landfills were promulgated in 1996 prompted the Agency to review those standards and requirements. The review of the 1996 EG allowed EPA to find that a rule revision was appropriate and would increase potential for emission reductions at MSW landfills as well as streamline implementation of requirements and standards for landfill owners and operators. Although the standards and requirements promulgated in 2016 are over four years old at this point, these major revisions to the EG for MSW landfills are relatively new and reflect the accumulation of industry developments over a timeframe of 20 years. The EPA is neither statutorily obligated, nor capable, of revising EG at a pace faster than the development of new, practical control technologies or best practices in emission reductions. Rather, the Agency is constrained in its revision of EG by the realities of what best system of emissions reduction is available to the regulated population, while taking into account the cost and other limiting factors affecting implementation of such a system of reductions at designated facilities.

The EPA differentiates regulations for new and existing facilities of the same source category under a similar logic. CAA section 111 authorizes the EPA to develop new source performance standards (NSPS) and emission guidelines for existing sources (EG). This distinction in performance standards for different source populations acknowledges the reality that the best system of emission reduction reasonably available to newer and older facilities may be different when considering cost and practicability of implementation.

Comment: The commenter desired a more in-depth review of the regulated facilities and the state plan submittal.

Response: The requested information is available in associated documents found in the docket for the proposed

rule and today's action. The docket, including these supporting documents, is reviewable through <http://www.regulations.gov>.

This concludes our response to the comments received. No changes have been made to the proposed rule as a result of the comments.

III. Final Action

The EPA is finalizing approval of the South Dakota section 111(d) state plan for existing MSW landfills, submitted by the South Dakota DENR on January 3, 2020, pursuant to 40 CFR part 60, subparts B, Ba, and Cf. Therefore, the EPA is amending 40 CFR part 62, subpart QQ to reflect this approval action. This approval is based on the rationale provided in section II of the proposed rule for this action (86 FR 68539) and discussed in detail in the TSD associated with this rulemaking action.¹ The scope of this approval is limited to the provisions of 40 CFR parts 60 and 62. The EPA's proposed approval of the South Dakota plan is limited to those landfills that meet the criteria established in 40 CFR part 60, subpart Cf.

The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c).

IV. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, we are finalizing regulatory text that includes the incorporation by reference of section 74:36:01:19 and sections 74:36:07:94–145 of the Administrative Rules of South Dakota (ARSD) as effective on November 25, 2019 which are part of the CAA section 111(d) state plan applicable to existing MSW landfills in South Dakota. The regulatory provisions of these sections of the ARSD incorporate the required 111(d) state plan elements required by the EG for existing MSW landfills promulgated found at 40 CFR part 60, subpart Cf and establish emission standards and compliance times for the control of methane and other organic compounds from certain MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014. The emissions standards and compliance times established within these ARSD sections and the South Dakota state plan are at least as stringent as those required by the EG for existing

MSW landfills. The EPA has made, and will continue to make, ARSD sections 74:36:01:19 and 74:36:07:94–145 (as well as the South Dakota 111(d) state plan document for existing MSW landfills) generally available electronically through www.regulations.gov, Docket No. EPA–R06–OAR–2020–0516 and in hard copy at the EPA Region 8 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has been approved by the Office of the Federal Register and the Plans are federally enforceable under the CAA as of the effective date of this final rulemaking.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve section 111(d) state plan submissions that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the CAA section 111(d) Plans are not approved to apply in Indian country, as defined at 18 U.S.C. 1151, located in the state. As such, this rule does not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), and it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 1, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

¹ EPA Document ID No. EPA–R08–OAR–2020–0516–0004, available at www.regulations.gov.

List of Subjects in 40 CFR Part 62

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

Dated: March 23, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

- 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart QQ—South Dakota

- 2. Revise §§ 62.10350, 62.10351, and 62.10352 to read as follows:

§ 62.10350 Identification of plan.

Section 111(d) State Plan for Existing Municipal Solid Waste Landfills and the associated State regulations contained in the Administrative Rules of South Dakota (ARSD) at 74:36:01:19 and 74:36:07:94—145 ARSD (incorporated by reference, see § 62.10353), submitted by the State on January 3, 2020.

§ 62.10351 Identification of sources.

The plan applies to all existing municipal solid waste landfills under the jurisdiction of the South Dakota Department of Environment and Natural Resources for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

§ 62.10352 Effective date.

The effective date of the plan for existing municipal solid waste landfills is April 29, 2021.

- 3. Add § 62.10353 to read as follows:

§ 62.10353 Incorporation by reference.

(a) The material incorporated by reference in this subpart was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The material may be inspected or obtained from the EPA Region 8 office, 1595 Wynkoop Street, Denver, CO 80202-1129, 303-312-6312 or from the other sources listed in this section. It may also be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov

or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) State of South Dakota, Legislative Research Council, 5007, 500 E Capitol Ave. #3, Pierre, SD 57501, (605) 773-3251, <https://rules.sd.gov/>; Administrative Rules of South Dakota (ARSD). Title 74 South Dakota Department of Environment and Natural Resources:

(1) 74:36:01:19 ARSD, Article 74:36—Air Pollution Control Program, Chapter 01—Definitions, Section 19—Existing municipal solid waste landfill defined, effective November 25, 2019.

(2) 74:36:07:94 through 145 ARSD, Article 74:36—Air Pollution Control Program, Chapter 07—New Source Performance Standards, Sections 94 through 145, effective November 25, 2019.

[FR Doc. 2021-06360 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 200505-0127; RTID 0648-XA944]

Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1 through #9

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

ACTION: Inseason modification of 2021 management measures.

SUMMARY: NMFS announces nine inseason actions in the 2021 ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area from Cape Falcon, OR to Pigeon Point, CA.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions.

FOR FURTHER INFORMATION CONTACT: Christina Iverson at 360-742-2506, Email: Christina.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

In the 2020 annual management measures for ocean salmon fisheries (85 FR 27317, May 8, 2020), NMFS announced management measures for

the commercial and recreational fisheries in the area from U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 6, 2020, until the effective date of the 2021 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participated in the consultations described in this document were: The Oregon Department of Fish and Wildlife (ODFW) and the California Department of Fish and Wildlife (CDFW).

Management Areas

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (SOF) (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affected SOF fisheries as set out under the heading Inseason Actions.

Reason and Authorization for Inseason Actions #1-#9

The fisheries affected by the inseason actions described below were authorized in the final rule for 2020 annual management measures for ocean salmon fisheries (85 FR 27317, May 8, 2020). At its March 2-11, 2021 meeting, the Council's Salmon Technical Team (STT) presented updated stock abundance forecasts for salmon stocks managed under the Pacific Coast Salmon Fishery Management Plan (FMP). Based on the STT's report, SOF ocean salmon fisheries will be constrained in 2021 by the low abundance forecast for Klamath River fall-run Chinook salmon (KRFC), which was determined to be overfished under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 2018. The forecast of potential spawner abundance for KRFC in 2021 is 42,098 natural area spawners; this is 31 percent of the average forecast of potential KRFC spawners over the previous 9 years (2012-2020).

NMFS is taking the inseason actions described below to manage and conserve SOF ocean salmon fishery impacts on overfished KRFC by reducing impacts in spring fisheries through closure or shortened fisheries in areas that impact KRFC. In Oregon, these inseason actions include dividing the area from Cape Falcon to Humbug Mountain at the Heceta Bank Line, which is the port area analysis boundary used by the STT. This allows for finer-scale management of fisheries in the Northern Oregon (NO) (Cape Falcon to Heceta Bank Line) and Central Oregon (CO) (Heceta Bank Line to Humbug Mountain) port areas. The NO and CO port area impacts are analyzed separately by the STT and in the environmental assessment prepared under the National Environmental Policy Act (NEPA) (https://media.fisheries.noaa.gov/dam-migration/2020_ocean_salmon_management_ea_and_fonsi.pdf) and have different impacts on salmon stocks; e.g., the NO port area has lower impacts on KRFC than the CO port area.

The NMFS West Coast Regional Administrator (RA) considered the abundance forecasts for Chinook salmon stocks and the impacts of the SOF ocean salmon fisheries, as modeled by the STT, and determined that the inseason actions, described below, were necessary to meet management and conservation goals set pre-season. These inseason actions modify boundaries under 50 CFR 660.409(b)(1)(v) and fishing seasons under 50 CFR 660.409(b)(1)(i).

Consultation under 50 CFR 660.409(b) on these inseason actions occurred on March 10, 2021. Representatives from NMFS, ODFW, CDFW, and Council staff participated in this consultation. The Council may consider further inseason action at its April 6–15, 2021, meeting.

Inseason Actions

Inseason Action #1

Description of the action: Inseason action #1 modified the boundaries in the commercial ocean salmon fishery between Cape Falcon, OR, and Humbug Mountain, OR, by dividing the area consistent with the NO and CO port analysis areas at the Heceta Bank Line (latitude 43°58'00" N). The boundaries of the resulting sub-areas are: Cape Falcon, OR, to the Heceta Bank Line and the Heceta Bank Line to Humbug Mountain, OR.

Effective dates: Inseason action #1 took effect on March 11, 2021, and remains in effect until superseded.

Inseason Action #2

Description of the action: Inseason action #2 delayed the opening date of the commercial ocean salmon fishery from Cape Falcon, OR, to the Heceta Bank Line, previously scheduled to open March 15, 2021. This fishery will now open March 20, 2021.

Effective dates: Inseason action #2 took effect on March 15, 2021, and remains in effect until superseded.

Inseason Action #3

Description of the action: Inseason action #3 delayed the opening date of the commercial ocean salmon fishery from the Heceta Bank Line to Humbug Mountain, OR, previously scheduled to open March 15, 2021.

Effective dates: Inseason action #3 took effect March 15, 2021, and remains in effect until superseded.

Inseason Action #4

Description of the action: Inseason action #4 delayed the opening date of the commercial ocean salmon fishery from Humbug Mountain, OR, to the Oregon/California border, previously scheduled to open March 15, 2021. This fishery will now open March 20, 2021.

Effective dates: Inseason action #4 took effect March 15, 2021, and remains in effect until superseded.

Inseason Action #5

Description of the action: Inseason action #5 closes the commercial ocean salmon fishery in the area from the Oregon/California border to the Humboldt South Jetty, CA, previously scheduled for May 1, 2021 to May 31, 2021.

Effective dates: Inseason action #5 takes effect May 1, 2021, and remains in effect until superseded.

Inseason Action #6

Description of the action: Inseason action #6 delays the opening date of the commercial ocean salmon fishery from the Horse Mountain, CA, to Point Arena, CA, previously scheduled to open April 15, 2021.

Effective dates: Inseason action #6 takes effect April 15, 2021, and remains in effect until superseded.

Inseason Action #7

Description of the action: Inseason action #7 closes the recreational ocean salmon fishery from the Oregon/California border to Horse Mountain, CA, previously scheduled to open May 1, 2021.

Effective dates: Inseason action #7 takes effect May 1, 2021, and remains in effect until superseded.

Inseason Action #8

Description of the action: Inseason action #8 closes the recreational ocean salmon fishery from Horse Mountain, CA, to Point Arena, CA, previously scheduled to open April 3, 2021.

Effective dates: Inseason action #8 takes effect April 3, 2021, and remains in effect until superseded.

Inseason Action #9

Description of the action: Inseason action #9 closes the opening date of the recreational ocean salmon fishery from Point Arena, CA, to Pigeon Point, CA, previously scheduled to open April 3, 2021.

Effective dates: Inseason action #9 takes effect April 3, 2021, and remains in effect until superseded.

All other restrictions and regulations remain in effect as announced for the 2020 ocean salmon fisheries (85 FR 27317, May 8, 2020) and as modified by previous inseason actions (85 FR 31707, May 27, 2020, 85 FR 55784, September 10, 2020, and 86 FR 13824, March 11, 2021).

The RA determined that these inseason actions, recommended by the States of Oregon, and California, were warranted based on the best available information on Pacific salmon abundance forecasts and anticipated fishery effort. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues these actions pursuant to section 305(d) of the MSA. These actions are required by 50 CFR 660.409, 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 these actions, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook salmon abundance, catch, and effort

information was developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and limits for impacts to overfished salmon stocks are not exceeded. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (85 FR 27317, May 8, 2020), the FMP, and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: March 25, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021-06516 Filed 3-25-21; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No.: 210319-0060]

RIN 0648-BK41

Fisheries of the Exclusive Economic Zone Off Alaska; IFQ Program; Modify Temporary Transfer Provisions

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

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: NMFS issues this temporary rule (referred to herein as “emergency rule”) to modify the temporary transfer provision of the Individual Fishing Quota (IFQ) Program for the fixed-gear commercial Pacific halibut and sablefish fisheries for the 2021 IFQ fishing year. This emergency rule is intended to provide flexibility to quota share (QS) holders in 2021, while preserving the Program’s long-standing objective of maintaining an owner-operated IFQ fishery in future years. This emergency

rule will not modify other provisions of the IFQ Program. This emergency rule is intended to promote the goals and objectives of the IFQ Program, the Magnuson-Stevens Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, and other applicable laws.

DATES: Effective March 30, 2021 through September 27, 2021, except for § 679.41(h)(2), which is effective September 27, 2021. Comments must be received by April 29, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0022, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2021–0022 in the search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, P.O. Box 21668, Juneau AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address), 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).

Electronic copies of the Regulatory Impact Review (referred to as the “Analysis”) and the Categorical Exclusion prepared for this emergency rule may be obtained from <http://www.regulations.gov> or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this emergency rule may be submitted to NMFS at the above address and 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: Abby Jahn, 907–586–7445, or abby.jahn@noaa.gov.

SUPPLEMENTARY INFORMATION:

Authority for Action

The North Pacific Fishery Management Council (Council) developed the IFQ Program for the commercial Pacific halibut (halibut) and sablefish fisheries. The IFQ Program for the sablefish fishery is implemented by the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) and Federal regulations at 50 CFR part 679 under the authority of section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679 under the authority of section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act).

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut through regulations established under the authority of the Halibut Act. The IPHC promulgates regulations governing the halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention). The IPHC’s regulations are subject to approval by the Secretary of State with the concurrence of the Secretary of Commerce (Secretary). NMFS publishes the IPHC’s regulations as annual management measures pursuant to 50 CFR 300.62.

Section 5 of the Halibut Act, 16 U.S.C. 773c(a) and (b), provides the Secretary with general responsibility to carry out the Convention and the Halibut Act. Section 5(c) of the Halibut Act also provides the Council with authority to develop regulations, including limited access regulations that are in addition to, and not in conflict with, approved IPHC regulations. Regulations developed by the Council may be implemented by NMFS only after approval by the Secretary.

Background

On February 10, 2021, the Council requested the Secretary promulgate emergency regulations under the authority of section 305(c) of the Magnuson-Stevens Act to allow the temporary transfer of catcher vessel (CV) halibut and sablefish IFQ for individuals who hold B, C, or D vessel class QS for the 2021 fishing season.

The following sections describe the IFQ Program, the existing IFQ transfer

provisions, this emergency rule, and justification for emergency action.

The IFQ Program

NMFS implemented the IFQ Program for the management of the fixed gear (hook-and-line and pot gear) halibut and sablefish fisheries off Alaska in 1995 (58 FR 59375; November 9, 1993). A central objective of the IFQ Program is to support the social and economic character of the fisheries and the coastal fishing communities where many of these fisheries are based.

Under the IFQ Program, access to the fixed gear sablefish and halibut fisheries is limited to those persons holding QS. NMFS issued separate QS for sablefish and halibut to qualified applicants based on their historical participation during a set of qualifying years in the sablefish and halibut fisheries. QS is an exclusive, revocable privilege that allows the holder to harvest a specific percentage of either the total allowable catch (TAC) in the sablefish fishery or the annual commercial catch limit in the halibut fishery. In addition to being specific to sablefish or halibut, QS is designated for specific geographic areas of harvest, a specific vessel operation type (CV or catcher/processor), and for a specific range of vessel sizes that may be used to harvest the sablefish or halibut (vessel category). There are four vessel categories of halibut QS: Category A shares are designated for catcher/processors, which process their catch at sea (*i.e.*, freezer longline vessels) and do not have a vessel length restriction; Category B shares are designated to be fished on CVs greater than 60 feet length overall (LOA); Category C shares are designated to be fished on CVs greater than 35 feet, but less than or equal to 60 feet, LOA; and Category D shares are designated to be fished on CVs less than or equal to 35 feet LOA.

NMFS annually issues IFQ permits to each QS holder. An annual IFQ permit authorizes the permit holder to harvest a specified amount of the IFQ species in a regulatory area from a specific operation type and vessel category. IFQ is expressed in pounds and is based on the amount of QS held in relation to the total QS pool for each regulatory area with an assigned catch limit.

Another goal of the IFQ Program is to promote an owner-operator fleet. To meet these goals, the IFQ Program includes restrictions on the ability of QS holders to transfer their annual IFQ. The Council and NMFS recognized that, at the time the IFQ Program was implemented, some QS holders had long-standing business arrangements with hired masters who harvested IFQ on behalf of the QS holder. Therefore,

the IFQ Program authorizes the use of hired masters in certain instances. Since the implementation of the IFQ Program, the Council has recommended and NMFS has approved further regulatory amendments to limit the ability of QS holders to designate a hired master to discourage absentee ownership and move towards an owner-operated program.

Halibut and sablefish are managed in separate geographic areas of harvest. The sablefish IFQ regulatory areas are defined and shown in Figure 14 to 50 CFR part 679 and in Section 3 of the Analysis. The halibut IFQ areas are consistent with the IPHC's regulatory areas. NMFS's IFQ regulatory areas are described in Figure 15 to 50 CFR part 679. This emergency rule uses the term "Area" to refer to a specific IFQ regulatory area (*e.g.*, Area 2C).

Temporary IFQ Transfer Provisions

The Council developed transfer restrictions to retain the owner-operator nature of the CV fisheries and limit consolidation of QS. Only persons who were originally issued CV QS (B and C for sablefish; B, C, and D for halibut) or who qualified as crew members are allowed to hold or purchase CV QS. Only individuals and initial recipients are eligible to hold CV QS, and they are required to be on the vessel when the IFQ is being fished (with a few exceptions). Since 1998, transfers of CV IFQ have generally been prohibited except under a few specific conditions. Temporary transfers of CV IFQ are allowed under six special circumstances: (1) Medical transfers; (2) beneficiary (survivorship) transfers; (3) military transfers; (4) transfers through Community Quota Entities; (5) transfers to Guided Angler Fish program; and (6) transfers to Community Development Quota groups in years of low halibut abundance. IFQ permits, and any associated transfers, are valid for a calendar fishing year.

Medical Transfer Provision

The IFQ Program includes a temporary medical transfer provision at 50 CFR 679.42(d)(2) that allows a QS holder not otherwise qualified to hire a master to temporarily transfer their annual IFQ if the QS holder or their immediate family member has a temporary medical condition that prevents them from fishing. The medical transfer provision is intended to provide a mechanism for QS holders who are experiencing a temporary medical condition that would prevent them from fishing during a season to transfer their annual IFQ to another individual.

An applicant for a temporary medical transfer must document a medical condition by submitting an affidavit to NMFS from a healthcare provider that describes the medical condition affecting the applicant and attests to the inability of the applicant to participate in the IFQ fishery for which she or he holds QS. In the case of a family member's medical emergency, the affidavit must describe the necessity for the QS holder to tend to an immediate family member who suffers from the medical condition. The Council recommended and NMFS implemented regulations that limit the number of instances that QS holders may use the provision for any medical condition. As of March 16, 2020, NMFS will not approve a medical transfer if the QS holder has been granted a medical transfer in any three of the previous seven years for a medical condition (85 FR 8477; February 14, 2020).

Hired Master Provision

Initial recipients (excluding Areas 2C for halibut or SE for sablefish, which correspond to Southeast Alaska) of CV QS may be absent from the vessel conducting IFQ fishing of QS, provided the QS holder can demonstrate ownership of the vessel that harvests the IFQ halibut or sablefish (a minimum of at least 20 percent ownership interest in the vessel harvesting the IFQ for the 12 months prior to submitting the hired master application) and representation of the QS holder on the vessel by a hired master. This exception allows fishermen who traditionally operated their fishing businesses using hired masters prior to the IFQ Program implementation to continue to hire a master. By limiting the hired master provision to initial recipients, the use of this owner-on-board exception will decline and eventually cease with the transfer of all QS from initial recipients to new entrants ("second generation").

The use of a hired master is not classified as a transfer of IFQ since the QS holder does not submit a transfer application and is responsible for the hired master staying within the harvest limits. While not technically a transfer, use of a hired master provides the flexibility of a transfer in that it allows an individual's IFQ to be harvested by another person without requiring the QS holder to directly participate in the fisheries.

Under existing regulations, individuals who can hire a master to fish their IFQ are not eligible to use the medical transfer provision. Those who can typically hire a master include initial recipients in all areas, except for Southeast Alaska. Both initial recipients

of Southeast Alaska halibut and sablefish QS and second generation QS holders are eligible to use the medical transfer provision. QS holders who own QS in multiple areas often make landings in different parts of the State to fish their QS. Many QS holders live outside of Alaska and travel to the State of Alaska to fish their IFQ.

This Emergency Rule and Justification for Emergency Action

This emergency rule implements a temporary IFQ transfer provision for the 2021 IFQ fishing year and corrects a regulation that was inadvertently removed on December 22, 2020. Specifically, this emergency rule adds regulations at § 679.41(h)(3) and (p) to allow temporary IFQ transfers in 2021. New paragraph (h)(3) prohibits IFQ resulting from categories B, C, or D QS from being transferred separately from its originating QS holder, except as specified under existing temporary transfer provisions and adds § 679.41(p) to the list of exceptions. New paragraph (p) describes the process for obtaining a temporary IFQ transfer for the 2021 IFQ fishing year.

This emergency rule also adds § 679.41(h)(2) back into the regulations, thus correcting an error that arose from the expiration of the 2020 temporary final rule, which published in the **Federal Register** on June 25, 2020 (85 FR 38100). Paragraph (h)(2) prohibited IFQ resulting from categories B, C, or D QS from being transferred separately from its originating QS, except as provided for in the temporary transfer provisions, including the 2020 temporary final rule. The temporary final rule was effective for 180 days: From June 25, 2020, through December 22, 2020. Upon expiration of the temporary final rule, § 679.41(h)(2) and (p) were removed in their entirety, resulting in the inadvertent deletion of the previously effective regulatory text at 50 CFR 679.41(h)(2). This action corrects that inadvertent deletion of the previously effective § 679.41(h)(2). With this temporary/emergency rule, new § 679.41(h)(2) will become effective upon expiration of this emergency rule (see **DATES**), thereby restoring the previously effective regulatory text.

The temporary IFQ transfer process described at § 679.41(p) is separate and distinct from the hired master and medical transfer provisions previously described, as well as any other IFQ transfer provisions in existing regulations. Any temporary IFQ transfer under § 679.41(p) will be applicable only during the 2021 IFQ fishing year. This action allows certain QS holders to transfer their IFQ for the 2021 fishing

year. This action authorizes only a one-time transfer of IFQ from the QS holder to the IFQ recipient (transferee); IFQ cannot be returned to the QS holder or transferred a second time after a temporary transfer is approved by NMFS. The transferred IFQ may only be fished by the transferee receiving it (see Section 3.1 of the Analysis).

QS holders wishing to transfer their IFQ under this emergency rule need to complete an *Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)* found on <https://www.fisheries.noaa.gov/region/alaska>. A temporary IFQ transfer is valid only for the calendar year in which it is approved. Individuals who hold B, C, or D vessel class QS will be eligible to use this temporary provision. Corporations, partnerships, or other non-individual entities are not eligible to use this temporary IFQ transfer provision.

Although the temporary IFQ transfer provision described in § 679.41(p) is distinct from other IFQ transfer provisions in the regulations, the process for QS holders to apply for a transfer, and the NMFS review and approval process, is similar to those used for other IFQ transfer procedures in § 679.41. This emergency rule also removes the requirement for a notary certification and authorizes NMFS to approve an *Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)* in the 2021 IFQ fishing year without a notary certification. Removal of the notary requirement reduces the logistical and administrative burden on IFQ participants and NMFS staff.

This emergency rule is effective for 180 days from March 30, 2021 through September 27, 2021. However, the 2021 IFQ Fishing season closes on December 7, 2021, and NMFS is soliciting public comment on this emergency rule. As a result, NMFS will consider any comments received as it evaluates whether the effective period of this action should be extended up to an additional 186 days in the event that the Council prepares an action that would address this emergency on a permanent basis consistent with Magnuson-Stevens Act section 305(c)(3)(B). In consultation with the Council, NMFS will continue to monitor conditions in the fisheries, and NMFS will take additional action if recommended and necessary.

Section 305(c) of the Magnuson-Stevens Act authorizes the Secretary to promulgate regulations to address an emergency. Under that section, a regional fishery management council may request that the Secretary promulgate emergency rules if it finds an emergency exists. NMFS's Policy

Guidelines for the Use of Emergency Rules require that an emergency must exist and that NMFS have an administrative record justifying emergency regulatory action and demonstrating compliance with the Magnuson-Stevens Act and the National Standards (see NMFS Procedure 01–101–07 (renewed October 3, 2018), (62 FR 44421, August 21, 1997). Emergency rulemaking is intended for circumstances that are “extremely urgent,” where “substantial harm to or disruption of the . . . fishery . . . would be caused in the time it would take to follow standard rulemaking procedures (62 FR 44421; August 21, 1997).”

Under NMFS's Policy Guidelines for the Use of Emergency Rules, the phrase “an emergency exists involving any fishery” is defined as a situation that meets the following three criteria:

1. Results from recent, unforeseen events or recently discovered circumstances;

2. Presents serious conservation or management problems in the fishery; and

3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rule making process.

The following sections describe why the Council and NMFS determined that allowing transfer flexibility to all IFQ Program participants for the 2021 IFQ fishing year meets the three criteria above.

Criterion 1—Recent, Unforeseen Events or Recently Discovered Circumstances

Government health advisories and travel policies implemented to minimize spread of the COVID–19 pandemic remain in place and are likely to continue through the 2021 fishing year. In May 2020, when the Council first requested that the Secretary promulgate an emergency transfer regulation (85 FR 38100, June 25, 2020), the Council did not foresee the extended duration of the virus and subsequent impacts to the fishery, and the need to extend the 2020 temporary transfer emergency rule beyond the end of the 2020 IFQ Program fishing season. At the time that the Council recommended, and NMFS implemented, an emergency rule in 2020, there was a reasonable expectation that a COVID–19 vaccine could be developed and then broadly distributed such that additional emergency management measures would not be needed in 2021. Based on

this expectation, the Council chose to not request that the Secretary seek public comment on the June 25, 2020 emergency rule, and create the opportunity for the Secretary to extend the emergency IFQ Program temporary transfer rule's effectiveness another 186 days and well into 2021. However, the continued dissemination of vaccines along with the existence of new virus variants necessitate the continuation of pandemic precautions that impede IFQ Program participant's travel and fishing operations.

In 2020, IFQ Program fishery participants stated that health mandates and travel restrictions increased costs to QS holders who live outside of Alaska. In addition to increased costs, ex-vessel prices for halibut and sablefish have decreased substantially in many Alaskan ports due to recent and unforeseen deteriorating market conditions (see Section 3 of the Analysis). Additionally, health advisories and travel policies limit IFQ Program participant's ability to access remote Alaska fishing ports in a timely and cost-efficient manner.

Even if health advisories and restrictive travel policies are relieved during the 2021 IFQ fishing year, fishery participants may not be able to conduct fishing operations due to limited air travel to many Alaskan ports. Alternatively, health advisories and travel policies may possibly become more restrictive in response to the rapidly changing pandemic. Because of these circumstances it is important to provide maximum flexibility to the IFQ fishery.

As noted previously, existing hired master and medical transfer provisions are only available under specific conditions (e.g., an individual may not receive a medical transfer unless a health care provider attests that their medical condition precludes their participation in IFQ fisheries). Due to these limitations, and the recent and unforeseen limitations on the IFQ fisheries, an emergency action is required to provide individual CV QS holders the ability to transfer IFQ during the 2021 fishing season. Sections 3.2 and 3.3 of the Analysis provides additional detail on medical transfer and hired master provisions, respectively.

Criterion 2—Presents Serious Conservation or Management Problems in the Fishery

Ongoing health advisories and travel policies present serious management problems in the IFQ fisheries. If there is not additional flexibility to transfer IFQ, some fishery participants may forego

harvesting catch due to additional costs and logistical challenges.

If harvesters forego catch, this could result in the under-harvest of IFQ accounts. Under existing IFQ regulations, harvesters may “roll over” up to 10 percent of an IFQ permit's remaining balance to the following year (§ 679.40 (c)). However, anyone unable to harvest at least 90 percent of their allocation of IFQ would be at risk of foregoing harvests. This occurred during the first two months of the IFQ season in 2020; from March 14 to May 7, there were 54 percent less halibut harvested and 11 percent less sablefish harvested than in 2019 over the same period (see Section 3 of the Analysis).

Given ongoing health advisories, travel policies and other related logistical challenges facing the IFQ fisheries, additional flexibility in IFQ transfer provisions will increase the ability for harvesters to harvest, and processors to process, a larger proportion of the overall TACs. This will directly address a serious management concern: Foregone harvest due to recent, unforeseen, and recently discovered events.

NMFS notes that this emergency rule will not cause a conservation concern by increasing the risk of overharvest of IFQ. This emergency rule will not increase the halibut catch limits or the sablefish TACs. The total amount of IFQ issued will not increase. This emergency rule will not modify existing requirements on the types of vessels and gear that may be used, monitoring requirements, record keeping regulations, or other aspects of the IFQ Program.

Criterion 3—Can Be Addressed Through Emergency Rulemaking for Which the Immediate Benefits Outweigh the Value of Notice and Comment Rulemaking

Ongoing health advisories and travel policies impacting the IFQ fisheries can be addressed through emergency regulations for which the immediate benefits outweigh the value of our normal rulemaking process. As explained previously, not all QS holders are able to use existing regulatory provisions to transfer IFQ. Providing for a temporary transfer of IFQ for all CV QS holders for the 2021 IFQ fishing year will not create conservation or management concerns and is consistent with the overall goals of the IFQ Program—namely, to provide for the complete and efficient harvest of the halibut and sablefish resource and promote an owner-operated IFQ fishery (see Section 5 of the Analysis for additional detail).

To address the emergency, NMFS must implement an emergency rule that waives the prior notice-and-comment rulemaking period. The benefits of waiving prior notice-and-comment rulemaking will serve the industry and public by providing flexibility for IFQ participants. Any delay in implementing rulemaking may reduce opportunities to harvest halibut and sablefish. (see Section 4.2 of the Analysis).

Without immediate implementation, many IFQ Program participants may not have the flexibility in place to plan for the upcoming season, which may limit their ability to prosecute these fisheries as intended. The halibut and sablefish IFQ fisheries are harvested from numerous ports from hundreds of vessels that must be coordinated with other harvesting and processing activities. Increasing the flexibility for QS holders to transfer IFQ expeditiously provides additional opportunity for halibut and sablefish to be harvested in the 2021 fishing season. Vessel owners need time to secure crew, which may shift into other groundfish fisheries, non-groundfish fisheries, or other activities if they are unable to secure adequate IFQ to support their fishing operations. In addition, vessel owners need sufficient lead time to revise fishing plans, restock vessels, change gear, and have the vessel travel to and from the fishing grounds to prosecute the IFQ fisheries.

This emergency rule will not impose additional restrictions on the IFQ halibut and sablefish fisheries, but will alleviate one limitation relating to transfers. This emergency rule will not increase the amount of available harvests, increase any risk of overharvest, or otherwise modify conservation measures. This emergency rule is needed to allow for the complete and efficient harvest of the IFQ fisheries and to temporarily alleviate the unforeseen economic, social, and public health impacts on the IFQ fisheries that are detailed in this preamble.

The emergency rule considerations discussed herein also warrant instituting these IFQ temporary transfer measures in the halibut fisheries under the Halibut Act. The Halibut Act authorizes the Council to develop limited access program regulations for the halibut fisheries that, in another step, must then be approved by the Secretary. As discussed further below, emergency-based halibut fishery regulations that waive prior notice and comment and a 30-day delay in effectiveness period must be consistent with the requirements of the Administrative Procedure Act (APA).

Classification

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) of the APA to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This emergency rule provides flexibility for QS holders to temporarily transfer their IFQ to an eligible individual to harvest their IFQ for the 2021 IFQ fishing year. This emergency rule applies only to CV QS that is held by individuals. This emergency rule will not modify any additional restrictions on IFQ transfers. Without the increased flexibility to temporarily transfer IFQ, there may be unforeseen challenges for harvesting and processing. The associated loss in harvesting and processing revenues would likely impact the harvesters, crew, and communities that are active in the IFQ Program.

Emergency action is necessary because the time required to follow the standard notice-and-comment rulemaking process prescribed by the Magnuson-Stevens Act and required by the APA will not provide sufficient time before the start of the 2021 IFQ fishing season (which was March 6, 2021), and will substantially cut into the season itself. NMFS has no other way than this emergency rule to amend these IFQ transfer provisions to provide additional flexibility to CV QS holders to mitigate negative impacts of the ongoing economic and operational challenges in 2021. Allowing for flexibility for 2021 will provide immediate economic benefits that outweigh the value of the deliberative notice-and-comment rulemaking process.

The need for emergency action, as described above also supports the need to waive the prior notice and comment period. For those reasons, and in the interest of implementing this emergency rule in a timely manner, the Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the date of effectiveness provision of the APA and make this emergency rule effective immediately upon publication in the **Federal Register**. As stated above, NMFS anticipates that this emergency rule will allow for harvest of the remaining IFQ and should prevent prolonged economic losses from the potential forgone harvests.

This action has been determined to be not significant for purposes of E.O. 12866.

This emergency/interim rule is exempt from the procedures of the Regulatory Flexibility Act because the

rule is not subject to the requirement to provide prior notice and opportunity for public comment pursuant to 5 U.S.C. 553 or any other law. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

Collection-of-Information Requirements

This emergency rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). NMFS has submitted an emergency information request for this requirement to OMB for approval under a new control number. Due to the need to begin collecting this information immediately, NMFS is unable to allow for the time periods normally required for clearance under the PRA. This new collection will be discontinued after the 2021 fishing season, which ends December 7, 2021.

This information collection adds a checkbox to the *Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)*, which is approved under OMB Control Number 0648-0272. The checkbox will indicate the application is being submitted for a temporary transfer for the 2021 fishing year only. It also removes the notary certification for this application because this emergency rule does not require it for NMFS to approve this application for the 2021 IFQ fishing year. Additionally, NMFS will request that the revised *Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ)* be added to OMB Control Number 0648-0272 to allow for future use of the form if necessary.

The public reporting burden for this form will remain at two hours, which includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The new information collection will cover the additional QS holders that NMFS estimates may use this form to request this temporary transfer. NMFS estimates 1,300 respondents, 650 total responses, 1,300 total burden hours, and \$6,500 total recordkeeping and reporting costs to the public for the new collection.

We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Written comments and recommendations for this information collection should be

submitted on the following website: www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review" or by using the search function and entering the title of the collection.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirement of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 25, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108-447; Pub. L. 111-281.

■ 2. In § 679.41, add paragraphs (h)(3) and (p) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(h) * * *

(3) IFQ resulting from categories B, C, or D QS may not be transferred separately from its originating QS, except as provided in paragraph (d), (f), (k), (l), (m), (o), or (p) of this section.

* * * * *

(p) *Temporary IFQ transfer for 2021.* During the 2021 IFQ fishing year only, the Regional Administrator may approve a temporary transfer for IFQ derived from categories B, C, or D QS.

(1) A QS holder may apply for a temporary transfer by submitting an Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) to the Alaska Region, NMFS. NMFS will transfer, upon approval of the application, the applicable IFQ from the applicant (transferor) to the recipient (transferee). The application is available at <http://alaskafisheries.noaa.gov> or by calling 1-800-304-4846. A certification from a notary is not required for NMFS to approve an Application for Temporary

Transfer of Halibut/Sablefish Individual Fishing Quota.

(2) [Reserved]

■ 3. Effective September 27, 2021, § 679.41 is further amended by adding paragraph (h)(2) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(h) * * *

(2) IFQ resulting from categories B, C, or D QS may not be transferred separately from its originating QS,

except as provided in paragraph (d), (f), (k), (l), (m), or (o) of this section.

* * * * *

[FR Doc. 2021-06509 Filed 3-29-21; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 86, No. 59

Tuesday, March 30, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0198; Project Identifier MCAI-2020-00950-E]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2020-13-07, which applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Trent 1000-D2, Trent 1000-J2, and Trent 1000-K2 model turbofan engines with a certain part-numbered fuel pump installed. AD 2020-13-07 requires removal and replacement of the fuel pump with a part eligible for installation. Since the FAA issued AD 2020-13-07, the manufacturer determined that an additional part-numbered fuel pump is subject to the same unsafe condition identified in AD 2020-13-07. This proposed AD would add an additional part-numbered fuel pump and additional Trent 1000 model turbofan engines to the applicability. This proposed AD would require new and reduced life limits, depending on the engine model, for affected fuel pumps. 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 May 14, 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 Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; website: <https://www.rolls-royce.com/contact-us.aspx>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0198; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kevin M. Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7088; fax: (781) 238-7199; email: kevin.m.clark@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-0198; Project Identifier MCAI-2020-00950-E" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the

following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Kevin M. Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020-13-07, Amendment 39-21152 (85 FR 38312, June 26, 2020), (AD 2020-13-07), for all RRD Trent 1000-D2, Trent 1000-J2, and Trent 1000-K2 model turbofan engines with fuel pump, part number G5030FPU01, installed. AD 2020-13-07 was prompted by the manufacturer's investigation into an unexpected reduction in fuel pump performance in certain high life fuel pumps. AD 2020-13-07 requires removal and replacement of the affected fuel pump with a part eligible for installation. The FAA issued AD 2020-13-07 to reduce the risk of reduced thrust during engine operation.

Actions Since AD 2020-13-07 Was Issued

Since the FAA issued AD 2020-13-07, The European Union Aviation Safety Agency (EASA), which is the Technical

Agent for the Member States of the European Community, has issued EASA AD 2021–0006, dated January 7, 2021 (referred to after this as “the MCAI”), to address the unsafe condition on these products. The MCAI states:

An unexpected reduction in fuel pump performance has been seen during testing of high life units. Strip examination of these fuel pumps has identified that life related wear-out of the internal components is causing deterioration in pump efficiency. The effect of the loss of fuel pump efficiency is more pronounced on higher rated engines.

This condition, if not corrected, could lead to reduced engine thrust, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, Rolls-Royce published NMSB 73–AK581 (original issue) to provide instructions for replacement of the affected parts before exceeding reduced life limits. Consequently, EASA issued AD 2020–0124 to require the removal from service of the affected parts.

After that [EASA] AD was issued, Rolls-Royce issued NMSB 73–AK581 Revision 1, introducing an additional fuel pump, P/N TPS1000–05, as well as new and reduced life limits for the affected parts, depending on engine model (rating). Consequently, EASA issued AD 2020–0154, retaining the requirements of EASA AD 2020–0124, which was superseded, expanding the Applicability to include additional engine models (ratings) and requiring implementation of the new and reduced life limits.

Since that [EASA] AD was issued, Rolls-Royce issued the NMSB, as defined in this [EASA] AD, introducing new and reduced life limits for the affected parts, depending on engine model (rating).

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2020–0154, which is superseded, and requires implementation of the new and reduced life limits, as applicable.

You may obtain further information by examining the MCAI in the AD

docket on <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0198.

FAA’s Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information. The FAA is issuing this NPRM because the Agency evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Rolls-Royce (RR) Alert Non-Modification Service Bulletin TRENT 1000–73–AK581, Revision 2, dated December 2, 2020 (RR Alert NMSB). The RR Alert NMSB introduces a reduced life limit for affected fuel pumps installed on certain RRD Trent 1000 model turbofan engines. The RR Alert NMSB also includes additional RRD Trent 1000 turbofan engine models that require implementation of the reduced life limits for affected fuel pumps. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Proposed AD Requirements in This NPRM

This proposed AD would retain all the requirements of AD 2020–13–07.

This proposed AD would add an additional part-number fuel pump and additional RRD Trent 1000 model turbofan engines on which this fuel pump is installed to the applicability. This proposed AD would require new and reduced life limits for certain part-numbered fuel pumps, depending on the engine model the fuel pump is installed on.

Differences Between This Proposed AD and the MCAI or the Service Information

EASA AD 2021–0006 identifies RRD Trent 1000–E and Trent 1000–E2 model turbofan engines in the Applicability section. This AD does not include RRD Trent 1000–E and Trent 1000–E2 model turbofan engines in the Applicability. These engine models have never been produced and RR Alert NMSB TRENT 1000 73–AK581, Revision 2, dated December 2, 2020, did not publish life limits for affected fuel pumps installed on these engine models.

Interim Action

The FAA considers that this proposed AD would be an interim action. If final action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 28 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace fuel pump	3 work-hours × \$85 per hour = \$255	\$393,552	\$393,807	\$11,026,596

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 individuals.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more

detail the scope of the Agency’s authority.

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

develop on products identified in this rulemaking action.

Regulatory Findings

The FAA has 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 that the 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:
 - a. Removing Airworthiness Directive 2020–13–07, Amendment 39–21152 (85 FR 38312, June 26, 2020); and
 - b. Adding the following new airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc): Docket No. FAA–2021–0198; Project Identifier MCAI–2020–00950–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 14, 2021.

(b) Affected ADs

This AD replaces AD 2020–13–07, Amendment 39–21152 (85 FR 38312, June 26, 2020).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) (Type Certificate previously held by Rolls-Royce plc) Trent 1000–A, Trent 1000–A2, Trent 1000–AE, Trent 1000–AE2, Trent 1000–C, Trent 1000–C2, Trent 1000–CE, Trent 1000–CE2, Trent 1000–D, Trent 1000–D2, Trent 1000–G, Trent 1000–G2, Trent 1000–H, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines with a fuel pump, part number (P/N) G5030FPU01 or P/N TPS1000–05, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7314, Engine Fuel Pump.

(e) Unsafe Condition

This AD was prompted by the manufacturer’s investigation into an

unexpected reduction in fuel pump performance in certain high life fuel pumps and life-related wear-out of the internal components, which causes deterioration in fuel pump efficiency. The FAA is issuing this AD to prevent failure of the fuel pump, loss of engine thrust control and reduced control of the airplane. The unsafe condition, if not addressed, could result in failure of the fuel pump, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Within the compliance time specified in Planning Information, paragraph 1.D.2, of Rolls-Royce (RR) Alert Non-Modification Service Bulletin TRENT 1000 73–AK581, Revision 2, dated December 2, 2020 (the RR Alert NMSB), or within 30 days after the effective date of this AD, whichever occurs later, remove the fuel pump, P/N G5030FPU01 or P/N TPS1000–05, and replace it with a part eligible for installation.

(h) Definition

For the purpose of this AD, a “part eligible for installation” is a fuel pump with a P/N other than G5030FPU01 or TPS1000–05 or a fuel pump that has not exceeded the compliance time specified in Planning Information, paragraph 1.D.2, of the RR Alert NMSB.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Kevin M. Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: kevin.m.clark@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2021–0006, dated January 7, 2021, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating it in Docket No. FAA–2021–0198.

(3) For service information identified in this AD, contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; website: <https://www.rolls-royce.com/contact-us.aspx>. You

may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on March 24, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06408 Filed 3–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0199; Project Identifier MCAI–2021–00016–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters. This proposed AD was prompted by a report of a report of increased control force in the collective axis. This proposed AD would require a one-time visual inspection of the main rotor actuator (MRA), as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 14, 2021.

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

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0199.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0199; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627-5353; email katherine.venegas@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-0199; Project Identifier MCAI-2021-00016-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627-5353; email katherine.venegas@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0284, dated December 20, 2018 (EASA AD 2018-0284), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (AHD) Model EC135 P1, EC135 P2, EC135 P2+, EC135 P3, EC135 T1, EC135 T2, EC135 T2+, EC135 T3, EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters. Model EC635 P2+, EC635 P3, EC635 T1, and EC635 T3 helicopters are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those helicopters in the applicability.

This proposed AD was prompted by a report of a report of increased control force in the collective axis on an AHD Model EC135 helicopter. Subsequent inspections determined that a nut on a piston of the MRA had cracked and separated from the piston rod. The FAA is proposing this AD to prevent failure of the MRA and subsequent loss of control of the helicopter. See the EASA AD for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2018-0284 describes procedures for a one-time visual

inspection of the MRA and depending on the results, replacing the affected parts.

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

FAA's Determination and Requirements of This Proposed AD

These products have been approved by the aviation authority of another country, and are approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the Mandatory Continuing Airworthiness Information (MCAI) referenced above. The FAA is proposing this AD after evaluating all the relevant information and determining the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2018-0284 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under "Differences Between this Proposed AD and the MCAI."

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2018-0284 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2018-0284 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled

“Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in EASA AD 2018–0284 that is required for compliance with EASA AD 2018–0284 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0199 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires contacting Airbus Helicopters or replacing an affected part, where as this proposed AD would require performing the corrective action in accordance with FAA-approved procedures or removing the affected parts from service instead. Where the EASA AD specifies a compliance time for the inspection in terms of calendar time or flight hours, this proposed AD would require a compliance time in terms of hours time-in-service instead. Where the EASA AD specifies a compliance time of 15 days for reporting the inspection results, this proposed AD would require that the findings be reported within 30 days.

Interim Action

The FAA considers this proposed AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 331 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this proposed AD.

Inspecting the nuts on the MRA pistons would take about 1 work-hour for an estimated cost of \$85 per helicopter and \$28,135 for the U.S. fleet.

Replacing the MRA would take about 7 work-hours and parts would cost \$325,081 for an estimated cost of \$325,676 per helicopter.

Repairing the MRA would take up to about 8 work-hours and parts would cost about \$110 for an estimated cost of up to \$790 per MRA.

Reporting information would take about 1 hour for an estimated cost of \$85 per helicopter and \$28,135 for the U.S. fleet.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork

Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH

(AHD): Docket No. FAA–2021–0199; Project Identifier MCAI–2021–00016–R.

(a) Comments Due Date

The FAA must receive comments by May 14, 2021.

- (b) Affected Airworthiness Directives (ADs) None.

(c) Applicability

This AD applies to all Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters, certificated in any category.

Note 1 to paragraph (c): Helicopters with an EC135P3H designation are Model EC135P3 helicopters. Helicopters with an EC135T3H designation are Model EC135T3 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6710, Main Rotor Control.

(e) Reason

This AD was prompted by a report of increased control force in the collective axis. The FAA is issuing this AD to prevent failure of the main rotor actuator and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0284, dated December 20, 2018 (EASA AD 2018–0284).

(h) Exceptions to EASA AD 2018–0284

(1) Where EASA AD 2018–0284 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (3) of EASA AD 2018–0284 specifies contacting Airbus Helicopters,

this AD requires performing the corrective action in accordance with FAA-approved procedures.

(3) Where paragraph (4) of EASA AD 2018–0284 specifies an alternative method to comply with the requirements of paragraph (3) of EASA AD 2018–0284 by replacing an affected part, this AD requires removing the affected part from service as an alternative method.

(4) Where paragraph (1) of EASA AD 2018–0284 specifies a compliance time of “3 months or 50 flight hours, whichever occurs first,” this AD requires a compliance time of within 50 hours time-in-service (TIS) from the effective date of this AD.

(5) Where paragraph (2) of EASA AD 2018–0284 specifies a compliance time of “15 days,” this AD requires using a compliance time of “30 days.”

(6) The “Remarks” section of EASA AD 2018–0284 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(j) Related Information

(1) For EASA AD 2018–0284, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0199.

(2) For more information about this AD, contact Katherine Venegas, Aviation Safety Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5353; email katherine.venegas@faa.gov.

Issued on March 24, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06473 Filed 3–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–491]

Schedules of Controlled Substances: Placement of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-EDMB-PINACA); methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-MDMB-PICA); N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl)); 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (trivial names: 5F-CUMYL-PINACA; SGT-25); and (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (trivial name: FUB-144), including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144.

DATES: Comments must be submitted electronically or postmarked on or before April 29, 2021.

Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before April 29, 2021.

ADDRESSES: To ensure proper handling of comments, please reference “Docket No. DEA–491” on all electronic and written correspondence, including any attachments.

• *Electronic comments:* Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The Drug Enforcement Administration (DEA) encourages that all comments be submitted

electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the on-line instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <http://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been submitted successfully, and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment in lieu of an electronic comment, send via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

• *Hearing requests:* All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at <http://www.regulations.gov>. Such information includes personal identifying

information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want to make it publicly available, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want to make it publicly available, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

DEA will generally make available in publicly redacted form comments containing personal identifying information and confidential business information identified as directed above. If a comment has so much confidential business information that it cannot be effectively redacted, DEA may not make available publicly all or part of that comment. Comments posted to <http://www.regulations.gov> may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at <http://www.regulations.gov> for easy reference.

Request for Hearing or Waiver of Participation in a Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 551–559. 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D. Interested persons may file requests for a hearing or notices of intent to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(a) or (b), and they shall include a statement of interest in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. 21 CFR 1316.47(a). Any interested person may file a waiver of an opportunity for

a hearing or to participate in a hearing together with a written statement regarding the interested person's position on the matters of fact and law involved in any hearing as set forth in 21 CFR 1308.44(c).

All requests for hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above.

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the Acting Assistant Secretary for Health of the Department of Health and Human Services (HHS) and an evaluation of all other relevant data by DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144.

Background

On April 16, 2019, pursuant to 21 U.S.C. 811(h)(1), DEA published an order in the **Federal Register** (84 FR 15505) temporarily placing ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-EDMB-PINACA); methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-MDMB-PICA); *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (trivial names: FUB-AKB48; FUB-APINACA; AKB48 *N*-(4-FLUOROBENZYL)); 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (trivial names: 5F-CUMYL-PINACA; SGT-25); and (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (trivial name: FUB-144) in schedule I of the CSA upon finding that these five synthetic cannabinoids (SCs) pose an imminent hazard to the public safety. That temporary order was effective on the date of publication. Pursuant to 21 U.S.C. 811(h)(2), the temporary control of these substances is set to expire on April 16, 2021. However, this same subsection also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to a

substance, the temporary scheduling of that substance may be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of HHS,¹ or on the petition of any interested party. An extension of the existing temporary order is being ordered by the Acting Administrator of DEA (Acting Administrator) in a separate action, and is being simultaneously published elsewhere in this issue of the **Federal Register**.

The Acting Administrator, on his own motion, is initiating proceedings under 21 U.S.C. 811(a)(1) to permanently schedule 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. DEA gathered the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these five SCs. On December 4, 2019, the former Acting Administrator submitted this data to the Assistant Secretary for Health of HHS (Assistant Secretary), and requested that HHS provide DEA with a scientific and medical evaluation and a scheduling recommendation for 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, in accordance with 21 U.S.C. 811(b) and (c). Upon evaluating the scientific and medical evidence, on February 26, 2021, the Acting Assistant Secretary submitted HHS's scientific and medical evaluation and scheduling recommendation for these five substances to the Acting Administrator. Upon receipt of the scientific and medical evaluation and scheduling recommendation from HHS, DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, in accordance with 21 U.S.C. 811(c).

Proposed Determination To Schedule 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144

As discussed in the background section, the Acting Administrator is initiating proceedings, pursuant to 21

¹ Because the Secretary of HHS has delegated to the Assistant Secretary for Health of HHS (Assistant Secretary) the authority to make domestic drug scheduling recommendations, for purposes of this proposed scheduling action, all subsequent references to "Secretary" have been replaced with "Assistant Secretary."

U.S.C. 811(a)(1), to add 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 permanently to schedule I of the CSA. DEA has reviewed the scientific and medical evaluation and scheduling recommendation received from HHS, and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its proposed scheduling action. Please note that both DEA Eight-Factor and HHS Eight-Factor analyses and the Acting Assistant Secretary's February 26, 2021, letter are available in their entirety under the tab "Supporting Documents" of the public docket of this action at <http://www.regulations.gov>, under Docket Number "DEA-491."

1. *The Drug's Actual or Relative Potential for Abuse:* The term "abuse" is not defined in the CSA. However, the legislative history of the CSA suggests that DEA consider the following criteria in determining whether a particular drug or substance has a potential for abuse:²

(a) *There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community; or*

(b) *There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or*

(c) *Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or*

(d) *The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.*

In its recommendation, HHS noted that the abuse of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 is creating a hazard to the health and safety of both the individual users and others within

the community. Adverse effects have been observed following the ingestion of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 (see factor 6). SCs, including 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, are easily accessible and difficult to detect in standard urine drug screens. These factors are contributing to their popularity and high rates of abuse, while resulting in serious harm to users. In addition, poison centers continue to report the abuse and harm of SCs in general and their associated products. SCs continue to remain a threat to both the short- and long-term public health and safety.

HHS stated in their letter to DEA dated September 6, 2018, and reiterated in their recommendation dated February 26, 2021, that there are no Food and Drug Administration (FDA)-approved drug products containing 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 in the United States and there appear to be no legitimate sources for these substances as marketed drugs. In their recommendation dated February 26, 2021, HHS stated that FDA is not aware of any diversion, from schedule I research or manufacturing activities, related to these five SCs for the purpose of legitimate drug research.

HHS stated that because 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 are not approved for medical use and are not formulated or available for clinical use, the human use of these substances is assumed to be on an individual's own initiative, rather than on the basis of medical advice from a practitioner licensed by law to administer drugs. Further, published scientific and medical literature and law enforcement reports indicate that individuals are taking these SCs on their own initiative, rather than on the basis of medical advice of a licensed practitioner.

HHS noted that 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, similar to schedule I SCs (e.g., JWH-018), bind to and activate the cannabinoid type 1 (CB1) receptors (see factor 2). In addition, drug discrimination studies conducted in rodents demonstrate that these five SCs, similar to other schedule I SCs (e.g., JWH-018; AM2201; ADB-PINACA, AB-FUBINACA, etc.), fully substitute for delta-9-tetrahydrocannabinol (THC) in animals trained to discriminate THC from vehicle control (see factor 2).

2. *Scientific Evidence of the Drug's Pharmacological Effects, if Known:* In their recommendation, HHS described

in vitro receptor binding and functional assays that were conducted using 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. These results indicate that 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, similar to other schedule I SCs, bind to CB1 receptors and act as agonists at CB1 receptors. HHS also noted that drug discrimination studies were conducted in animals to evaluate whether the five SCs have cannabinoid characteristics similar to other substances in schedule I of the CSA. Each of the five SCs were shown to fully substitute for the discriminative stimulus effects produced by delta-9-THC. No human studies involving 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 have been reported.

3. *The State of Current Scientific Knowledge Regarding the Drug or Other Substance:* HHS stated that it is important to highlight the fact that the five SCs are structurally unrelated to THC, the principle psychoactive chemical in marijuana. Instead, they are potent cannabinoids that are reported to be smoked for recreational purposes. 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 are all CB1 receptor agonists that are pharmacologically similar to THC.

As stated by HHS, when FDA approves a drug under the Federal Food, Drug, and Cosmetic Act for human or animal medical use, such drug is considered to have a currently accepted medical use in the United States. In the absence of such approval by FDA, a drug may be considered to have a currently accepted medical use in the United States if DEA concludes that the drug satisfies all of the following five elements:³

- The drug's chemistry is known and reproducible;*
- There are adequate safety studies;*
- There are adequate and well-controlled studies proving efficacy;*
- The drug is accepted by qualified experts; and*
- The scientific evidence is widely available.*

According to the HHS recommendation, none of the five SCs has been approved by FDA as a human or animal drug product in the United States or, to FDA's knowledge, been approved for medical use in any other country. Moreover, there are no well-controlled clinical studies showing safety or efficacy for any of these

² Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91-1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.A.N. 4566, 4603.

³ 57 FR 10492 (1992), *pet. for rev. denied*, *Alliance for Cannabis Therapeutics v. DEA*, 15 F.3d 1131, 1135 (D.C. Cir. 1994).

cannabinoids. In addition, there is no evidence by qualified experts that any of the five cannabinoids are accepted as having therapeutic uses. Therefore, 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 have no currently accepted medical use for treatment in the United States.

4. *Its History and Current Pattern of Abuse:* FUB-144 was first identified in seized drug evidence in January, 2014, followed by FUB-AKB48 (March 2014), 5F-MDMB-PICA (July 2014), 5F-EDMB-PINACA (October 2017) and 5F-CUMYL-PINACA (February 2018) (National Forensic Laboratory Information System [NFLIS], 2021).⁴ Following their manufacture in China, SCs are often encountered in countries including New Zealand, Australia and Russia before appearing throughout Europe and eventually in the United States. 5F-CUMYL-PINACA was first reported in the German and Swiss illicit drug market in 2015 but did not appear in the United States until February 2018. 5F-EDMB-PINACA was reported in China in 2016 but didn't appear in the United States until October 2017. 5F-MDMB-PICA was first reported in the scientific literature in Germany and Belgium in late 2016. While two reports of 5F-MDMB-PICA were noted in NFLIS occurring in 2014 and 2016, it was not until 2017 and 2018 that there was a dramatic increase in 5F-MDMB-PICA reports in the United States. These data further support that based upon trends, SCs appear in the illicit drug markets of other countries including those in Europe often before being reported in the United States. Law enforcement has seized 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 and misuse of these SCs has been associated with overdoses requiring emergency medical intervention (see Factor 6).

The powder form of SCs is typically dissolved in solvents (e.g., acetone) before being applied to plant material, or dissolved in a propellant intended for use in electronic cigarette devices. In addition, 5F-EDMB-PINACA was identified as an adulterant on pieces of paper that were smuggled into a detention facility and later found partially burned (see Factor 6). 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, similar to other SCs, have been found in powder form or mixed with dried leaves or herbal blends that were marketed for human use.

5. *The Scope, Duration, and Significance of Abuse:* According to HHS, SCs continue to be encountered on the illicit market despite scheduling actions that attempt to safeguard the public from the adverse effects and safety issues associated with these substances. Novel SCs continue to be encountered that differ only by small chemical structural modifications intended to avoid prosecution, while maintaining the pharmacological effects. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products. NFLIS detailed 8,207 reports from forensic laboratories for these five substances as follows: 667 reports of 5F-EDMB-PINACA, 6,014 reports of 5F-MDMB-PICA, 411 reports of FUB-AKB48, 117 reports of 5F-CUMYL-PINACA, and 998 reports of FUB-144 for a period from 2014 through 2020.⁵ A full presentation of the NFLIS reports by substance and year are available in DEA's eight-factor analysis within the Supporting Documents section of the public docket available at <http://www.regulations.gov>.

6. *What, if Any, Risk There is to the Public Health:* HHS and DEA documented multiple cases where 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 have been identified in overdoses and/or cases involving death attributed to their abuse in the United States and abroad. Emergency medical intervention has been required as well as serious adverse health effects reported from these incidents involving 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. Adverse effects have included seizures, diaphoresis, hypertension, tachycardia, cerebral edema and/or death. By sharing pharmacological similarities with other schedule I substances (THC, JWH-018 and other temporarily and permanently controlled schedule I SCs), 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 pose serious risk to the abuser.

7. *Its Psychic or Physiological Dependence Liability:* There are no clinical studies evaluating dependence liabilities specific for 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. However, scientific data indicate that 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 have pharmacological profiles that are similar to other schedule I SCs. HHS stated that based upon this similar pharmacological profile, it is reasonable to assume that these cannabinoids retain

a physiological and psychological dependence liability that is similar to that of Δ^9 -THC (a schedule I drug) and to other schedule I synthetic cannabinoids, such as JWH-018, XLR11, and AKB-48.

8. *Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under the CSA:* As noted by HHS, 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 are not immediate precursors of any controlled substance of the CSA as defined by 21 U.S.C 802(23).

Conclusion: After considering the scientific and medical evaluation conducted by HHS, HHS's recommendation, and DEA's own eight-factor analysis, DEA finds that the facts and all relevant data constitute substantial evidence of the potential for abuse of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. As such, DEA hereby proposes to permanently schedule 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 as controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Acting Assistant Secretary for Health of HHS and review of all other available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

1. 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 have a high potential for abuse that is comparable to other schedule I substances such as THC and JWH-018;

2. 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 have no currently accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 under medical supervision.

Based on these findings, the Acting Administrator of DEA concludes that 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, warrant

⁴ NFLIS is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by State and local forensic laboratories in the United States.

⁵ Query date February 12, 2021.

control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144

If this rule is finalized as proposed, 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 would continue⁶ to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, import, export, engagement in research, conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 is required to be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823 and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling these five substances must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93.

3. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 must have

an initial inventory of all stocks of controlled substances (including 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant is required to maintain records and submit reports with respect to 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and 1317.

7. *Order Forms.* Every DEA registrant who distributes 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 is required to comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive

Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. On April 16, 2019, DEA published an order to temporarily place 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 have already established and implemented the systems and processes required to handle these substances. There are currently 28 unique registrations authorized to specifically handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. From a review of entity names, DEA estimates

⁶ 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 84 FR 15505, April 16, 2019.

these 28 registrations represent 22 entities. Some of these entities are likely to be large entities. However, since DEA does not have information of registrant size and the majority of DEA registrants are small entities or are employed by small entities, DEA estimates a maximum of 22 entities are small entities. Therefore, DEA conservatively estimates as many as 22 small entities are affected by this proposed rule.

A review of the 28 registrations indicates that all entities that currently handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA or FUB-144 also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144. Therefore, DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the 22 affected small entities. Therefore, DEA has concluded that this proposed

rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any 1 year * * *.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11,

■ a. Add paragraphs (d)(87) through (d)(91); and

■ b. Remove and reserve paragraphs (h)(37) through (41).

The additions to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(87) ethyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-EDMB-PINACA)	7036
(88) methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-MDMB-PICA)	7041
(89) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamide (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL))	7047
(90) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide (trivial names: 5F-CUMYL-PINACA; SGT-25) ...	7083
(91) (1-(4-fluorobenzyl)-1 <i>H</i> -indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (trivial name: FUB-144)	7014

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021-06553 Filed 3-29-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA-678]

Designation of Methyl *alpha*-phenylacetoacetate, a Precursor Chemical Used in the Illicit Manufacture of Phenylacetone, Methamphetamine, and Amphetamine, as a List I Chemical

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration is proposing the control of the chemical methyl *alpha*-phenylacetoacetate (also known as

MAPA; methyl 3-oxo-2-phenylbutanoate; methyl 2-phenylacetoacetate; α -acetylbenzeneacetic acid, methyl ester; and CAS Number: 16648-44-5) and its optical isomers as a list I chemical under the Controlled Substances Act (CSA). Methyl *alpha*-phenylacetoacetate is used in clandestine laboratories to illicitly manufacture the schedule II controlled substances phenylacetone (also known as phenyl-2-propanone or P2P), methamphetamine, and amphetamine and is important to the manufacture of these controlled substances. If finalized, this action would subject handlers of methyl *alpha*-phenylacetoacetate to the chemical regulatory provisions of the CSA and its implementing regulations. This rulemaking does not establish a threshold for domestic and international transactions of methyl *alpha*-phenylacetoacetate. As such, all transactions of chemical mixtures containing methyl *alpha*-phenylacetoacetate would be regulated at any concentration and would be subject to control under the CSA.

DATES: Comments must be submitted electronically or postmarked on or before June 1, 2021. Commenters should be aware that the electronic Federal Docket Management System will not accept any comments after 11:59 p.m. Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference “Docket No. DEA-678” on all electronic and written correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration (DEA) encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not

instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

- *Paper comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment, in lieu of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at <http://www.regulations.gov>. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business

information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to <http://www.regulations.gov> may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this proposed rule is available at <http://www.regulations.gov> for easy reference.

Legal Authority

The Controlled Substances Act (CSA) gives the Attorney General the authority to specify, by regulation, a chemical as a list I chemical. 21 U.S.C. 802(34). The term "list I chemical" means a chemical that is used in manufacturing a controlled substance in violation of the CSA and is important to the manufacture of the controlled substance. *Id.* Pursuant to 28 CFR 0.100(b), the Attorney General has delegated his authority to designate list I chemicals to the Administrator of DEA (Administrator).

The DEA regulations set forth the process by which DEA may add a chemical as a listed chemical. As set forth in 21 CFR 1310.02(c), the agency may do so by publishing a final rule in the **Federal Register** following a published notice of proposed rulemaking with at least 30 days for public comments. The current list of all list I chemicals is available in 21 CFR 1310.02(a).

In addition, the United States is a party to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention), December 20, 1988, 1582 U.N.T.S. 95. Under Article 12 of the 1988 Convention, when the United States receives notification that a chemical has been added to Table I or Table II of the 1988 Convention, the United States is required to take measures it deems appropriate to monitor the manufacture and distribution of that chemical within the United States and to prevent its diversion. The 1988 Convention also requires the United States to take other specified measures related to that chemical, including measures related to its international trade.

Background

By letter dated May 7, 2020, in accordance with Article 12, paragraph 6 of the 1988 Convention, the Secretary-General of the United Nations informed the United States Government that the chemical methyl *alpha*-phenylacetate (MAPA), including

its optical isomers, was added to Table I of the 1988 Convention. This letter was prompted by a March 4, 2020, decision at the 63rd Session of the United Nations Commission on Narcotic Drugs (CND) to add MAPA to Table I. As discussed above, the United States is a party to the 1988 Convention, and has certain obligations pursuant to Article 12. By designating MAPA as a list I chemical, the United States will fulfill its obligations under the 1988 Convention.

MAPA is used in, and is important to, the manufacture of the schedule II substances phenylacetone (also known as phenyl-2-propanone, P2P, or benzyl methyl ketone), methamphetamine, and amphetamine. Throughout the 1970s, methamphetamine was illicitly produced in the United States, primarily with the precursor chemical P2P. In response to the illicit use of P2P, DEA controlled P2P as a schedule II controlled substance in 1980 pursuant to the "immediate precursor" provisions of the CSA, specifically 21 U.S.C. 811(e).¹ Clandestine laboratory operators have circumvented this control by developing a variety of synthetic methods for producing P2P.

Congress and DEA responded by placing controls on precursor chemicals used in the illicit production of P2P, such as phenylacetic acid (and its salts and esters), acetic anhydride, benzyl cyanide, benzaldehyde, and nitroethane.^{2,3} However, clandestine laboratory operators circumvented these controls by using alternative precursors that avoid the production of P2P: Ephedrine and pseudoephedrine for the production of methamphetamine; and phenylpropanolamine for the production of amphetamine. This led Congress and DEA to place stringent controls on the manufacture, distribution, importation, and exportation of ephedrine (its salts, optical isomers, and salts of optical isomers), pseudoephedrine, and phenylpropanolamine (controlled as list I chemicals), and pharmaceutical products containing these chemicals through the Combat Methamphetamine Epidemic Act of 2005 (Title VII of the USA PATRIOT Act Improvement and Reauthorization Act of 2005, Pub. L. 109-117), the Methamphetamine Production Prevention Act of 2008 (Pub.

¹ 44 FR 7182 (Feb. 11, 1980).

² On November 18, 1988, the Chemical Diversion and Trafficking Act (Subtitle A of Title VI of Pub. L. 100-690) was enacted.

³ Under 21 CFR 1310.02(a), benzaldehyde, benzyl cyanide, nitroethane, and phenylacetic acid (including its salts and esters) are list I chemicals. Under 21 CFR 1310.02(b), acetic anhydride is a list II chemical.

L. 110–415), and the Combat Methamphetamine Act of 2010 (Pub. L. 111–268).⁴ The international community soon took similar measures.

With the growing problem of illicit drug production, the issue of precursor chemical control has gained global attention. International controls on precursors were first established under Article 12 of the 1988 Convention, which established two categories of controlled illicit drug precursor substances: Table I and Table II.⁵ International efforts to prevent the illicit production of amphetamine-type stimulants (including amphetamine and methamphetamine), and international control of precursors, have since made significant progress. Two international entities have played a crucial role in this effort: The CND and the International Narcotics Control Board (INCB). The CND meets annually to consider and adopt a range of decisions and resolutions related to international drug control treaties, including the 1988 Convention. The INCB is an independent, quasi-judicial expert body for the implementation of the international drug control treaties, including the 1988 Convention.

In response to domestic and international controls on amphetamine and methamphetamine precursors, clandestine laboratory operators have continued to explore alternate methods of making these illicit drugs, including developing techniques to manufacture their own precursors and diverting other precursors to produce these precursors. The INCB reported the emergence of MAPA in late 2017, noting its use as a precursor for the production of P2P.⁶ The emergence and increase in encounters of MAPA are linked to increased scrutiny over other P2P precursors, such as *alpha*-phenylacetoacetamide (APAA).⁷ Although MAPA does not have any legitimate use and it has not been widely traded through legitimate channels, it is advertised by online

suppliers.⁸ Clandestine laboratory operators currently use MAPA to manufacture P2P, which they then convert to methamphetamine and amphetamine.

MAPA

MAPA is known as methyl *alpha*-phenylacetoacetate; methyl 3-oxo-2-phenylbutanoate; methyl 2-phenylacetoacetate; α -acetylbenzeneacetic acid, methyl ester; and CAS Number: 16648–44–5. MAPA first emerged in late 2017 with the Netherlands reporting seizures totaling nearly 490 kg on Form D.⁹ Belgium followed in 2018 with reports through the Precursors Incident Communication System (PICS) of more than 550 kg of MAPA seized.¹⁰ China was reported as the alleged origin for all of the incidents in the Netherlands or Belgium where the origin was provided. The INCB reported an increase in the frequency of seizures and amounts seized reported through PICS since November 2018.¹¹

MAPA is a close chemical relative of precursors controlled under the 1988 Convention (e.g., APAAN and APAA) and the timing of its emergence suggests it is trafficked to circumvent these recent precursor controls. The INCB notes that MAPA does not have any legitimate use.¹² DEA has not identified any known legitimate use for MAPA, other than in small amounts for research, development, and laboratory analytical purposes. Due to the lack of industrial uses of MAPA, the chemical has not been widely available from legitimate chemical suppliers. Since late 2017, however, there have been large international seizures of MAPA, primarily in Europe, which suggest there is a ready supply of MAPA from international chemical manufacturers. The only use for a large quantity of MAPA of which DEA is aware is as a primary precursor for conversion to P2P, and subsequent conversion to amphetamine or methamphetamine.

Between late 2017, and May 7, 2019, the INCB noted 29 incidents from PICS where MAPA was seized. The amount of MAPA seized in individual incidents ranged from 500 grams to 2 metric tons,

and totaled more than 10.5 metric tons. All incidents reported in PICS occurred in Europe, or involved shipments of MAPA destined for countries in Europe.

DEA has determined that MAPA is now readily available from commercial chemical suppliers and has identified seven potential suppliers in China, five potential suppliers in the United States, three potential suppliers in the United Kingdom, and one potential supplier each in France, Hong Kong, and Latvia.

DEA is concerned about the ease with which MAPA serves as a precursor chemical for illicit controlled substance production and with the international trafficking in this chemical. The international community shares this concern. The INCB found “that MAPA is frequently used in the illicit manufacture of amphetamine-type stimulants, namely amphetamine, and that the volume and extent of the illicit manufacture of amphetamine-type stimulants pose serious public health or social problems so as to warrant international action.”¹³ Based in part on the findings of the INCB, and as noted above, the CND has added MAPA to Table I of the 1988 Convention. Therefore, DEA is proposing the designation of MAPA as a list I chemical.

Proposed Designation of MAPA and Its Optical Isomers as a List I Chemical

For the reasons discussed above, the Acting Administrator of DEA finds that MAPA is used in the manufacture of controlled substances (i.e., schedule II substances P2P, methamphetamine, and amphetamine) in violation of the CSA and is important to the manufacture of these controlled substances. Laboratory operators are using MAPA as the precursor material for the illicit manufacture of P2P, methamphetamine, and amphetamine. Therefore, the Acting Administrator proposes the designation of MAPA as a list I chemical.

If finalized, handlers of MAPA would become subject to the chemical regulatory provisions of the CSA, including 21 CFR parts 1309, 1310, 1313, and 1316. Since 1 gram of MAPA could make approximately 1 gram of methamphetamine hydrochloride, which is equivalent to approximately 200 tablets containing 5 milligrams of methamphetamine hydrochloride, this action does not propose the establishment of a threshold for domestic and import transactions of MAPA in accordance with the

¹³ Notification from the President of the INCB to the Chair of the CND on its sixty-third session concerning the scheduling of MAPA under the 1988 Convention, Nov. 12, 2019, at 1.

⁴ DEA implemented the Combat Methamphetamine Epidemic Act of 2005, the Methamphetamine Production Prevention Act of 2008, and the Combat Methamphetamine Enhancement Act of 2010 in a series of interim and final rules. 72 FR 17401 (Apr. 9, 2007), 72 FR 28601 (May 22, 2007), 73 FR 73549 (Dec. 3, 2008), 73 FR 79318 (Dec. 29, 2008), 75 FR 4973 (Feb. 1, 2010), 75 FR 10168 (Mar. 5, 2010), 75 FR 38915 (Jul. 7, 2010), 76 FR 20518 (Apr. 13, 2011), and 76 FR 74696 (Dec. 1, 2011).

⁵ Table I and Table II are annexed to the Convention.

⁶ Statement by Mr. Cornelis de Joncheere, President, International Narcotics Control Board, Reconvened sixty-second session of the Commission on Narcotic Drugs, 13 December 2019, at 1.

⁷ *Id.*

⁸ *Id.*

⁹ Member countries use Form D to report to INCB annual information on substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances.

¹⁰ The Precursors Incident Communication System or PICS is a worldwide, real-time, on-line tool for communication and information sharing between national authorities on precursor incidents to include seizures, stopped shipments, diversion and diversion attempts, illicit laboratories and associated equipment.

¹¹ *Id.*

¹² *Id.*

provisions of 21 CFR 1310.04(g). Therefore, DEA is proposing that all MAPA transactions, regardless of size, would be regulated transactions as defined in 21 CFR 1300.02(b). As such, if finalized, all MAPA transactions would be subject to recordkeeping, reporting, import and export controls, and other CSA chemical regulatory requirements. In addition, each regulated bulk manufacturer must submit manufacturing, inventory, and use data on an annual basis, in accordance with 21 CFR 1310.05(d).

Chemical Mixtures of MAPA

This rulemaking also proposes that chemical mixtures containing MAPA would not be exempt from regulatory requirements at any concentration, unless a manufacturer submits to DEA an application for exemption of such chemical mixture, DEA accepts the application for filing, and DEA exempts the chemical mixture in accordance with 21 CFR 1310.13 (Exemption of chemical mixtures by application). Since 1 gram of MAPA could make approximately 1 gram of methamphetamine hydrochloride, which is equivalent to approximately 200 tablets containing 5 milligrams of methamphetamine hydrochloride, regulation of chemical mixtures containing any amount of MAPA is necessary to prevent the illicit extraction, isolation, and use of MAPA. Therefore, all chemical mixtures containing any quantity of MAPA would be subject to control under the CSA, unless a manufacturer of MAPA is granted an exemption by the application process in accordance with 21 CFR 1310.13. This rulemaking proposes the modification of the "Table of Concentration Limits" in 21 CFR 1310.12(c) to reflect the fact that chemical mixtures containing any amount of MAPA are subject to CSA chemical control provisions.

Application Process for Exemption of Chemical Mixtures

DEA has implemented an application process to exempt certain chemical mixtures from the requirements of the CSA and its implementing regulations.¹⁴ Manufacturers may submit an application for exemption for those mixtures that do not meet the criteria set forth in 21 CFR 1310.12(d) for an automatic exemption. Pursuant to 21 CFR 1310.13(a), DEA may grant an exemption of a chemical mixture, by

publishing a final rule in the **Federal Register**, if DEA determines that: (1) The mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance, and (2) the listed chemical or chemicals cannot be readily recovered.

Requirements for Handling List I Chemicals

If finalized as proposed, the designation of MAPA as a list I chemical would subject handlers (manufacturers, distributors, importers, and exporters) and proposed handlers to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of a list I chemical. Upon publication of a final rule, persons potentially handling MAPA, including regulated chemical mixtures containing MAPA, would be required to comply with the following list I chemical regulations:

1. *Registration.* Any person who handles (manufactures, distributes, imports, or exports), or proposes to engage in such handling of, MAPA or a chemical mixture containing MAPA must obtain a registration pursuant to 21 U.S.C. 822, 823, 957, and 958. Regulations describing registration for list I chemical handlers are set forth in 21 CFR part 1309. DEA regulations require separate registrations for manufacturing, distributing, importing, and exporting of MAPA.¹⁵ Further, a separate registration is required for each principal place of business at one general physical location where list I chemicals are manufactured, distributed, imported, or exported by a person.¹⁶

DEA notes that under the CSA, "warehousemen" are not required to register and may lawfully possess list I chemicals, if the possession of those chemicals is in the usual course of business or employment.¹⁷ Under DEA implementing regulations, the warehouse in question must receive the list I chemical from a DEA registrant and shall only distribute the list I chemical back to the DEA registrant and registered location from which it was received.¹⁸ A warehouse that distributes list I chemicals to persons other than the registrant and registered location from which they were obtained is conducting distribution activities and is required to register as such.

Upon publication of a final rule, any person manufacturing, distributing, importing, or exporting MAPA or a chemical mixture containing MAPA would become subject to the registration requirement under the CSA. DEA recognizes, however, that it is not possible for persons who are subject to the registration requirements to immediately complete and submit an application for registration and for DEA to immediately issue registrations for those activities. Therefore, to allow any continued legitimate commerce in MAPA, DEA is proposing to establish in 21 CFR 1310.09 a temporary exemption from the registration requirement for persons desiring to engage in activities with MAPA, provided that DEA receives a properly completed application for registration on or before 30 days after publication of a final rule implementing regulations regarding MAPA. The temporary exemption for such persons would remain in effect until DEA takes final action on their application for registration or application for exemption of a chemical mixture.

The temporary exemption would apply solely to the registration requirement; all other chemical control requirements, including recordkeeping and reporting, would become effective on the effective date of the final rule. Therefore, all transactions of MAPA and chemical mixtures containing MAPA would be regulated while an application for registration or exemption is pending. This is necessary because a delay in regulating these transactions could result in increased diversion of chemicals desirable to drug traffickers.

Additionally, the temporary exemption for registration does not suspend applicable Federal criminal laws relating to MAPA, nor does it supersede State or local laws or regulations. All handlers of MAPA must comply with applicable State and local requirements in addition to the CSA regulatory controls.

2. *Records and Reports.* Every DEA registrant would be required to maintain records and submit reports to DEA with respect to MAPA pursuant to 21 U.S.C. 830(a) and (b)(1) and (2) and in accordance with 21 CFR 1310.04 and 1310.05. Pursuant to 21 CFR 1310.04, a record must be made and maintained for two years after the date of a transaction involving a listed chemical, provided the transaction is a regulated transaction.

Each regulated bulk manufacturer of a listed chemical would be required to submit manufacturing, inventory, and

¹⁴ 21 CFR 1310.13 specifies that this chemical mixture is a chemical mixture consisting of two or more chemical components, at least one of which is a list I or list II chemical.

¹⁵ 21 CFR 1309.21.

¹⁶ 21 CFR 1309.23(a). See also 21 U.S.C. 822(e)(1) with separate registration requirements pertaining to manufacturing or distributing a list I chemical.

¹⁷ 21 U.S.C. 822(c)(2) and 21 U.S.C. 957(b)(1)(B).

¹⁸ See 21 CFR 1309.23(b)(1).

use data on an annual basis.¹⁹ Existing standard industry reports containing the required information would be acceptable, provided the information is separate or readily retrievable from the report.

The CSA and its implementing regulations require that each regulated person must report to DEA any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of subchapter I of the CSA. In addition, regulated persons must report any proposed regulated transaction with a person whose description or other identifying characteristics DEA has previously furnished to the regulated person, any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person, and any in-transit loss in which the regulated person is the supplier.²⁰

3. *Importation and Exportation.* All importation and exportation of MAPA would need to be in compliance with 21 U.S.C. 957, 958, and 971 and in accordance with 21 CFR part 1313.

4. *Security.* All applicants and registrants would be required to provide effective controls against theft and diversion of list I chemicals in accordance with 21 CFR 1309.71–1309.73.

5. *Administrative Inspection.* Places, including factories, warehouses, or other establishments and conveyances, where registrants or other regulated persons may lawfully hold, manufacture, distribute, or otherwise dispose of a list I chemical or where records relating to those activities are maintained, are controlled premises as defined in 21 U.S.C. 880(a) and 21 CFR 1316.02(c). The CSA allows for administrative inspections of these controlled premises as provided in 21 CFR part 1316, subpart A.²¹

6. *Liability.* Any activity involving MAPA not authorized by, or in violation of, the CSA would be unlawful, and would subject the person to administrative, civil, and/or criminal action.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

This proposed rule was developed in accordance with the principles of Executive Orders (E.O.) 12866 and 13563. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. E.O. 12866 classifies a “significant regulatory action,” requiring review by the Office of Management and Budget (OMB) as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the E.O. DEA has determined that this proposed rule is not a “significant regulatory action” under E.O. 12866, section 3(f).

If finalized as proposed, MAPA would be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals. MAPA is used in, and is important to, the illicit manufacture of the schedule II-controlled substances P2P, methamphetamine, and amphetamine.

DEA has searched information in the public domain for any legitimate uses of this chemical. Other than the small amounts for research, development, and laboratory analytical purposes, DEA has not documented any industrial use for MAPA except for it being a chemical intermediate in the production of the schedule II substances P2P, methamphetamine, and amphetamine. Based on the review of established aggregate production quota for P2P (40 grams for 2019), legal conversion of

MAPA to P2P in the United States, if it takes place at all, is limited to small, gram quantities. Therefore, DEA concludes the vast majority of, if not all, MAPA is used for the manufacturing of illicit P2P, methamphetamine, and amphetamine.

DEA cannot rule out the possibility that minimal quantities of MAPA are used for the manufacturing of legitimate P2P. However, if there are any quantities of MAPA used for the manufacturing of legitimate P2P, the quantities are believed to be minimal. DEA welcomes any public comment on these quantities and their economic significance.

DEA evaluated the costs and benefits of this proposed action.

Costs

DEA believes the market for MAPA for the legitimate manufacturing of pharmaceutical amphetamine or methamphetamine is minimal. As stated above, the only use for MAPA of which DEA is aware is as a chemical intermediate for the manufacture of P2P, methamphetamine, and amphetamine. Any manufacturer, distributor, importer, or exporter of MAPA for the production of legitimate P2P, methamphetamine, and amphetamine, if they exist at all, would incur costs if this proposed rule were finalized. The primary costs associated with this proposed rule would be the annual registration fees for manufacturers (\$3,699) and for distributors, importers, and exporters (\$1,850). However, any manufacturer that uses MAPA for legitimate P2P, methamphetamine, and amphetamine production would already be registered with DEA and have all security and other handling processes established because of the controls already in place on P2P, methamphetamine, and amphetamine, resulting in minimal cost to those entities. As there are different forms of handling the scheduled substances versus the list I chemical (distribution of P2P, methamphetamine, and amphetamine versus exporting MAPA), this could require a separate registration for the different handling of the substances. If an entity is already registered to handle, manufacture, import, or export a scheduled substance, the entity would not need an additional registration for the list I chemical, provided it is handling the list I chemical in the same manner that it is registered for with the scheduled substance, or as a coincident activity permitted by § 1309.21. Even with the possibility of these additional registrations, DEA believes that the cost would be minimal.

¹⁹ 21 CFR 1310.05(d).

²⁰ 21 U.S.C. 830(b) and 21 CFR 1310.05(a) and (b).

²¹ 21 U.S.C. 880.

DEA has identified five domestic suppliers of MAPA, only one of which is registered with DEA to handle list I chemicals. It is difficult to estimate the quantity of MAPA these suppliers distribute. Chemical distributors often have items in their catalog while not actually having any material level of sales. If this proposed rule is finalized, suppliers for the legitimate use of MAPA, if any, are expected to choose the least-cost option, and stop selling the minimal quantities of MAPA, rather than incur the registration cost. Because DEA believes the quantities of MAPA supplied for the legitimate manufacturing of P2P, methamphetamine, and amphetamine are minimal, DEA estimates that the cost of foregone sales is minimal; and thus, the cost of this proposed rule is minimal. DEA welcomes any public comment regarding this estimate.

This analysis excludes consideration of any economic impact to those businesses that facilitate the manufacture and distribution of MAPA for the production of manufacturing illicit P2P, methamphetamine, and amphetamine. As a law enforcement organization and as a matter of principle, DEA believes considering the economic utility of facilitating the manufacture of illicit P2P, methamphetamine, and amphetamine would be improper.

Benefits

Controlling MAPA is expected to prevent, curtail, and limit the unlawful manufacture and distribution of the controlled substances P2P, methamphetamine, and amphetamine. As a list I chemical, handling of MAPA would require registration with DEA, various controls, and monitoring as required by the CSA. This proposed rule is also expected to assist in preventing the possible theft or diversion of MAPA from any legitimate firms. DEA also believes control is necessary to prevent unscrupulous chemists from synthesizing MAPA and selling it (as an unregulated material) through the internet and other channels, to individuals who may wish to acquire an unregulated chemical intermediate for the purpose of manufacturing illicit P2P, methamphetamine, and amphetamine.

In summary, DEA conducted a qualitative analysis of costs and benefits. DEA believes this proposed action, if finalized, will minimize the diversion of MAPA. DEA believes the market for MAPA for the legitimate manufacturing of P2P, methamphetamine, and amphetamine is

minimal. Therefore, any potential cost as a result of this regulation is minimal.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act (RFA),²² has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. As discussed above, if finalized as proposed, MAPA would be subject to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importation, and exportation of list I chemicals. MAPA is used in, and is important to, the illicit manufacture of the schedule II-controlled substances P2P, methamphetamine, and amphetamine. DEA has not identified any legitimate industrial use for MAPA, other than its role as a chemical intermediate in the production of P2P, methamphetamine, and amphetamine. Based on the review of established aggregate production quota for P2P, 40 grams for 2019, legal conversion of MAPA to P2P in the United States, if it takes place at all, is

limited to small, gram quantities. Therefore, DEA believes the vast majority, if not all, of MAPA is used for the illicit manufacturing of P2P, methamphetamine, and amphetamine. The primary costs associated with this proposed rule are the annual registration fees (\$3,699 for manufacturers and \$1,850 for distributors, importers, and exporters). Additionally, any manufacturer that uses MAPA for legitimate P2P, methamphetamine, and amphetamine production would already be registered with DEA and have all security and other handling processes in place, resulting in minimal cost.

DEA has identified five domestic suppliers of MAPA, only one of which is registered with DEA to handle list I chemicals. Based on Small Business Administration (SBA) size standards for chemical distributors and Statistics of U.S. Business data, each of the five suppliers are small entities because their revenues are below SBA's \$150 million threshold. It is difficult to estimate the quantity of MAPA these suppliers distribute. Chemical distributors often have items in their catalog while not actually having any material level of sales. Based on the review of established aggregate production quota for P2P (40 grams for 2019), legal conversion of MAPA to P2P in the United States is limited to small, gram quantities. DEA believes any quantity of sales of MAPA from these distributors for legitimate P2P manufacturing is minimal. Therefore, DEA estimates the cost of this proposed rule on any affected small entity is minimal. DEA welcomes any public comment regarding this estimate. Based on these factors, DEA projects that this proposed rule, if promulgated, will not result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the RFA section above, DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.*, that this action would not result in any Federal mandate that may result "in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year * * *." Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

²² 5 U.S.C. 601–612.

Paperwork Reduction Act

This proposed action does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This proposed action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

List of Subjects in 21 CFR Part 1310

Administrative practice and procedure, Drug traffic control, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, DEA proposes to further amend 21 CFR part 1310, as proposed to be amended at 85 FR 82984 (December 21, 2020) as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES; IMPORTATION AND EXPORTATION OF CERTAIN MACHINES

■ 1. The authority citation for 21 CFR part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 827(h), 830, 871(b), 890.

■ 2. In § 1310.02, add paragraph (a)(37) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(a) * * *

(37) methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers

8795

* * * * *

■ 3. In § 1310.04:

■ a. Redesignate paragraphs (g)(1)(x) through (xvi) as paragraphs (g)(1)(xi) through (xvii), respectively; and

■ b. Add new paragraph (g)(1)(x).

The addition reads as follows:

§ 1310.04 Maintenance of records.

* * * * *

(g) * * *

(1) * * *

(x) methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers.

* * * * *

■ 4. In § 1310.09, add paragraph (r) to read as follows:

§ 1310.09 Temporary exemption from registration.

* * * * *

(r)(1) Each person required under 21 U.S.C. 822 and 957 to obtain a registration to manufacture, distribute, import, or export regulated forms of methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-

phenylbutanoate) and its optical isomers, including regulated chemical mixtures pursuant to § 1310.12, is temporarily exempted from the registration requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing regulated forms of MAPA pursuant to § 1310.13 on or before 30 days after the publication of a rule finalizing this action. The exemption would remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports, or exports a chemical mixture containing regulated forms of methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical

isomers whose application for exemption is subsequently denied by DEA must obtain a registration with DEA. A temporary exemption from the registration requirement would also be provided for those persons whose application for exemption is denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons would remain in effect until DEA takes final action on their registration application.

■ 5. In § 1310.12, in the Table of Concentration Limits under List I Chemicals in paragraph (c), add an entry for methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) in alphabetical order to read as follows:

§ 1310.12 Exempt chemical mixtures.

* * * * *

(c) * * *

TABLE OF CONCENTRATION LIMITS

	DEA chemical code No.	Concentration	Special conditions
List I Chemicals			
* * * * *			
methyl <i>alpha</i> -phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers.	8795	Not exempt at any concentration ...	Chemical mixtures containing any amount of MAPA and its optical isomers are not exempt.
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D. Christopher Evans,*Acting Administrator.*

[FR Doc. 2021-05346 Filed 3-29-21; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR PART 52****[EPA-R05-OAR-2020-0559; FRL-10022-19-Region 5]****Air Plan Approval; Ohio; Ohio NSR
Permit Timing****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; re-opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is re-opening the comment period for a proposed rule published February 11, 2021. On February 11, 2021, EPA proposed to approve, under the Clean Air Act, an Ohio rule that would allow for the extension of an installation permit which is the subject of an appeal by a party other than the owner or operator of the air contaminant source. In response to requests from members of the public, EPA is re-opening the comment period for an additional 30 days.

DATES: Comments must be received on or before April 29, 2021.

ADDRESSES: Submit comments, identified by Docket ID No. EPA-R05-OAR-2020-0559, to: Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, damico.genevieve@epa.gov. Additional instructions regarding how to submit a comment can be found in the notice of proposed rulemaking published February 11, 2021 (86 FR 9039).

FOR FURTHER INFORMATION CONTACT: Mari González, Environmental Engineer, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6175, Gonzalez.Mari@epa.gov.

Dated: March 24, 2021.

Cheryl Newton,*Acting Regional Administrator, Region 5.*

[FR Doc. 2021-06449 Filed 3-29-21; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Parts 10 and 11****[PS Docket Nos. 15-94 and 15-91; FCC 21-36; FRS 17864]****Emergency Alert System, Wireless
Emergency Alerts; National Defense
Authorization Act for Fiscal Year 2021,
Delivering Alerts Via the Internet,
Including Through Streaming Services****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule and inquiry.

SUMMARY: In this document, the Commission, takes actions implementing section 9201 of the National Defense Authorization Act for Fiscal Year 2021, exploring opportunities to improve the way the public receives emergency alerts from the nation's Emergency Alert System (EAS) and Wireless Emergency Alerts System (WEA) on their mobile phones, televisions, and radios. We propose rules to ensure that more people receive relevant emergency alerts, to enable EAS and WEA participants to report false alerts when they occur, and to improve the way states plan for emergency alerts. In addition, we initiate an inquiry to examine the feasibility of updating the EAS to enable or improve alerts to consumers provided through the internet, including through streaming services, and from radio and television stations, cable systems, satellite radio and television providers, and wireline video providers that currently participate in EAS. As directed by Congress, after the conclusion of this inquiry the Commission will submit a report on its findings and conclusions to specified Committees of the U.S. Senate and House of Representatives.

DATES: Comments on the Notice of Proposed Rulemaking are due on or before April 20, 2021, and reply comments are due on or before May 4, 2021. Comments on the Notice of Inquiry are due on or before May 14, 2021, and reply comments are due on or before June 14, 2021.

ADDRESSES: You may submit comments, identified by PS Docket Nos. 15-94 and 15-91, by any of the following methods:

- *Federal Communications Commission's website:* <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *Mail:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must

submit two additional copies for each additional docket or rulemaking number. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Regarding the notice of proposed rulemaking, Christopher Fedeli, Attorney Advisor, Public Safety and Homeland Security Bureau at 202-418-1514 or Christopher.Fedeli@fcc.gov; regarding the notice of inquiry, James Wiley, Attorney-Advisor, Public Safety and Homeland Security Bureau, Cybersecurity and Communications Reliability Division at (202) 418-1678 or James.Wiley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking and Notice of Inquiry, FCC 21-36, in PS Docket Nos. 15-94 and 15-91, adopted on March 17, 2021 and released on March 19, 2021. The full text of this document is available at <https://docs.fcc.gov/public/attachments/FCC-21-36A1.pdf>.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

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

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules, 47 CFR 1.1200 *et seq.* Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing

them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Synopsis

In this document, the Federal Communications Commission (the FCC or Commission), takes actions implementing section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, 134 Stat. 3388, § 9201 (NDAA21), exploring opportunities to improve the way the public receives emergency alerts on their mobile phones, televisions, and radios. The nation's Emergency Alert System (EAS) and Wireless Emergency Alerts System (WEA) ensure that the public is quickly informed about emergency alerts issued by federal, state, local, Tribal, and territorial governments and delivered over the radio, television, and mobile wireless devices.

Consistent with congressional directive, the Commission proposes rules to ensure that more people receive relevant emergency alerts, to enable EAS and WEA participants to report false alerts when they occur, and to improve the way states plan for emergency alerts. In this notice of proposed rulemaking, the Commission proposes to implement sections 9201(a)-(d) of the NDAA21 by adopting rules to ensure that mobile devices cannot opt-out of receiving WEA alerts from the Administrator of the Federal Emergency Management Agency (FEMA). The Commission also proposes rules to encourage chief executives of states and territories to form State Emergency Communications Committees (SECC) if none exist in their states and to adopt additional requirements concerning their SECC's administration of State EAS Plans. For jurisdictions that already have a SECC, the Commission encourages chief executives to review its composition and governance. The Commission

proposes to enable the Administrator of FEMA and state, local, Tribal, and territorial governments to report false EAS and WEA alerts when they occur. Also, the Commission proposes rules to permit repeating EAS alerts issued by the President, the Administrator of FEMA, and any other entity determined appropriate under the circumstances by the Commission. The rules the Commission proposes are intended to facilitate the further development of a robust and redundant system for distributing vital alert information to all Americans.

In addition, the Commission initiates an inquiry to implement section 9201(e) of the NDAA21. Section 9201(e) directs that the Commission "[n]ot later than 180 days after the date of enactment of [the] Act, and after providing public notice and opportunity for comment. . . complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services." In this notice of inquiry, the Commission seeks comment on the definition of "streaming services" and whether it would be technically feasible for streaming services to complete each step that EAS Participants complete under the Commission's rules in ensuring the end-to-end transmission of EAS alerts, including monitoring for relevant EAS alerts, receiving and processing EAS alerts, retransmitting EAS alerts, presenting EAS alerts in an accessible manner to relevant consumers, and testing. The Commission also seeks comment on related matters including whether and how to leverage the capabilities of the internet and end-user devices to enhance the alerting capabilities of the radio and television stations, cable systems, satellite radio and television providers, and wireline video providers that currently participate in EAS, as well as which additional internet-based services, if any, should be examined. As directed by Congress, after the conclusion of this inquiry, the Commission will submit a report on its findings and conclusions to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

Paperwork Reduction Act

This notice of proposed rulemaking may contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). If the Commission adopts any new or modified information collection

requirements, they will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the notice of proposed rulemaking (*Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice*.

A. Need for, and Objectives of, the Proposed Rules

In the *Notice*, the Commission proposes amending the rules governing Wireless Emergency Alerts (WEA) and the Emergency Alert System (EAS) in response to the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Specifically, the Commission seeks comment on proposed rules that would (i) replace WEA's existing Presidential Alert class with a National Alert class that would ensure that WEA-enabled mobile devices could not opt-out of receiving WEA alerts issued by the President (or the President's authorized designee) or by the Administrator of the Federal Emergency Management Agency (FEMA); (ii) require participating CMS providers that use WEA header displays that read "Presidential Alert" to change those alert headers to read "National Alert;" (iii) encourage chief executives of states to form State Emergency Communications Committees (SECC) if none exist in their states, or if they do, to review their composition and governance; (iv) incorporate certain processing actions concerning SECCs' and the FCC's administration of State EAS Plans; (v) enable false EAS and WEA alert reporting by the Administrator of FEMA as well as State, local, Tribal, and territorial governments; and (vi) provide for repeating EAS alerts issued by the President, the Administrator of FEMA

and any other entity determined appropriate under the circumstances by the Commission, in consultation with the Administrator of FEMA. To the extent this proposed and contemplated action may result in greater participation by state, local, Tribal, and territorial governments in the administration of State EAS Plans, enhanced administration of EAS alerting, hasten corrective action of any false alerts issued, and better enable alert originators to repeat alerts, they would benefit the public by strengthening national, state, local, Tribal, and territorial alerting activities, minimizing confusion and disruption caused by false alerts, and increase the chances for the public to receive critical alert messages.

B. Legal Basis

The proposed action is authorized pursuant to the National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat. 3388 (2021), sec. § 9201.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, and Small Governmental Jurisdictions. Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 30.7 million businesses.

Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." U.S. Census Bureau data from the 2017 Census of Governments indicate that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 36,931 General purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,040 special purpose governments— independent school districts with enrollment of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of "small governmental jurisdictions."

Radio Stations. This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources." The SBA has established a small business size standard for this category as firms having \$41.5 million or less in annual receipts. Economic Census data for 2012 show that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more. Therefore, based on the SBA's size standard the majority of such entities are small entities.

In addition to the U.S. Census Bureau's data, based on Commission data we estimate that there are 4,560 licensed AM radio stations, 6,704 commercial FM radio stations and 8,339 FM translator and booster stations. The Commission has also determined that

there are 4,196 noncommercial educational (NCE) FM radio stations. The Commission however does not compile and does not otherwise have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities under the SBA size standard.

We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a "small business," an entity may not be dominant in its field of operation. We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these bases, thus our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

FM Translator Stations and Low-Power FM Stations. FM translators and Low Power FM Stations are classified in the category of Radio Stations and are assigned the same NAICS Code as licensees of radio stations. This U.S. industry, Radio Stations, comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has established a small business size standard which consists of all radio stations whose annual receipts are \$38.5 million dollars or less. U.S. Census Bureau data for 2012 indicate that 2,849 radio station firms operated during that year. Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more. Therefore, based on the SBA's size standard we conclude that the majority of FM Translator Stations and Low Power FM Stations are small.

We note again, however, that in assessing whether a business concern qualifies as "small" under the above definition, business (control) affiliations must be included. Because we do not include or aggregate revenues from affiliated companies in determining whether an entity meets the applicable revenue threshold, our estimate of the number of small radio broadcast stations affected is likely overstated. In addition, as noted above, one element of the definition of "small business" is that an entity would not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio broadcast station is dominant in its field of operation. Accordingly, our estimate of small radio stations potentially affected by the rule revisions discussed in the *Notice* includes those that could be dominant in their field of operation. For this reason, such estimate likely is over-inclusive.

Television Broadcasting. This Economic Census category "comprises establishments primarily engaged in broadcasting images together with sound." These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having \$41.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of \$25,000,000 or less, and 25 had annual receipts between \$25,000,000 and \$49,999,999. Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

The Commission has estimated the number of licensed commercial television stations to be 1,368. According to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on November 16, 2017, 1,258 stations (or about 91 percent) had revenues of \$38.5 million or less, and therefore these licensees qualified as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational television stations to be 390. Notwithstanding, the Commission does

not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. There are also 2,246 low power television stations, including Class A stations (LPTV), and 3,543 TV translator stations. Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

We note, however, that in assessing whether a business concern qualifies as "small" under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of "small business" requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

Cable and Other Subscription Programming. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA size standard for this industry establishes as small, any company in this category which receives annual receipts of \$41.5 million or less. According to 2012 U.S. Census Bureau data, 367 firms operated for the entire

year. Of that number, 319 operated with annual receipts of less than \$25 million a year and 48 firms operated with annual receipts of \$25 million or more. Based on this data, the Commission estimates that the majority of firms operating in this industry are small.

Cable System Operators (Rate Regulation Standard). The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are 4,600 active cable systems in the United States. Of this total, all but five cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, we estimate that most cable systems are small entities.

Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000." As of 2019, there were approximately 48,646,056 basic cable video subscribers in the United States. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed \$250 million in the aggregate. Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Satellite Telecommunications. This category comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of \$35 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that there was a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than \$25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

All Other Telecommunications. The "All Other Telecommunications" category is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for "All Other Telecommunications," which consists of all such firms with gross annual receipts of \$32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million. Thus, the Commission estimates that the majority of "All Other Telecommunications" firms potentially affected by our action can be considered small.

Broadband Radio Service and Educational Broadband Service. Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the

microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).

BRS—In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than \$40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 86 incumbent BRS licensees that are considered small entities (18 incumbent BRS licensees do not meet the small business size standard). After adding the number of small business auction licensees to the number of incumbent licensees not already counted, there are currently approximately 133 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (i) A bidder with attributed average annual gross revenues that exceed \$15 million and do not exceed \$40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed \$3 million and do not exceed \$15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed \$3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the ten winning bidders, two bidders that claimed small business status won 4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

EBS—Educational Broadband Service has been included within the broad economic census category and SBA size standard for Wired Telecommunications Carriers since 2007. Wired

Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.” The SBA’s small business size standard for this category is all such firms having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. In addition to Census data, the Commission’s Universal Licensing System indicates that as of October 2014, there are 2,206 active EBS licenses. The Commission estimates that of these 2,206 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.

Direct Broadcast Satellite (“DBS”) Service. DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic “dish” antenna at the subscriber’s location. DBS is included in the category of “Wired Telecommunications Carriers.” The Wired Telecommunications Carriers industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution; and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. The SBA size standard considers a wireline business is small if it has fewer than 1,500 employees. U.S. Census Bureau data for 2012 indicates that 3,117 wireline companies were operational during that year. Of that

number, 3,083 operated with fewer than 1,000 employees. Based on that data, we conclude that the majority of wireline firms are small under the applicable SBA standard. Currently, however, only two entities provide DBS service, which requires a great deal of capital for operation: DIRECTV (owned by AT&T) and DISH Network. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Accordingly, we must conclude that internally developed FCC data are persuasive that, in general, DBS service is provided only by large firms.

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees, and 12 firms had employment of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

AWS Services (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)). For the AWS–1 bands, the Commission has defined a “small business” as an entity with average annual gross revenues for the preceding three years not exceeding \$40 million, and a “very small business” as an entity with average annual gross revenues for the preceding three years not exceeding \$15 million. For AWS–2 and AWS–3, although we do not know for certain which entities are likely to apply for these frequencies, we note that the AWS–1 bands are comparable to those used for cellular service and personal communications service. The Commission has not yet adopted size standards for the AWS–2 or AWS–3 bands but proposes to treat both AWS–2 and AWS–3 similarly to broadband PCS service and AWS–1 service due to the comparable capital requirements and other factors, such as issues involved in relocating

incumbents and developing markets, technologies, and services.

Narrowband Personal Communications Services. Two auctions of narrowband personal communications services (PCS) licenses have been conducted. To ensure meaningful participation of small business entities in future auctions, the Commission has adopted a two-tiered small business size standard in the *Narrowband PCS Second Report and Order*. Through these auctions, the Commission has awarded a total of 41 licenses, out of which 11 were obtained by small businesses. A “small business” is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$40 million. A “very small business” is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$15 million. The SBA has approved these small business size standards.

Broadband Personal Communications Service. The broadband personal communications service (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission initially defined a “small business” for C- and F-Block licenses as an entity that has average gross revenues of \$40 million or less in the three previous calendar years. For F-Block licenses, an additional small business size standard for “very small business” was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years. These standards defining “small entity,” in the context of broadband PCS auctions, have been approved by the SBA. No small businesses within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that claimed small business status in the first two C-Block auctions. A total of 93 bidders that claimed small business status won approximately 40 percent of the 1,479 licenses in the first auction for the D-, E-, and F-Blocks. On April 15, 1999, the Commission completed the reacquisition of 347 C-, D-, E-, and F-Block licenses in Auction No. 22. Of the 57 winning bidders in that auction, 48 claimed small business status and won 277 licenses.

On January 26, 2001, the Commission completed the auction of 422 C- and F-Block Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in that auction, 29 claimed

small business status. Subsequent events concerning Auction No. 35, including judicial and agency determinations, resulted in a total of 163 C- and F-Block licenses being available for grant. On February 15, 2005, the Commission completed an auction of 242 C-, D-, E-, and F-Block licenses in Auction No. 58. Of the 24 winning bidders in that auction, 16 claimed small business status and won 156 licenses. On May 21, 2007, the Commission completed an auction of 33 licenses in the A-, C-, and F-Blocks in Auction No. 71. Of the 12 winning bidders in that auction, five claimed small business status and won 18 licenses. On August 20, 2008, the Commission completed the auction of 20 C-, D-, E-, and F-Block Broadband PCS licenses in Auction No. 78. Of the eight winning bidders for Broadband PCS licenses in that auction, six claimed small business status and won 14 licenses.

Wireless Communications Services. This service can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined “small business” for the wireless communications services (WCS) auction as an entity with average gross revenues of \$40 million for each of the three preceding years, and a “very small business” as an entity with average gross revenues of \$15 million for each of the three preceding years. The SBA has approved these small business size standards. In the Commission’s auction for geographic area licenses in the WCS there were seven winning bidders that qualified as “very small business” entities, and one that qualified as a “small business” entity.

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA has established a small business size standard for this industry of 1,250 employees or less. U.S. Census Bureau data for 2012 shows that 841 establishments operated in this industry in that year. Of that number, 828 establishments operated with fewer than 1,000 employees, 7 establishments operated with between 1,000 and 2,499 employees, and 6 establishments

operated with 2,500 or more employees. Based on this data, we conclude that a majority of manufacturers in this industry are small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The action proposed in the *Notice*, if adopted, will impose additional reporting, recordkeeping and/or other compliance obligations on certain small, as well as other, entities that process WEA alerts and manufacture mobile devices that receive such alerts, and could impose additional reporting, recordkeeping and/or other compliance obligations on small, as well as other, entities that administer State EAS Plans, process and transmit EAS alerts, and manufacture equipment designed to process EAS alerts.

More specifically, the *Notice* seeks comment on adding a national alert category of FEMA Administrator national alerts to WEA that WEA-enabled mobile devices could not opt-out of receiving, which, as proposed will require modifications to Commercial Mobile Service (CMS) providers’ network and/or mobile device equipment. Our proposal would accomplish this required change by combining the existing Presidential Alert class of WEA alerts with the new FEMA Administrator class of alerts into a single new category of “National Alerts.” As proposed, our action would require certain CMS providers to update device WEA alert header displays and settings menus related to their network infrastructure, including mobile devices. We propose an implementation timeline of approximately one year for CMS providers to make these changes to device displays.

The *Notice* also seeks comment on requiring that each SECC, not less frequently than annually, shall meet to review and update its State EAS Plan, and certify as much in the updated plan it submits annually to the Commission. In response to NDAA21’s requirement for the Commission to adopt regulations requiring SECCs to meet annually to review and update their State EAS Plan, and to certify that such meeting was completed, we propose to amend § 11.21 of our rules to include as a required element in the State EAS Plan, a certification by the SECC Chairperson or Vice-Chairperson that the SECC meet (in person, via teleconference, or via other methods of conducting virtual meetings) at least once in the twelve months prior to submitting the annual updated plan to review and update their State EAS Plan. We further propose that such certification, if adopted, would be

incorporated into the ARS. Section 11.21 already includes a requirement that State EAS Plans be updated annually, and the ARS requires annual updating as well, however, we propose to add some clarifying language to § 11.21 to more closely reflect the legislation’s requirements on this point. To the extent any SECC is not meeting annually, such meeting requirement may require greater coordination efforts on the part of such SECC. The *Notice* also seeks comment on the creation of a proposed State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission that identifies the information requested to ensure more complete State EAS Plan reporting. Section 11.21 already includes a listing of information required in the State EAS Plan, and the Alert Reporting System (ARS) data entry menus mirror these informational requirements (and will not allow a State EAS Plan to be submitted unless all required fields are completed). In the *Notice*, we inquire whether there is other information that should be included as part of the checklist for reporting.

In addition, the *Notice* seeks comment on modifying the EAS rules to provide for repeating EAS alerts issued by the President, the Administrator of FEMA and any other entity determined appropriate under the circumstances by the Commission. To the extent the modifications adopted involve adding a new alert originator and/or event code, or other changes to the EAS Protocol or alert processing by the EAS device, such change(s) likely would entail modifying the existing deployed base of EAS devices via software updates, which would entail some installation-related costs.

The NDAA21 also requires the Commission to establish a voluntary reporting system to receive from the FEMA Administrator or State, local, Tribal, or territorial governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alerts System for the purpose of recording such false alerts and examining the causes of such false alerts. To address this requirement, we propose to revise our rules to specify that, if the Administrator of FEMA or a State, local, Tribal, or territorial government entity becomes aware of transmission of an EAS or WEA false alert to the public, they may send an email to the Commission to inform the Commission of the false alert event and of any details that they may have concerning the event. In addition, we propose a minor revision to the existing

rule requiring false alert reports from EAS industry participants to clarify the required nature of those reports compared to the voluntary reporting system for the Administrator of FEMA or a State, local, Tribal, or territorial government entity.

To help the Commission more fully evaluate the cost of compliance should our proposals be adopted, in the *Notice* we request comments on the cost implications of our proposals and ask whether there are more efficient and less burdensome alternatives for the Commission to address our obligations under the NDAA21. Although the Commission cannot fully quantify the cost of compliance for all small entities impacted by the rules proposed in the *Notice*, we believe our proposed modifications to the WEA and EAS rules are the most efficient and least burdensome approach to codifying the requirements of the NDAA21. We expect the information we receive in comments including cost and benefit analyses, to help the Commission identify and evaluate relevant matters for small entities, including compliance costs and other burdens that may result from the proposals and inquiries we make in the *Notice*.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.”

The proposed action in the *Notice* are designed to be minimally burdensome to all affected entities, including small entities. While the Commission does not expect the proposals to have a significant economic impact on small entities, below we discuss actions that should minimize any significant impact on small entities and some alternatives we considered.

The Commission believes that its proposal to replace WEA’s existing Presidential Alert class with a National Alert class is the appropriate approach

because it would require few, if any, technical changes to be made to participating CMS provider networks or the mobile devices of their subscribers and impose fewer costs than available alternatives. This proposal allows all participating CMS providers’ wireless systems currently receiving mandatory Presidential Alerts, to receive “National Alerts” the same way—distributed automatically as a non-optional alert to the same class of wireless customers that they currently receive Presidential Alerts. This can be effectuated by using the existing WEA handling code for Presidential Alerts along with the name change to “National Alerts,” which minimizes costs for participating CMS providers. With respect to our proposal to require participating CMS providers that use WEA header displays that read “Presidential Alert” to change those alert headers to read “National Alert,” the Commission’s approach grants participating CMS providers flexibility in the approach they use to ensure compliance. Specifically, this proposed requirement could be satisfied by any approach that ensures that “Presidential Alert” is not displayed on a user’s mobile device, whether by changing the displayed header or not displaying the header at all. The Commission further proposes to reduce the burden on participating CMS providers by exempting from the requirement any network infrastructure that is technically incapable of meeting this requirement, such as situations in which legacy devices or networks cannot be updated to support this functionality. In our efforts to minimize costs and explore other alternatives, we have requested comments on each of these WEA proposals as well as on costs implications and cost estimates for these proposals as well as any alternatives.

The proposals to require each SECC to meet not less frequently than annually to review and update its State EAS Plan and certify as much in the updated plan it submits annually to the Commission, should not impose burdens on SECCs. The proposal allows SECCs to meet virtually, thus to the extent any SECC is not already meeting regularly, the annual meeting requirement would only entail greater coordination efforts on the part of such SECC to arrange a mutually agreeable time and meeting platform. While we recognize that the requirement to certify that the SECC has met by phone, IP-based meeting application, or in person at least once annually, may impose some costs for SECC members, it is likely that many if not most SECCs are already are meeting in some form on a regular basis, and

therefore the proposed annual meeting certification likely will certify an activity already being undertaken and documented.

In adopting a voluntary reporting process for FEMA or a State, local, Tribal, or territorial government entity to report false EAS or WEA transmissions to the Commission, we believe that our proposal, which provides a reporting system for receipt of false alerts via email directed to the Commission’s Operations Center, is the most efficient, least costly, and least onerous method to implement this system. We have also structured this voluntary reporting system to be similar in format to the existing reporting requirement the Commission adopted in the *Alerting Reliability Order* and *FNPRM*, requiring EAS industry participants to report false EAS alerts to the Commission via email sent to the FCC Operations Center, avoiding the need for duplicative structures.

The primary rule modification proposed to provide for repeating EAS alerts issued by the President, the Administrator of FEMA and any other entity determined appropriate under the circumstances by the Commission would not add any burdens to any entity. To the extent the modifications adopted involve adding a new alert originator and/or event code, or other changes to the EAS Protocol or alert processing by the EAS device, such change(s) likely would entail modifying the existing deployed base of EAS devices via software updates, which would entail some minimal installation-related costs.

Throughout the *Notice*, the Commission has requested comment on the relative costs and benefits of these various proposed alternatives to ensure it has input from small entities and others to minimize the economic impacts of whatever action it might take. Nevertheless, in addition to the steps taken by the Commission discussed herein, commenters have been invited to propose steps that the Commission may take to further minimize any economic impact on small entities. Commenters have also been invited to propose alternatives that facilitate the Commission’s obligations to implement the NDAA21 provisions.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to the NDAA21, Public Law 116–283, 134 Stat. 3388, sec. 9201, that this notice of

proposed rulemaking and notice of inquiry in PS Docket Nos. 15–94 and 15–91 *is hereby adopted*.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this notice of proposed rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 10

Communications common carriers, Radio.

47 CFR Part 11

Radio, Television.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Proposed Rules

For the reasons stated in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 10 and 11 as follows:

PART 10—WIRELESS EMERGENCY ALERTS

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

Authority: 47 U.S.C. 151, 154(i) and (o), 201, 303(r), 403, and 606; sections 602(a), (b), (c), (f), 603, 604 and 606 of Pub. L. 109–347, 120 Stat. 1884.

- 2. Amend § 10.11 by redesignating the paragraph as paragraph (a) and by adding paragraph (b) to read as follows:

§ 10.11 WEA implementation timeline.

* * * * *

(b) If a Participating CMS Provider's network infrastructure would generate and display WEA headers with the text "Presidential Alert" to subscribers upon receipt of a National Alert, or include the text "Presidential Alert" in a mobile device's settings menus, then by July 31, 2022, that Participating CMS Provider's network infrastructure shall either generate and display WEA headers and menus with the text "National Alert," or no longer display those headers and menu text to the subscriber. Network infrastructure that is technically incapable of meeting this requirement, such as situations in which legacy devices or networks cannot be updated to support header display changes, are exempt from this requirement.

- 3. Amend § 10.320 by revising paragraph (e)(3) to read as follows:

§ 10.320 Provider alert gateway requirements.

* * * * *

(e) * * *

(3) *Prioritization.* The CMS provider gateway must process an Alert Message on a first in-first out basis except for National Alerts, which must be processed before all non-National Alerts.

* * * * *

- 4. Amend § 10.400 by revising paragraph (a) as follows:

§ 10.400 Classification.

* * * * *

(a) *National Alert.* A National Alert is an alert issued by the President of the United States or the President's authorized designee, or by the Administrator of FEMA.

* * * * *

- 5. Revise § 10.410 to read as follows:

§ 10.410 Prioritization.

A Participating CMS Provider is required to transmit National Alerts upon receipt. National Alerts preempt all other Alert Messages. A Participating CMS Provider is required to transmit Imminent Threat Alerts, AMBER Alerts and Public Safety Messages on a first in-first out (FIFO) basis.

- 6. Revise § 10.420 to read as follows:

§ 10.420 Message elements.

A WEA Alert Message processed by a Participating CMS Provider shall include five mandatory CAP elements — Event Type; Area Affected; Recommended Action; Expiration Time (with time zone); and Sending Agency. This requirement does not apply to National Alerts.

- 7. Amend § 10.500 by revising paragraph (f) to read as follows:

§ 10.500 General requirements.

* * * * *

(f) Presentation of alert content to the device, consistent with subscriber opt-out selections. National Alerts must always be presented.

* * * * *

- 8. Amend § 10.520 by redesignating paragraph (d) as paragraph (d)(1) and by adding paragraph (d)(2) to read as follows:

§ 10.520 Common audio attention signal.

* * * * *

(d)(1) * * *

(2) If the Administrator of the Federal Emergency Management Agency (FEMA) or a State, local, Tribal, or territorial government entity becomes aware of transmission of a WEA false alert to the public, they are encouraged to send an email to the Commission at

the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that they may have concerning the event.

* * * * *

PART 11—EMERGENCY ALERT SYSTEM (EAS)

- 9. The authority citation for part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

- 10. Amend § 11.21 by revising the introductory paragraph and paragraph (a), and adding paragraph (a)(8), to read as follows:

§ 11.21 State and Local Area plans and FCC Mapbook.

EAS plans contain guidelines which must be followed by EAS Participants' personnel, emergency officials, and National Weather Service (NWS) personnel to activate the EAS. The plans include the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP and SR). State and local plans contain unique methods of EAS message distribution such as the use of the Radio Broadcast Data System (RBDS). The plans also include information on actions taken by EAS Participants, in coordination with state and local governments, to ensure timely access to EAS alert content by non-English speaking populations. The plans must be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau (Bureau), prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation. The plans are administered by State Emergency Communications Committees (SECC). The Commission encourages the chief executive of each State to establish an SECC if their State does not have an SECC, and if the State has an SECC, to review the composition and governance of the SECC. The Bureau will review and approve plans, including annual updated plans, within 60 days of receipt, provided that no defects are found requiring the plan to be returned to the SECC for correction and resubmission. If a plan submitted for approval is found defective, the SECC will be notified of the required corrections, and the corrected plan may be resubmitted for approval, thus starting the 60-day review and approval period anew. The approval dates of State EAS Plans will be listed on the Commission's website.

(a) State EAS Plans contain guidelines that must be followed by EAS Participants' personnel, emergency officials, and National Weather Service

(NWS) personnel to activate the EAS. The Plans include information on actions taken by EAS Participants, in coordination with state and local governments, to ensure timely access to EAS alert content by non-English speaking populations. State EAS Plans must be updated on an annual basis. State EAS Plans must include the following elements:

* * * * *

(8) Certification by the SECC Chairperson or Vice-Chairperson that the SECC met (in person, via teleconference, or via other methods of conducting virtual meetings) at least once in the twelve months prior to submitting the annual updated plan to review and update the plan.

* * * * *

■ 11. Amend § 11.33 by revising paragraph (a)(10) to read as follows:

§ 11.33 EAS Decoder.

(a) * * *

(10) *Message Validity.* An EAS Decoder must provide error detection and validation of the header codes of

each message to ascertain if the message is valid. Header code comparisons may be accomplished through the use of a bit-by-bit compare or any other error detection and validation protocol. A header code must only be considered valid when two of the three headers match exactly; the Origination Date/Time field (JJJHHMM) is not more than 15 minutes in the future and the expiration time (Origination Date/Time plus Valid Time TTTT) is in the future (*i.e.*, current time at the EAS equipment when the alert is received is between origination time minus 15 minutes and expiration time). Duplicate messages must not be relayed automatically. An alert repeated by the alert originator that was released at least one minute subsequent to the time the message was initially released by the originator, as reflected in the repeat alert's JJJHHMM header code, shall not be treated as a duplicate.

* * * * *

■ 12. Amend § 11.45 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 11.45 Prohibition of false or deceptive EAS transmissions.

* * * * *

(b) No later than twenty-four (24) hours of an EAS Participant's discovery (*i.e.*, actual knowledge) that it has transmitted or otherwise sent a false alert to the public, the EAS Participant shall send an email to the Commission at the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that the EAS Participant may have concerning the event.

(c) If the Administrator of the Federal Emergency Management Agency or a State, local, Tribal, or territorial government entity becomes aware of transmission of an EAS false alert to the public, they are encouraged to send an email to the Commission at the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that they may have concerning the event.

[FR Doc. 2021-06269 Filed 3-29-21; 8:45 am]

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Notices

Federal Register

Vol. 86, No. 59

Tuesday, March 30, 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

Rural Business-Cooperative Service

[Docket No. RBS-21-Business-0010]

Request for Information and Notice of Stakeholder Listening Session on a Rural Energy Pilot Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Request for information (RFI) and Notice of Stakeholder listening session for a Rural Energy Pilot Program.

SUMMARY: The Rural Business-Cooperative Service (RBCS) is requesting public input from interested parties and hosting a listening session on a new Rural Energy Pilot Program. The RBCS is exploring options to provide financial assistance for rural communities to further develop renewable energy; as authorized in The Consolidated Appropriations Act, 2021. Additionally, RBCS requests input regarding the purposes, goals, participants, technologies, and community impacts of the Rural Energy Pilot Program.

DATES: Interested persons are invited to submit comments on or before 11:59 p.m. Eastern Time, April 29, 2021. Comments received after the posted deadline will not be considered, regardless of postmark.

Listening session will be held on:
Thursday, April 22, 2021, 2 p.m.–4:30 p.m. EDT virtually at, <https://attendee.gotowebinar.com/register/5335247546266883854>

ADDRESSES: Comments submitted in response to this notice may be submitted online via the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and search for the Docket ID RBS-21-Business-0010. Follow the online instructions for submitting comments. All comments received will be posted without change

and will be publicly available on [regulations.gov](https://www.regulations.gov).

FOR FURTHER INFORMATION CONTACT: Anthony Crooks, USDA, Rural Development, telephone (202) 205-9322, email EnergyPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Overview

The Consolidated Appropriations Act, 2021 (Pub. L. 116-260) authorized and appropriated \$10 million to remain available until expended for the Secretary of Agriculture to carry out a pilot program to provide financial assistance for rural communities to further develop renewable energy. This RFI and Stakeholder Listening Session seek information from the public to help develop options for the Rural Energy Pilot Program to support the Nation's critical energy needs for climate change while advancing environmental justice, racial equity, and economic opportunity through the development and deployment of distributed energy technologies, innovations, and/or solutions.

Public comment is requested on the following topics in particular:

- Program purposes, goals, metrics, and standards;
- Eligible applicants, participants, partners including but not limited to communities, residencies, industry, and commercial entities;
- Eligible technologies including but not limited to generation, storage, controller, and grid;
- Potential impact of the pilot program and renewable energy systems more broadly on each of the following: Environmental justice, racial equity, and economic opportunity;
- Options to measure and maximize the benefits of renewable energy systems for environmental justice, racial equity, and economic opportunity in rural areas.

This effort will build on prior investments and experience gained through past small-scale energy solutions, social justice reforms, and climate change mitigation programs.

Through the RFI and listening session process, the agency is seeking input from the public, including but not limited interested individuals, prospective participants, prospective partners/stakeholders, communities, commercial enterprises, industries, and/or technology providers.

The RFI and the listening session are intended to identify gaps and vulnerabilities that may benefit from the attention of the Federal government as well as areas to promote or protect through the Rural Energy Pilot Program. The information can include suggestions on those areas of greatest priority as well as past or future Federal government efforts to develop and implement programs to build, promote, and sustain distributed energy solutions and otherwise advance environmental justice, racial equity, and economic opportunity. The public input provided in response to the RFI and listening session will inform USDA as well as private sector, public bodies, and other stakeholders with interest in and expertise relating to the development and deployment of renewable energy systems.

Addressing the climate crisis, ensuring racial equity, and rebuilding the rural economy are among the agency's top priorities, which respondents are encouraged to consider in their reply. USDA is dedicated to meeting the challenges facing rural America and building back better, stronger, and more resilient and equitably than ever before.

Instructions

Response to this notice is voluntary. Each individual or institution is requested to submit only one response as directed in the **ADDRESSES** section of this notice. Submission must not exceed 10 pages in 12 point or larger font, with a page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials.

Comments containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered. Comments submitted in response to this notice are subject to Freedom of Information Act (FOIA). Responses to this notice may also be posted, without change, on a Federal website. Therefore, we request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice. In accordance with FAR 52-215-3(b), responses to this

notice are not offers and cannot be accepted by the Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

To inform the Federal government's decision-making and establish the Nation's guiding principles in the promotion of the Rural Energy Pilot Program, USDA now seeks public input on how U.S. Government action might appropriately support the expansion of a nationwide effort. To that end, responders are specifically requested to answer one or more of the following questions in their submissions.

Consortia responses are also encouraged.

1. How might distributed energy technologies, innovations, and/or solutions be deployed to advance environmental justice, racial equity, and economic opportunity?

2. What specific distributed energy technologies, innovations, and/or solutions are available or have the potential to advance environmental justice, racial equity, and economic opportunity through their deployment and/or development?

3. What type of assistance or incentive (made available through a Rural Energy Pilot Program) would encourage the development and deployment of such distributed energy technologies, innovations, and/or solutions?

4. How should USDA measure, assess, and analyze the impacts of distributed energy solutions on environmental justice, racial equity, and economic opportunity?

5. Who should be eligible to receive such assistance?

6. What types of technology and/or infrastructure should be eligible under such a Rural Energy Pilot Program?

- a. Generation;
- b. Storage;
- c. Controller/smart grid.

7. Should a Rural Energy Pilot Program incentivize efficiency, resilience, or some other value?

8. Should the Rural Energy Pilot Program include minimum standards for equipment? Or a recognized standard of development such as commercially available?

9. What types of efforts have proven to be effective to promote the deployment of distributed energy solutions or innovations that advance or have the potential to advance environmental justice, racial equity, and economic opportunity?

a. What are the technologies associated with these efforts?

b. Why and how do these technologies advance of environmental

justice, racial equity, and economic opportunity?

c. Should there be a minimum investment requirement?

10. If cost-sharing is required, what minimum level of cost-share (owner contribution) should be required of recipients of funding? What would you consider to be the most cost-effective level of cost-share while also supporting the objective of advancing environmental justice, racial equity, and economic opportunity?

11. What programmatic or administrative structures, policies, incentives, or requirements will support the advancement of environmental justice, racial equity, and economic opportunity through the Rural Energy Pilot Program? What structures, policies, incentives, or requirements might obstruct or otherwise undermine its advancement?

12. What programmatic or administrative and other barriers exist that may limit participation in the Rural Energy Pilot Program or the availability of program benefits? What should be done to ensure equitable program participation by those who would otherwise be unlikely to apply? What specific actions could USDA take to guide a transformation and/or expansion of a Rural Energy Pilot Program, in both the short- and long-term?

13. Given the objective, how should USDA measure the outcomes of the Rural Energy Pilot Program?

14. To what extent should current investments be required to accommodate future, anticipated technologies?

15. Please provide feedback on the effectiveness of any known distributed energy or rural energy pilot program of which you are aware.

16. From your perspective, how much post-award reporting is reasonable for recipients of funding?

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA Programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA

(not all bases apply to all programs).

Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or
- (2) *Email:* OAC@usda.gov

USDA is an equal opportunity provider, employer, and lender.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021-06489 Filed 3-29-21; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket # RHS-21-SFH-0005]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS or Agency) intention to request an extension for a currently approved information collection in support of the programs under the Code of Federal Regulations.

DATES: Comments on this notice must be received by June 1, 2021 to be assured consideration.

FOR FURTHER INFORMATION CONTACT:

Shannon Chase, Branch Chief, Single Family Housing Direct Loan Origination, 1400 Independence Avenue SW, STOP 0783, Washington, DC 20250-0783, Telephone: (515) 305-0399, Email: shannon.chase@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Direct Single Family Housing Loans and Grants.

OMB Number: 0575-0172.

Expiration Date of Approval: July 31, 2021.

Type of Request: Extension of a currently approved information collection.

Abstract: Through its direct single family housing loan and grant programs (specifically the Sections 502 and 504 programs), RHS provides eligible applicants with financial assistance to own adequate but modest homes in rural areas. The financing and servicing is provided directly by RHS. The Section 502 direct loan program provides 100 percent loan financing to assist low- and very low-income applicants purchase modest homes in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. The Section 504 loan program provides one percent interest rate loans to very low-income homeowners in eligible rural areas to repair, improve, or modernize their home or to remove health and safety hazards. The Section 504 grant program provides grants to elderly very low-income homeowners in eligible rural areas to remove health and safety hazards, or accessibility barriers from their home, often in conjunction with a Section 504 loan.

Applicants must provide the Agency with a uniform residential loan application and supporting documentation (e.g., verification of income, assets, liabilities, etc.) when applying for assistance. The information requested regarding the applicant and the property is vital in order for the Agency to make sound eligibility and underwriting decisions that comply with the laws and regulations that govern the programs. The information requested is comparable to that required by any public or private mortgage lender.

When servicing loans, RHS offers servicing options that are standard to the industry. In addition, RHS offers unique servicing options (e.g., payment subsidies and payment moratoriums) and is required to take unique servicing actions (e.g., review borrowers for their ability to refinance with private credit). Borrowers must provide the Agency with pertinent information when a

servicing option/action is requested/required in order for the Agency to make sound servicing decisions that comply with the laws and regulations that govern the programs.

Estimate of Burden: Public burden for this collection of information is estimated to average .48 hours per response.

Respondents: Approximately 26,000 applicants seeking direct single family housing loans and grants from the Agency and approximately 222,919 existing borrowers who have active loans and grants under the Section 502 and 504 programs.

Estimated Number of Respondents: 248,919.

Estimated Number of Responses per Respondent: 2.5.

Estimated Total Number of Responses: 638,077.

Estimated Total Annual Burden on Respondents (hours): 305,646.

Copies of this information collection can be obtained from Lynn Gilbert, Regulations Management Division at (202) 690-2682.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent by the Federal eRulemaking Portal: Go to <https://beta.regulations.gov> and, in the "Search Regulations and Federal Actions" box, select "RHS" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select 0575-0172 to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link. All responses to this notice will be summarized and included in the request for OMB approval. All

comments will also become a matter of public record.

Chadwick Parker,

Acting Administrator, Rural Housing Service.

[FR Doc. 2021-06488 Filed 3-29-21; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF AGRICULTURE**Rural Housing Service**

[Docket Number: RHS-21-CF-0006]

Notice of Request for Extension of a Currently Approved Information Collection; Comments Requested

AGENCY: Rural Housing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the Community Facilities Grant Program.

DATES: Comments on this notice must be received by June 1, 2021.

FOR FURTHER INFORMATION CONTACT:

Robin M. Jones, Management Analyst, Regulations Management Division, Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, South Building, Washington, DC 20250-1522. Telephone: (202) 772-1172. Email: robin.m.jones@usda.gov

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that will be submitted to OMB for extension and revision.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including

through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent by the Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Rural Housing Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select RHS-21-CF-0006 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

Title: Community Facilities Grant Program.

OMB Control Number: 0575-0173.

Expiration Date of Approval: October 31, 2021.

Type of Request: Extension of a currently approved information collection.

Abstract: Community Programs, a division of the Rural Housing Service (RHS), is part of the United States Department of Agriculture's Rural Development mission area. The Agency is authorized by Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926), as amended, to make grants to public agencies, nonprofit corporations, and Indian tribes to develop essential community facilities and services for public use in rural areas. These facilities include schools, libraries, child care, hospitals, clinics, assisted-living facilities, fire and rescue stations, police stations, community centers, public buildings, and transportation. Through its Community Programs, the Department of Agriculture is striving to ensure that such facilities are readily available to all rural communities.

Information will be collected by the field offices from applicants, consultants, lenders, and public entities. The collection of information is considered the minimum necessary to effectively evaluate the overall scope of the project.

Failure to collect information could have an adverse impact on effectively carrying out the mission, administration, processing, and program requirements.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.09 hours per response.

Respondents: Public bodies, nonprofit corporations and associations, and federally recognized Indian tribes.

Estimated Number of Respondents: 1085.

Estimated Number of Responses per Respondent: 3.27.

Estimated Number of Responses: 3550

Estimated Total Annual Burden on Respondents: 7,428 hours.

Copies of this information collection can be obtained from Robin M. Jones, Regulations and Paperwork Management Branch, at (202) 772-1172, Email: robin.m.jones@usda.gov.

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

Chadwick Parker,

Acting Administrator, Rural Housing Service.

[FR Doc. 2021-06519 Filed 3-29-21; 8:45 am]

BILLING CODE 3410-XV-P

CIVIL RIGHTS COMMISSION

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the South Dakota State Advisory Committee to the Commission will convene a meeting on March 31, 2021 at 3 p.m. (CT). The purpose of the meeting is to discuss the Committee's Project on maternal health disparities for American Indian women in South Dakota.

DATES: Wednesday, March 31, 2021 at 3 p.m. (CT).

Public Web Conference Registration Link (video and audio): <https://bit.ly/39b202U>; password, if needed: USCCR.

If Joining By Phone Only, Dial: 1-800-360-9505; access code: 199 899 3893.

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg at mtrachtenberg@usccr.gov or by phone at (202) 809-9618.

SUPPLEMENTARY INFORMATION: The meeting is available to the public through the web link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the

proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with conference details found through registering at the web link above.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at mtrachtenberg@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at www.facadatabase.gov. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Wednesday, March 31, 2021 From 3:00 p.m. (ET)

- I. Roll Call
- II. Discussion: Committee Process and Goals
- III. Discussion: Recommendations
- IV. Public Comment
- V. Adjournment

Dated: March 24, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-06472 Filed 3-29-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Alonso Gonzalez-Granados, Avenida del Agua #1530, Juarez, Mexico; Order Denying Export Privileges

On March 8, 2019, in the U.S. District Court for the Western District of Texas, Alonso Gonzalez-Granados ("Gonzalez-Granados") was convicted of violating 18 U.S.C. 554(a). Specifically, Gonzalez-Granados was convicted of knowingly, fraudulently, and intentionally exporting and unlawfully sending from the United States, and attempting to export and send from the United States, fifty (50) rifle magazines and two (2) boxes of ammunition, in violation of 18 U.S.C. 554. Gonzalez-Granados was sentenced to ten (10) months in prison,

with credit for time served, and supervised release for two years.

Pursuant to Section 1760(e) of the Export Control Reform Act (“ECRA”),¹ the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Gonzalez-Granados’s conviction for violating 18 U.S.C. 554(a), and has provided notice and opportunity for Gonzalez-Granados to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”). 15 CFR 766.25.² BIS has not received a written submission from Gonzalez-Granados.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Gonzalez-Granados’s export privileges under the Regulations for a period of five years from the date of Gonzalez-Granados’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Gonzalez-Granados had an interest at the time of his conviction.³

Accordingly, it is hereby *ordered*:

First, from the date of this Order until March 8, 2024, Alonso Gonzalez-Granados, with a last known address of

Avenida del Aqua #1530, Juarez, Mexico, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such

service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Gonzalez-Granados by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Gonzalez-Granados may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Gonzalez-Granados and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until March 9, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–06542 Filed 3–29–21; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Mark Anthony Hammond, 11909 Monte Vista Road, Avondale, AZ 85392; Order Denying Export Privileges

On October 3, 2016, in the U.S. District Court for the District of Arizona, Mark Anthony Hammond (“Hammond”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778) (“AECA”). Specifically, Hammond was convicted of violating Section 38 of the AECA by knowingly and willfully exporting and causing to be exported from the United States to Mexico, five (5) AK–47 Draco Mini Pistols, and five (5) 30 round firearms magazines designated as defense articles on the United States Munitions List, without the required U.S. Department of State licenses. Hammond was sentenced to 27 months in prison, two years of supervised

¹ ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Gonzalez-Granados’s conviction post-dates ECRA’s enactment on August 13, 2018.

² The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (“EAA”), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (“IEEPA”). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA’s date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

³ The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

release, and a \$100 assessment. Hammond also was placed on the U.S. Department of State debarred list.

The Export Administration Regulations (“EAR” or “Regulations”) are administered and enforced by the U.S. Department of Commerce’s Bureau of Industry and Security (“BIS”).¹ Section 766.25 of the Regulations provides, in pertinent part, that the “Director of [BIS’s] Office of Export Enforcement, in consultation with the Director of [BIS’s] Office of Exporter Services, may deny the export privileges of any person who has been convicted of a violation of any of the statutes set forth at 50 U.S.C. 4819(e)(1)(B),”² including section 38 of the AECA (22 U.S.C 2778). 15 CFR 766.25(a). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d).³ In addition, pursuant to Section 750.8 of the Regulations, BIS’s Office of Exporter Services may revoke any BIS-issued licenses in which the person had an interest at the time of his/her conviction.⁴

BIS received notice of Hammond’s conviction for violating Section 38 of the AECA, and pursuant to Section 766.25 of the Regulations, has provided notice and an opportunity for Hammond to make a written submission to BIS. To date, BIS has not received a written submission from Hammond.

Based upon my review and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Hammond’s export privileges under the Regulations for a period of seven years from the date of Hammond’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Hammond had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

First, from the date of this Order until October 3, 2023, Mark Anthony Hammond, with a last known address of 11909 Monte Vista Road, Avondale, AZ 85392, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that

has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Hammond by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Hammond may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Hammond and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until October 3, 2023.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–06530 Filed 3–29–21; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Claudia Guerra), Inmate Number: 15751–479, Federal Prison Camp Bryan, P.O. Box 2149, Bryan, Texas 77805.

On February 12, 2019 in the U.S. District Court for the Southern District of Texas, Claudia Guerra (“Guerra”) was convicted of violating Section 38 of the Arms Export Control Act, 22 U.S.C.A.

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (“EAA”), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (“IEEPA”). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (“ECRA”). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA’s date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

² The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

³ See also Section 11(h) of the EAA, 50 U.S.C. 4610(h) (Supp. III 2015); Sections 1760(e) and 1768 of ECRA, 50 U.S.C. 4819 and 4826; and note 1, *supra*.

⁴ See notes 1 and 3, *supra*.

2778 (“AECA”). Specifically, Guerra was convicted of knowingly and willfully attempting to export from the United States to Mexico, 18 boxes of 1,020 rounds of 7.62 x 39mm caliber ammunition which were designated as defense articles on the United States Munitions List, without the required U.S. Department of State licenses. Guerra was sentenced to 48 months in prison, three years of supervised release, and a \$100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (“ECRA”),¹ the export privileges of any person who has been convicted of certain offenses, including, but not limited to, Section 38 of the AECA, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA in which the person had an interest at the time of the conviction may be revoked. *Id.*

BIS received notice of Guerra’s conviction for violating Section 38 of the AECA and has provided notice and opportunity for Guerra to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”). 15 CFR 766.25.² BIS has not received a written submission from Guerra.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Guerra’s export privileges under the Regulations for a period of 10 years from the date of Guerra’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which

Guerra had an interest at the time of her conviction.³

Accordingly, it is hereby *ordered*:

First, from the date of this Order until February 12, 2029, Claudia Guerra, with a last known address of Inmate Number: 15751–479, Federal Prison Camp Bryan, P.O. Box 2149, Bryan, Texas 77805, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the

Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Guerra by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Guerra may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Guerra and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until February 12, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–06528 Filed 3–29–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 210325–0067]

RIN 0694–XC075

Virtual Forum for Risks in the Semiconductor Manufacturing and Advanced Packaging Supply Chain

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

ACTION: Notice of virtual forum.

¹ ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Guerra’s conviction post-dates ECRA’s enactment on August 13, 2018.

² The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (“EAA”), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (“IEEPA”). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA’s date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1, above.

³ The Director, Office of Export Enforcement is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

SUMMARY: On February 24, 2021, President Biden issued the Executive Order on “America’s Supply Chains,” which directs several Federal agency actions to secure and strengthen America’s supply chains. One of these directions is for the Secretary of Commerce to submit, within 100 days, a report to the President identifying risks in the semiconductor manufacturing and advanced packaging supply chains, and proposing policy recommendations to address these risks. Additionally, the National Defense Authorization Act of 2021 includes a title for “Creating Helpful Incentives to Produce Semiconductors for America” that mandates several Federal actions in securing the semiconductor-related supply chain. On March 15, 2021, the Bureau of Industry and Security (BIS) published a notice of request for public comments, *Risks in the Semiconductor Manufacturing and Advanced Packaging Supply Chain* (March 15 notice). The March 15 notice requests written comments and information from the public to assist the Department of Commerce in preparing the report required by the Executive Order with written comments due by April 5, 2021. BIS is publishing today’s notice to announce a virtual forum that will occur on April 8, 2021, that will allow participants to orally address the policy objectives listed in the Executive Order as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the elements included in the March 15 notice. Today’s notice sets forth the procedures for public participation in the virtual forum.

DATES:

Virtual forum: The virtual forum will be held on April 8, 2021. The virtual forum will begin at 2:00 p.m. Eastern Daylight Time (EDT) and conclude at 5:00 p.m. EDT.

Registration for the virtual forum: Requests to register for the virtual forum, including requests to make a presentation, must be submitted by 5:00 p.m. EDT on April 1, 2021. See the **ADDRESSES** section of this notice. Registration for the virtual forum will open on March 26, 2021.

Confirmation of registration and/or speaking slot: The Department will contact each person that has been confirmed to provide oral comments in the virtual forum by email no later than 12:00 p.m. EDT on April 5, 2021.

ADDRESSES: BIS has created a web page on the BIS website for the virtual forum. This web page will be used by the public to register for the virtual forum, including submitting requests to speak

at the virtual forum. The landing page for the virtual forum will be accessed through this web page on <https://www.bis.doc.gov/semiconductorforum>.

Click on the link for ‘Register for the Virtual Forum’ on this web page to register for the virtual forum. People interested in providing oral comments during the virtual forum should make this request when registering for the virtual forum, including submitting a brief overview of their remarks.

After registration is completed by the Department, this web page will include the agenda and the list of the scheduled speakers for the virtual forum. Once a person’s registration has been accepted by BIS, the person will receive an email notification from BIS with information needed to access the virtual forum. Registrants that requested to provide oral comments at the virtual forum will be notified by email if their request has been accepted and will be provided the allotted amount of time for their speaking at the virtual forum. People not selected to make a presentation may provide written comments and submit those in response to the March 15 notice by the comment deadline of April 5, 2021. See the March 15 notice for instructions on submitting written comments. Participants should be prepared to attend the forum in its entirety as allotted speaker time slots are subject to change and the program will continue if a speaker is not available when called to speak. Within 7 business days after the virtual forum is completed, BIS will add a link to a recording of the virtual forum and a written transcript to make the recording physically accessible to people with disabilities.

FOR FURTHER INFORMATION CONTACT:

Erika Maynard, Defense Industrial Base Division, Office of Technology Evaluation, Bureau of Industry and Security, at 202–482–5572 or Semiconductorstudy@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2021, President Biden issued Executive Order 14017, “America’s Supply Chains” (86 FR 11849) (E.O. 14017). E.O. 14017 focuses on the need for resilient, diverse, and secure supply chains to ensure U.S. economic prosperity and national security. Such supply chains are needed to address conditions that can reduce U.S.’ critical manufacturing capacity, as well as the availability and integrity of critical goods, products, and services. In relevant part, E.O. 14017 directs that within 100 days, the Secretary of Commerce (Secretary) shall submit a

report to the President, through the Assistant to the President for National Security Affairs (APNSA) and the Assistant to the President for Economic Policy (APEP), identifying the risks in the semiconductor manufacturing and advanced packaging supply chains, and proposing policy recommendations to address these risks.

Additionally, Title XCIX of the National Defense Authorization Act of 2021 (FY21 NDAA), “Creating Helpful Incentives to Produce Semiconductors for America,” mandates several Federal actions to secure the security of the semiconductor-related supply chain. Section 9904 of the FY21 NDAA (“Department of Commerce Study on Status of Microelectronics Technologies in the United States”) requires the Secretary to assess the capabilities of the U.S. microelectronics industrial base to support the national defense, in light of the global nature and interdependence of the supply chain with respect to manufacture, design, and end use. The Secretary must submit a report to Congress that includes a list of critical technology areas impacted by potential disruptions in the production of microelectronics and an assessment of gaps and vulnerabilities in the microelectronics supply chain.

On March 15, 2021, BIS published a notice of request for public comments, *Risks in the Semiconductor Manufacturing and Advanced Packaging Supply Chain* (86 FR 14308) (the March 15 notice). The March 15 notice requests comments and information from the public to assist the Department of Commerce (Department) in preparing the report required by E.O. 14017. In developing this report, the Secretary will consult with the heads of appropriate agencies and will be advised by all relevant bureaus and components of the Department including, but not limited to, BIS and the International Trade Administration. After that report is completed, the Department will assess whether additional information will be needed to conduct the assessment required by Section 9904 of the FY21 NDAA.

BIS is publishing today’s notice to announce a virtual forum that will occur on April 8, 2021 that will allow commenters to address the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains including, but not limited to, the elements included in the March 15 notice. This notice sets forth the procedures for public participation in the virtual forum.

Virtual Forum

Consistent with the interest of the Department in soliciting public comments on issues affecting risks in the semiconductor manufacturing and advanced packaging supply chain as described in the March 15 notice, the Department is holding a virtual forum. The virtual forum will assist the Department in preparing the report required by E.O. 14017. Public comments at the virtual forum should address the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the elements identified in the March 15 notice. See the March 15 notice for the elements and E.O. 14017. The virtual forum will be held on April 8, 2021. The forum will begin at 2:00 p.m. EDT and conclude at 5:00 p.m. EDT.

Procedure for Requesting Participation

See the **ADDRESSES** section of this notice for how to register and access the virtual forum. The Department encourages interested public participants to present their views orally at the virtual forum. Any person wishing to make an oral presentation at the virtual forum must register with the Department at the Web address indicated in the **ADDRESSES** section of this notice. The request to speak in the virtual forum must be accompanied by an overview of the oral presentation. Speakers' registration, including overviews of written remarks, must be received by the Department no later than 5:00 p.m. EDT on April 1, 2021. BIS will not accept any registrations after that time for the virtual forum.

Please note that the submission of overviews of presentations at the virtual forum is separate from the request for written comments described in March 15 notice. Since it may be necessary to limit the number of persons making presentations, the overview should describe the individual's interest in the virtual forum and, where appropriate, explain why the individual is a proper representative of a group or class of persons that has such an interest. If all interested parties cannot be accommodated at the virtual forum, the overviews of the oral presentations will be used to allocate speaking time and to ensure that a full range of comments is heard.

Each person selected to make a presentation will be notified by the Department no later than 12:00 p.m. EDT on April 5, 2021. The Department will arrange the presentation times for the speakers. Representatives from the

Department and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. Written overview submissions by persons not selected to make presentations will be made part of the public record of the proceeding, as well as the overview submission of those persons selected to make presentations. Confidential business information may not be submitted at a virtual forum. The virtual forum will be recorded.

Copies of the requests to speak at the virtual forum and the transcript of the forum will be maintained on BIS's web page, which can be found at <http://www.bis.doc.gov> (see Freedom of Information Act link at the bottom of the page) and at <https://www.bis.doc.gov/semiconductorforum>. These documents will also be posted through the Federal eRulemaking Portal: <http://www.regulations.gov> under docket number BIS-2021-0011, which is the docket number for the May 15 notice. If the requesters cannot access the website, they may call (202) 482-0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

Conduct of the Virtual Forum

The Department reserves the right to select the persons to be heard at the virtual forum, to schedule their respective presentations, and to establish the procedures governing the conduct of the virtual forum. Each speaker will be limited to a time set by the Department and comments must be directly related to the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the elements included in the March 15 notice.

A Department official will be designated to preside at the virtual forum. The presiding officer shall determine all procedural matters during the virtual forum. Representatives from the Department, and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. This will be a fact-finding proceeding. It will not be a judicial or evidentiary-type virtual forum. Only members of the virtual forum panel may ask questions and there will be no cross-examination of persons presenting statements. No formal rules of evidence will apply to the virtual forum. Any further procedural rules for the proper conduct of the virtual forum will be announced by the presiding officer.

Special Accommodations

This virtual forum is physically accessible to people with disabilities. See the **ADDRESSES** section of this notice.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021-06579 Filed 3-26-21; 4:15 pm]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Jean Baptiste Kingery, 8764 S 48th Avenue, Apt. 1605, Yuma, AZ 85364.

On September 20, 2016 in the U.S. District Court for the District of Arizona, Jean Baptiste Kingery ("Kingery") was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778) ("AECA"). Specifically, Kingery was convicted of violating Section 38 of the AECA by knowingly and willfully attempting to export from the United States to Mexico, MK-II, M-67, M-61 Grenade Shells, M213, M228 Detonating Fuse, Winchester .45 Caliber 230 FMJ ammunition and Speer Lawman .380 Caliber ammunition, designated as defense articles on the United States Munitions List, without the required U.S. Department of State licenses. Kingery was sentenced to 60 months in prison, three years of supervised release, and a \$100 assessment. Kingery also was placed on the U.S. Department of State debarred list.

The Export Administration Regulations ("EAR" or "Regulations") are administered and enforced by the U.S. Department of Commerce's Bureau of Industry and Security ("BIS").¹

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2021). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) ("EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) ("IEEPA"). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 ("ECRA"). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13,

Continued

Section 766.25 of the Regulations provides, in pertinent part, that the “Director of [BIS’s] Office of Export Enforcement, in consultation with the Director of [BIS’s] Office of Exporter Services, may deny the export privileges of any person who has been convicted of a violation of any of the statutes set forth at 50 U.S.C. 4819(e)(1)(B),”² including section 38 of the AECA (22 U.S.C § 2778). 15 CFR 766.25(a). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d).³ In addition, pursuant to Section 750.8 of the Regulations, BIS’s Office of Exporter Services may revoke any BIS-issued licenses in which the person had an interest at the time of his/her conviction.⁴

BIS received notice of Kingery’s conviction for violating Section 38 of the AECA, and pursuant to Section 766.25 of the Regulations, has provided notice and an opportunity for Kingery to make a written submission to BIS. BIS has received and considered a written submission from Kingery.

Based upon my review of the record, including Kingery’s written submission, and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Kingery’s export privileges under the Regulations for a period of seven years from the date of Kingery’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Kingery had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

First, from the date of this Order until September 20, 2023, Jean Baptiste Kingery, with a last known address of 8764 S 48th Avenue, Apt. 1605, Yuma, AZ 85364, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the

Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, oration, or business organization

related to Kingery by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Kingery may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Kingery and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 20, 2023.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–06515 Filed 3–29–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry And Security

Order Denying Export Privileges

In the Matter of: Luis Felipe Varela, 4748 N. Mesa Street, Apt. 245, El Paso, TX 79912

On January 28, 2019, in the U.S. District Court for the Western District of Texas, Luis Felipe Varela (“Varela”) was convicted of violating 18 U.S.C. 554(a). Specifically, Varela was convicted of fraudulently and knowingly attempting to export from the United States to Mexico two FN M249S, 5.56 caliber rifles, which are designated as defense articles on the United States Munitions List, in violation of 18 U.S.C. 554. Varela was sentenced to six (6) months in prison, three years of supervised release, and a \$100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (“ECRA”),¹ the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an

¹ ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Varela’s conviction post-dates ECRA’s enactment on August 13, 2018.

2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

² The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

³ See also Section 11(h) of the EAA, 50 U.S.C. 4610(h) (Supp. III 2015); Sections 1760(e) and 1768 of ECRA, 50 U.S.C. 4819 and 4826; and note 1, *supra*.

⁴ See notes 1 and 3, *supra*.

interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Varela's conviction for violating 18 U.S.C. 554(a), and has provided notice and opportunity for Varela to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"). 15 CFR 766.25.² BIS has not received a written submission from Varela.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Varela's export privileges under the Regulations for a period of five years from the date of Varela's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Varela had an interest at the time of his conviction.³

Accordingly, it is hereby *ordered*:

First, from the date of this Order until January 28, 2024, Luis Felipe Varela, with a last known address of 4748 N. Mesa Street, Apt. 245, El Paso, TX 79912, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives ("the Denied Person"), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering,

storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Varela by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Varela may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Varela and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 28, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021-06532 Filed 3-29-21; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-979, C-570-980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part

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

SUMMARY: Based on a request from SOURCE Global, PBC (SOURCE Global), the Department of Commerce (Commerce) is initiating changed circumstances reviews (CCRs) to consider the possible revocation, in part, of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect to certain off-grid small portable crystalline silicon photovoltaic (CSPV) panels.

DATES: Applicable March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0835.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published AD and CVD orders on solar

² The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) ("EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) ("IEEPA"). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. See note 1 above.

³ The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

cells from China.¹ On December 4, 2020, SOURCE Global, an importer of the subject merchandise, requested, through CCRs, revocation of the *Solar Cells Orders* with respect to certain off-grid small portable CSPV panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).² SOURCE Global requested that Commerce apply the proposed exclusion retroactively to the furthest possible date.³ On January 15, 2021, we notified SOURCE Global that its request for CCRs lacked certain information that was required in order for Commerce to consider the request.⁴ On January 29, 2021, SOURCE Global amended its request for CCRs by providing the required information, including a letter from SunPower Manufacturing Oregon LLC (SPMOR), a U.S. producer of the domestic like product and a petitioner in the underlying investigations, in which SPMOR stated that it did not object to the scope modification proposed by SOURCE Global.⁵ On March 10, 2021, SOURCE Global submitted an edited version of the proposed exclusion language and included a letter from SPMOR, in which SPMOR stated that it did not object to the scope modification proposed by SOURCE Global.⁶

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (collectively, *Solar Cells Orders*).

² See SOURCE Global's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; Request for Changed Circumstances Review on Certain Off-Grid Portable Small Panels and Consumer Products Containing Such Panels," dated December 4, 2020.

³ *Id.* at 13.

⁴ See Commerce's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Request for Additional Information," dated January 15, 2021.

⁵ See SOURCE Global's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; Changed Circumstances Review on Certain Off-Grid Portable Small Panels and Consumer Products Containing Such Panels; SOURCE Global, PBC Response to Department of Commerce Information Request," dated January 29, 2021.

⁶ See SOURCE Global's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; SOURCE Global, PBC Changed Circumstances Review Request; SOURCE Global, PBC Submission of Edited Product Exclusion Language," dated March 10, 2021.

Scope of the Cells Orders

The merchandise covered by these orders is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

These orders covers crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of these orders.

Excluded from the scope of these orders are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of these orders are crystalline silicon photovoltaic cells, not exceeding 10,000mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the orders are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the orders are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

2. Off grid CSPV panels without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics: (i) The panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the orders; however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by these orders.

Merchandise covered by these orders is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive.⁷

⁷ See *Solar Cells Orders*.

Proposed Partial Revocation of the Solar Cells Order

SOURCE Global proposes that the *Solar Cells Orders* be revoked, in part, with respect to certain off-grid small portable CSPV panels as described below:

(1). Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

- (A) A total power output of no more than 80 watts per panel;
- (B) A surface area of less than 5,000 square centimeters (cm²) per panel;
- (C) Do not include a built-in inverter;
- (D) Do not have a frame around the edges of the panel;
- (E) Include a clear glass back panel; and
- (F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Initiation of CCRs, and Consideration of Revocation of the Solar Cells Orders, in Part

Pursuant to section 751(b) of the Act, Commerce will conduct a CCR upon receipt of a request from an interested party⁸ that shows changed circumstances sufficient to warrant a review of an order. In accordance with 19 CFR 351.216(d), Commerce determines that the information submitted by SOURCE Global, and the domestic producer's affirmative statement of no interest in the *Solar Cells Orders* with respect to the products described by SOURCE Global, constitute a sufficient basis to conduct CCRs of the *Solar Cells Orders*.

Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part. In addition, in the event that Commerce determines an expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notices of initiation and preliminary results. In its administrative practice, Commerce has interpreted "substantially all" to mean producers accounting for at least 85 percent of the total U.S. production of the domestic like product covered by the order.⁹

Domestic producer SPMOR stated that it does not object to the scope modification proposed by SOURCE Global. However, because SPMOR did not indicate whether it accounts for substantially all of the U.S. production of the domestic like product covered by the orders, we are not combining this notice of initiation with a preliminary determination, pursuant to 19 CFR 351.221(c)(3)(ii). Rather, we will provide interested parties with an opportunity to address the issue of domestic industry support with respect to the partial revocation of the *Solar Cells Orders*, as explained below. After examining comments, if any, concerning domestic industry support, we will issue the preliminary results of these CCRs.

Public Comment

Interested parties are invited to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. Comments and factual information may be submitted to Commerce no later than ten days after the date of publication of this notice. Rebuttal comments and rebuttal factual information may be filed with Commerce no later than seven days after the comments and/or factual information are filed.¹⁰ All submissions must be filed electronically using Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS).¹¹ An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time on the due dates set forth in this notice. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.¹²

Preliminary and Final Results of the CCRs

Commerce intends to publish in the **Federal Register** a notice of the

Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent To Revoke Order in Part, 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part*, 77 FR 53176 (August 31, 2012).

¹⁰ Submissions of rebuttal factual information must comply with 19 CFR 351.301(b)(2).

¹¹ See generally 19 CFR 351.303.

¹² See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

preliminary results of these AD and CVD CCRs in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i). Commerce will set forth its preliminary factual and legal conclusions in that notice. Unless extended, Commerce will issue the final results of these CCRs in accordance with the time limits set forth in 19 CFR 351.216(e).

Notification to Interested Parties

This initiation notice is published in accordance with section 751(b)(1) of the Act and 19 CFR 351.221(b)(1).

Dated: March 15, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021-06540 Filed 3-29-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of No Further Proceedings

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of No Further Proceedings in the matter of Certain Fabricated Structural Steel from Mexico; Final Results of Antidumping Duty Administrative Review (Secretariat File Number: USA-MEX-2020-1904-01).

SUMMARY: In *Building Systems de Mexico, S.A. de C.V. v. United States*, 476 F.Supp.3d 1401 (CIT, 2020) the Court of International Trade held that "it has jurisdiction over this proceeding because the requirements to request a binational panel, and divest this court of jurisdiction, have not been met." See also, *Full Member Subgroup of American Institute of Steel Construction, LLC v. United States*, 477 F.Supp.3d 1349 (CIT, 2020). Consistent with these holdings, there are no further proceedings for binational panel review in *Certain Fabricated Structural Steel from Mexico AD* (USA-MEX-2020-1904-01).

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

SUPPLEMENTARY INFORMATION: Notice of the Department of Commerce's Final Determination was published in the **Federal Register** January 30, 2020 (85 FR 5390). In the event a party wished

⁸ SOURCE Global reported in its December 4, 2020, request for changed circumstances reviews that it is an importer of certain off-grid small portable CSPV panels. As such, SOURCE Global is an interested party within the meaning of section 771(9)(A) of the Act and 19 CFR 351.102(b)(29)(ii).

⁹ See, e.g., *Certain Cased Pencils From the People's Republic of China: Initiation and*

to challenge the Final Determination, pursuant to NAFTA Article 1904(15)(c)(ii), the deadline for the submission of a Notice of Intent to Commence Judicial Review was February 19, 2020 (within 20 days of publication of the Final Determination in the **Federal Register**), and pursuant to NAFTA Article 1904(4), the deadline for the submission of a Request for Panel Review was March 2, 2020 (within 30 days of publication of the Final Determination in the **Federal Register**).

On February 19, 2020, the Full Member Subgroup of the American Institute of Steel Construction, LLC (“AISC”) and Building Systems de Mexico, S.A. de C.V. (“BSM”) filed Notices of Intent to Commence Judicial Review at the United States Court of International Trade.

On February 28, 2020, Corey S.A. de C. V. (“Corey”) solely filed a Request for Panel Review.

On November 3, 2020, in *Building Systems de Mexico, S.A. de C.V. v. United States*, 476 F.Supp.3d 1401, 1409 (CIT, 2020), the Court of International Trade held that “Corey does not have standing, as required in order for it to properly request review of Commerce’s final determination before a NAFTA binational panel. . . . NAFTA art. 1904(5) requires a private party to have standing, as determined by the laws of the importing country, in order to request a binational panel.”

The Court of International Trade further held that “it has jurisdiction over this proceeding because the requirements to request a binational panel, and divest this court of jurisdiction, have not been met.” *Id.* at 1405. See also, *Full Member Subgroup of American Institute of Steel Construction, LLC v. United States*, 477 F.Supp.3d 1349 (CIT, 2020).

Accordingly, there are no further proceedings for binational panel review in Certain Fabricated Structural Steel from Mexico AD (USA–MEX–2020–1904–01).

For the complete text of the NAFTA Agreement and the NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, please see <https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/index.aspx?lang=eng>.

Dated: March 24, 2021.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2021–06464 Filed 3–29–21; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA964]

Marine Mammals; File No. 23896

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Aleut Community of St. Paul Island, Tribal Government Ecosystem Conservation Office, 2050 Venia Minor Road, St. Paul Island, AK 99660 (Responsible Party: Lauren Divine, Ph.D.), has applied in due form for a permit to conduct research on northern fur seals (*Callorhinus ursinus*).

DATES: Written, telefaxed, or email comments must be received on or before April 29, 2021.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 23896 from the list of available applications. These documents are available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 23896 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The Aleut Community of St. Paul Island proposes to conduct research on northern fur seals to fulfill their responsibilities as established under the co-management agreements between NMFS and the Aleut Communities on St. Paul Island, Alaska. All activities are

organized into five projects: (1) Assessing and monitoring the marine mammal population; (2) Assessing disturbance using VHF; (3) Assessing habitat use; (4) Salvage of parts for a biosampling program; and (5) Studying entanglement rates of northern fur seals. The applicant requests to take up to 600 northern fur seals annually by capture and handling. Procedures to be performed on handled animals include mark (flipper tag), VHF tags, measure, restrain, and weighing. The applicant requests to take up to 400 northern fur seals annually through salvage of parts. Up to 35,000 northern fur seals may be taken annually by harassment during ground surveys, unmanned aircraft systems surveys, observation, photograph/video, as well as one unintentional mortality, including humane euthanasia if necessary. Up to 2,330 Steller sea lions (*Eumetopias jubatus*) may be harassed annually for the proposed projects, including 100 during salvage of parts. Up to 610 harbor seals (*Phoca vitulina*) may be harassed annually, including 50 during salvage of parts. An unlimited number of samples may be salvaged from stranded marine mammals including up to ten unidentified cetaceans and up to ten unidentified pinnipeds annually. Parts salvaged from all marine mammal species described here may be imported or exported. The permit would be valid for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 24, 2021.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–06455 Filed 3–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

National Coal Council; Meeting

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a virtual meeting of the National Coal Council (NCC) via WebEx. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, April 27, 2021; 11:00 a.m. to 1:15 p.m. (EST).

ADDRESSES: This will be virtual meeting conducted through WebEx. If you wish to join the meeting you must register by close of business (5:00 p.m. EST) on Wednesday, April 21, 2021, by using the form available at the following URL: <https://www.ncc.energy.gov/ncc/future-meetings>. The email address you provide in the on-line registration form will be used to forward instructions on how to join the meeting using WebEx. WebEx requires a computer, web browser and an installed application (free). Instructions for joining the webcast will be sent to you two days in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Thomas Sarkus, U.S. Department of Energy, National Energy Technology Laboratory, Mail Stop 922-204, P.O. Box 10940, Pittsburgh, PA 15236-0940; Telephone (412) 386-5981; Email: thomas.sarkus@netl.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council (the Council) provides advice and recommendations to the Secretary of Energy on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The National Coal Council will hold a virtual meeting via WebEx on April 27, 2021; 11:00 a.m. to 1:15 p.m. (EST).

Tentative Agenda:

Tuesday, April 27, 2021; 11:00 a.m.–1:15 p.m. (EST).

1. Call to order and opening remarks by Thomas Sarkus, NCC Deputy Designated Federal Officer, U.S. Department of Energy
2. Keynote remarks by Dr. Jennifer Wilcox, Principal Deputy Assistant Secretary (Acting Assistant Secretary) for Fossil Energy, U.S. Department of Energy
3. Keynote remarks by Mike Nasi, Equity Partner, Jackson Walker LLP on the Texas polar vortex
4. Presentation by William Easter, CEO, Semplastics EHC LLC on using coal for value-added roofing tiles, batteries and construction materials
5. Presentation by David Greeson, Lead Project Developer-Project Tundra, Minnkota Power Cooperative, an update on Project Tundra—the world's largest carbon capture facility
6. Public Comment Period
7. Adjourn

All attendees are requested to register in advance for the meeting at: <https://www.ncc.energy.gov/ncc/future-meetings>

Public Participation: The meeting is open to the public. If you would like to file a written statement to be read during the virtual webcast, you may do so within three calendar days of the event. Please email your written statement to Thomas Sarkus at thomas.sarkus@netl.doe.gov by 5:00 p.m. (EST) on Wednesday, April 21, 2021. If you would like to make an oral statement during the call regarding the reports being reviewed, you must both register to attend the webcast and also contact Thomas Sarkus, (412) 386-5981 or thomas.sarkus@netl.doe.gov to state your desire to speak. You must make your request for an oral statement at least three calendar days before the meeting. Reasonable provisions will be made to include oral statements at the conclusion of the meeting. However, those who fail to register in advance may not be accommodated. Oral statements are limited to two-minutes, per organization and per person.

Minutes: A recording of the call will be posted on the website at: ncc.energy.gov/ncc/.

Signed in Washington, DC, on March 24, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021-06497 Filed 3-29-21; 8:45 am]

BILLING CODE 6450-01-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: RP21-639-000.

Applicants: Northern Natural Gas Company.

Description: Request for Limited Waiver of Northern Natural Gas Company.

Filed Date: 3/19/21.

Accession Number: 20210319-5286.

Comments Due: 5 p.m. ET 3/31/21.

Docket Numbers: RP21-640-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 3.23.21 Negotiated Rates—Citadel Energy Marketing LLC R-7705-04 to be effective 4/1/2021.

Filed Date: 3/23/21.

Accession Number: 20210323-5011.

Comments Due: 5 p.m. ET 4/5/21.

Docket Numbers: RP21-641-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 3.23.21 Negotiated Rates—Sequent Energy Management, L.P. R-3075-14 to be effective 4/1/2021.

Filed Date: 3/23/21.

Accession Number: 20210323-5012.

Comments Due: 5 p.m. ET 4/5/21.

Docket Numbers: RP21-642-000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Rate Schedule LSS Rates Clean Up Filing to be effective 4/1/2021.

Filed Date: 3/23/21.

Accession Number: 20210323-5034.

Comments Due: 5 p.m. ET 4/5/21.

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 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06510 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-1506-000]

Shaw Creek Solar, 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 Shaw Creek Solar, 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 April 13, 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, (866) 208-3676 or TTY, (202) 502-8659.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06501 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21-12-000]

Commission Information Collection Activities (FERC-725X); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC 725X (Mandatory Reliability Standards: Voltage and Reactive (VAR) Standards).

DATES: Comments on the collection of information are due June 1, 2021.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC21-12-000) by one of the following methods: Electronic filing through <http://www.ferc.gov>, is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at DataClearance@FERC.gov, telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC 725X, Mandatory Reliability Standards: Voltage and Reactive (VAR).

Standards OMB Control No.: 1902-0278.

Type of Request: Three-year extension of the FERC-725X information collection requirements with no changes to the current reporting requirements.

Abstract: Pursuant to Section 215 of the Federal Power Act (FPA),¹ North American Electric Reliability Corporation (NERC) established the Voltage and Reactive ("VAR") group of Reliability Standards, which consists of two continent-wide Reliability Standards, VAR-001-5 and VAR-002-4.1. NERC conducts periodic reviews of Reliability Standards in accordance with Section 317 of the NERC Rules of Procedure and Section 13 of the NERC Standard Processes Manual. In accordance with these authorities and the NERC *Reliability Standards Development Plan: 2017-2019*, NERC recently completed Project 2016-EPR-02 Enhanced Periodic Review of Voltage and Reactive Reliability Standards. This project conducted a periodic review of mandatory and enforceable Reliability Standards VAR-001-4.1 (Voltage and Reactive Control)² and VAR-002-4 (Generator Operation for Maintaining Network Schedules).³ These two standards were designed to maintain voltage stability on the Bulk-Power System, protect transmission, generation, distribution, and customer equipment, and support the reliable operation of the Bulk-Power System. Voltage stability is the ability of a power system to maintain acceptable voltage levels throughout the system under normal operating conditions and following a disturbance. Failure to maintain acceptable voltage levels (*i.e.*, voltage levels become too high or too low) may cause violations of System Operating Limits ("SOLs") and Interconnection Reliability Operating Limits ("IROLs"), result in damage to Bulk-Power System equipment, and thereby threaten the reliable operation of the Bulk-Power System.

Reliability Standard VAR-001-5

This Reliability Standard requires Transmission Operators to:

¹ 16 U.S.C. 824a (2012).

² The Commission approved Reliability Standard VAR-001-4 (Voltage and Reactive Control) on August 1, 2014. See *North American Electric Reliability Corp.*, Docket No. RD14-11-000 (Aug. 1, 2014) (delegated letter order). The Commission approved errata version VAR-001-4.1 on November 13, 2015. See *North American Electric Reliability Corp.*, Docket No. RD15-6-000 (Nov. 13, 2015) (delegated letter order).

³ The Commission approved Reliability Standard VAR-002-4, which clarified the applicability of the VAR-002 standard to dispersed generation resources, on May 29, 2015. See *North American Electric Reliability Corp.*, 151 FERC ¶ 61,186 (May 29, 2015).

- Specify a system-wide voltage schedule (which is either a range or a target value with an associated tolerance band) as part of its plan to operate within SOLs and IROLs, and to provide the voltage schedule to its Reliability Coordinator and adjacent Transmission Operators upon request (Requirement R1);

- Schedule sufficient reactive resources to regulate voltage levels (Requirement R2);

- Operate or direct the operation of devices to regulate transmission voltage and reactive flows (Requirement R3);

- Develop a set of criteria to exempt generators from certain requirements under Reliability Standard VAR-002-4.1 related to voltage or Reactive Power schedules, automatic voltage regulations, and notification (Requirement R4);

- Specify a voltage or Reactive Power schedule (which is either a range or a target value with an associated tolerance band) for generators at either the high or low voltage side of the generator step-up transformer, provide the schedule to the associated Generator Operator, direct the Generator Operator to comply with that schedule in automatic voltage control mode, provide the Generator Operator the notification requirements for deviating from the schedule, and, if requested, provide the Generator

Operator the criteria used to develop the schedule (Requirement R5); and

- Communicate step-up transformer tap changes, the time frame for completion, and the justification for these changes to Generator Owners (Requirement R6).

Reliability Standard VAR-002-4.1

This Reliability Standard includes an information collection activity for "Requirement R1" and a separate information collection activity for "Requirements R2 through R6."

This Reliability Standard requires Generator Operators to:

- Operate each of its generators connected to the interconnected transmission system in automatic voltage control mode or in a different control mode as instructed by the Transmission Operator, unless the Generator Operator (1) is exempted pursuant to the criteria developed under VAR-001-5, Requirement R4, or (2) makes certain notifications to the Transmission Operator specifying the reasons it cannot so operate (Requirement R1);

- Maintain the Transmission Operator's generator voltage or Reactive Power schedule, unless the Generator Operator (1) is exempted pursuant to the criteria developed under VAR-001-5, Requirement R4, or (2) complies with

the notification requirements for deviations as established by the Transmission Owner pursuant to VAR-001-5, Requirement R5 (Requirement R2);

- Notify the Transmission Operator of a change in status of its voltage controlling device within 30 minutes, unless the status is restored within that time period (Requirement R3); and

- Notify the Transmission Operator of a change in reactive capability due to factors other than those described in VAR-002-4.1, Requirement R3 within 30 minutes unless the capability has been restored during that time period (Requirement R4).

- Provide information on its step-up transformers and auxiliary transformers within 30 days of a request from the Transmission Operator or Transmission Planner (Requirement R5); and

- Comply with the Transmission Operator's step-up transformer tap change directives unless compliance would violate safety, an equipment rating, or applicable laws, rules or regulations (Requirement R6).

Type of Respondents: Generator owners and transmission operators.

*Estimate of Annual Burden:*⁴ The Commission estimates the annual public reporting burden for the information collection as:

FERC-725X, MANDATORY RELIABILITY STANDARDS: VOLTAGE AND REACTIVE (VAR) STANDARDS

	Number of respondents ⁵	Annual number of responses per respondent	Total number of responses	Average burden & cost per response ⁶	Total annual burden hours & total annual cost	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
VAR-001-5 (Requirements R1-R6).	167 (TOP)	1	167	160 hrs.; \$11,721.73	26,887 hrs.; \$1,887,198.53	\$11,721.73
VAR-002-4.1 (Requirement R1)	937 (GOP)	1	937	80 hrs.; \$5,615.20	74,960 hrs.; \$5,261,442.4	5,615.20
VAR-002-4.1 (Requirements R2-R6).	937 (GOP)	1	937	120 hrs.; \$8,422.80	112,440 hrs.; \$7,892,163.6	8,422.80
Total .....	.....	.....	2,041	.....	214,287 hrs.; \$15,040,804.53.	.....

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of

the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: March 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-06504 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM19-12-000]

Revisions to the Filing Process for Commission Forms; Notice of Eforms Updates, Termination of Visual Foxpro Filings, and Extension of Filing Deadlines

As provided for in the July 17, 2020 Order on Technical Conference, notice

⁴ The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the

information collection burden, reference 5 Code of Federal Regulations 1320.3.

⁵ TOP = transmission operator; GOP = generator operators. Respondent counts based of the NERC Compliance Registry numbers February 5, 2021.

⁶ The estimate for hourly cost is \$70.19/hour. This figure is the average salary plus benefits for an electrical engineer (Occupation Code: 17-2071) from the Bureau of Labor Statistics at https://www.bls.gov/oes/current/naics2_22.htm.

is hereby given that on April 15, 2021, the eXtensible Business Reporting Language (XBRL) taxonomies, validation rules, and rendering files needed to file FERC Form Nos. 1, 1-F, 3-Q (electric), 2, 2-A, 3-Q (natural gas), 6, 6-Q (oil), 60, and 714 (collectively, Commission Forms),¹ will be updated to Release 1.5.² The updated taxonomies will be available in the Yeti viewer at <https://xbrlview.ferc.gov/>.³ The updated validation rules and rendering files will be available at <https://www.ferc.gov/ferc-online/ferc-online/filing-forms/eforms-refresh>. The eForms system will incorporate the updated (Release 1.5) taxonomies, validation rules, and rendering files and use them to process filers' test-only submissions in May 2021. In addition, as noted below, the deadlines for submitting the third quarter 2021 filings of FERC Form Nos. 3-Q (electric), 3-Q (natural gas), and 6-Q (oil) are extended until December 31, 2021.

The updated (Release 1.5) taxonomies, validation rules, and rendering files will become effective beginning with the third quarter 2021 filings of FERC Form Nos. 3-Q (electric), 3-Q (natural gas), and 6-Q (oil). The current Visual FoxPro-based system for filing Commission Forms will no longer be available for submissions after September 30, 2021. Therefore, all subsequent filings and any future refilings, *i.e.*, all post-September 30, 2021 filings and refilings, of the FERC Form Nos. 3-Q (electric), 3-Q (natural gas), and 6-Q (oil) and the other Commission Forms (*i.e.*, FERC Form Nos. 1, 1-F, 2, 2-A, 6, 60, and 714) must be made using the applicable taxonomies, validation rules, and rendering files for the relevant form, as indicated on the eForms portal.

To provide the additional time necessary to complete the transition to an XBRL-based system, the deadlines for the third quarter filings of the FERC

Form Nos. 3-Q (electric), 3-Q (natural gas), and 6-Q (oil) are hereby extended.

Accordingly, the deadline for filing the FERC Form No. 3-Q (electric) for Major Electric Utilities, Licensees, and Others for the third quarter of 2021 is extended from November 29, 2021 until December 31, 2021. The deadline for filing the FERC Form No. 3-Q (electric) for Non-major Public Utilities and Licensees for the third quarter of 2021 is extended from December 9, 2021 until December 31, 2021.

In addition, the deadline for filing the FERC Form No. 3-Q (natural gas) for Major Natural Gas Companies for the third quarter of 2021 is extended from November 29, 2021 until December 31, 2021. The deadline for filing the FERC Form No. 3-Q (natural gas) for Non-major Gas Companies for the third quarter of 2021 is extended from December 9, 2021 until December 31, 2021.

Finally, the deadline for filing the FERC Form No. 6-Q (oil) for Oil Pipeline Companies for the third quarter of 2021 is extended from December 9, 2021 until December 31, 2021.

Dated: March 23, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021-06477 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6731-000]

Coneross Power Corporation; Notice of Authorization for Continued Project Operation

On February 28, 2019 Coneross Power Corporation, licensee for the Coneross Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Coneross Hydroelectric Project is on the Coneross Creek, in Oconee County, South Carolina.

The license for Project No.6731 was issued for a period ending February 28, 2021. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the

applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No.6731 is issued to the Coneross Power Corporation for a period effective March 1, 2021 through February 28, 2022, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 2022, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Coneross Power Corporation, is authorized to continue operation of the Coneross Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-06511 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21-67-000.

Applicants: Ventura Energy Storage, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Ventura Energy Storage, LLC.

Filed Date: 3/22/21.

¹ The Commission adopted the XBRL process for filing the Commission Forms in Order No. 859, *Revisions to the Filing Process for Comm'n Forms*, Order No. 859, 167 FERC ¶ 61,241 (2019).

² The Commission adopted the final XBRL taxonomy, protocols, implementation guide, and other supporting documents, and established the implementation schedule for filing the Commission Forms following a technical conference in this proceeding. *Revisions to the Filing Process for Comm'n Forms*, 172 FERC ¶ 61,059 (2020). The Commission also stated that technical updates, such as the updates referenced here, will not take effect until at least 60 days after issuance of a notice from the Office of the Secretary. *Id.* P 26.

³ These technical updates incorporate feedback on the taxonomies submitted by interested parties through various means, including the Yeti review tool.

Accession Number: 20210322–5462.
Comments Due: 5 p.m. ET 4/12/21.
 Take notice that the Commission received the following exempt wholesale generator filings:
Docket Numbers: EG21–112–000.
Applicants: Maverick Solar 6, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Maverick Solar 6, LLC.
Filed Date: 3/22/21.
Accession Number: 20210322–5405.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: EG21–113–000.
Applicants: Samson Solar Energy LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Samson Solar Energy LLC.
Filed Date: 3/22/21.
Accession Number: 20210322–5454.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: EG21–114–000.
Applicants: Hawtree Creek Farm Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Hawtree Creek Farm Solar, LLC.
Filed Date: 3/22/21.
Accession Number: 20210322–5455.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: EG21–115–000.
Applicants: Maverick Solar 7, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Maverick Solar 7, LLC.
Filed Date: 3/22/21.
Accession Number: 20210322–5456.
Comments Due: 5 p.m. ET 4/12/21.
 Take notice that the Commission received the following electric rate filings:
Docket Numbers: ER10–3117–009; ER10–3115–008; ER11–4060–010; ER11–4061–010; ER13–445–010; ER14–2823–008; ER15–1170–006; ER15–1171–006; ER15–1172–006; ER15–1173–006.
Applicants: Lea Power Partners, LLC, Waterside Power, LLC, Badger Creek Limited, Double C Generation Limited Partnership, High Sierra Limited, Kern Front Limited, Bear Mountain Limited, Chalk Cliff Limited, Live Oak Limited, McKittrick Limited.
Description: Notice of Change in Status of Lea Power Partners, LLC, et al.
Filed Date: 3/22/21.
Accession Number: 20210322–5472.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: ER20–844–001.
Applicants: Hamilton Projects Acquiror, LLC.
Description: Notice of Non-Material Change in Status of Hamilton Projects Acquiror, LLC.

Filed Date: 3/22/21.
Accession Number: 20210322–5516.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: ER20–1776–001.
Applicants: Yards Creek Energy, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filing to be effective 3/5/2021.
Filed Date: 3/23/21.
Accession Number: 20210323–5027.
Comments Due: 5 p.m. ET 4/13/21.
Docket Numbers: ER21–726–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Response to the Commission's 2/18/2021 Deficiency Letter re: 2021 Annual RTEP to be effective 1/1/2021.
Filed Date: 3/22/21.
Accession Number: 20210322–5277.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: ER21–1498–000.
Applicants: Hawtree Creek Farm Solar, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 5/22/2021.
Filed Date: 3/22/21.
Accession Number: 20210322–5296.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: ER21–1499–000.
Applicants: ADG Group Inc.
Description: Notice of Cancellation of Market Based Rate Tariff of ADG Group Inc.
Filed Date: 3/22/21.
Accession Number: 20210322–5458.
Comments Due: 5 p.m. ET 4/12/21.
Docket Numbers: ER21–1500–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 171 to be effective 3/24/2021.
Filed Date: 3/23/21.
Accession Number: 20210323–5032.
Comments Due: 5 p.m. ET 4/13/21.
Docket Numbers: ER21–1501–000.
Applicants: Sandy Ridge Wind, LLC.
Description: § 205(d) Rate Filing: Reactive Rate Service as Rate Schedule FERC No. 1 to be effective 5/24/2021.
Filed Date: 3/23/21.
Accession Number: 20210323–5135.
Comments Due: 5 p.m. ET 4/13/21.
Docket Numbers: ER21–1502–000.
Applicants: Maverick Solar 6, LLC.
Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Maverick Solar 6 to be effective 4/30/2021.
Filed Date: 3/23/21.
Accession Number: 20210323–5147.
Comments Due: 5 p.m. ET 4/13/21.
Docket Numbers: ER21–1503–000.

Applicants: Maverick Solar 7, LLC.
Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Maverick Solar 7 to be effective 4/30/2021.
Filed Date: 3/23/21.
Accession Number: 20210323–5155.
Comments Due: 5 p.m. ET 4/13/21.
 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 23, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–06479 Filed 3–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1498–000]

Hawtree Creek Farm Solar, 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 Hawtree Creek Farm Solar, 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 April 12, 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 TTY, (202) 502-8659.

Dated: March 23, 2021.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2021-06478 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2814-000]

Great Falls Hydroelectric Company, City of Paterson, New Jersey;

Notice of Authorization for Continued Project Operation

On February 28, 2019, Great Falls Hydroelectric Company and the City of Paterson, New Jersey (Great Falls Hydro-Paterson), as co-licensees for the Great Falls Hydroelectric Project No. 2814, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Great Falls Hydroelectric Project is on the Passaic River, near the City of Paterson, Passaic County, New Jersey.

The license for Project No. 2814 was issued for a period ending February 28, 2021. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2814 is issued to Great Falls Hydro-Paterson for a period effective March 1, 2021 through February 28, 2022 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 2022, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the

FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Great Falls Hydro-Paterson is authorized to continue operation of the Great Falls Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06505 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-1505-000]

Diablo Energy Storage, 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 Diablo Energy Storage, 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 April 13, 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 TTY, (202) 502-8659.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06506 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-1503-000]

Maverick Solar 7, 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 Maverick Solar 7, 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 April 13, 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 TTY, (202) 502-8659.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06507 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1403-066]

Yuba County Water Agency; Notice of Intent to File License Application, Filing of Pre-Application Document, And Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 1403-066

c. *Dated Filed:* January 28, 2021

d. *Submitted By:* Yuba County Water Agency

e. *Name of Project:* Narrows Hydroelectric Project

f. *Location:* Approximately 23 miles northeast of the City of Marysville, in Nevada County, California. As proposed, the project would occupy approximately 0.55 acres of land administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Applicant Contact:* Willie Whittlesey, General Manager, Yuba County Water Agency, 1120 F Street, Marysville, CA 95901-4226; (530) 741-5000; WWhittlesey@yubawater.org.

i. *FERC Contact:* Kelly Wolcott at (202) 502-6480 or kelly.wolcott@ferc.gov.

j. Yuba County Water Agency (YCWA) filed its request to use the Traditional Licensing Process on January 28, 2021. YCWA provided public notice of its request on January 28, 2021. In a letter dated March 24, 2021, the Director of the Division of Hydropower Licensing approved YCWA's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the California State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Yuba County Water Agency as the Commission's non-federal representative for carrying out informal

consultation, pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. YCWA filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

o. The applicant states its unequivocal intent to submit an application for a new license for Project No.1403-066. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2024.

p. Register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06503 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-1502-000]

Maverick Solar 6, 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 Maverick Solar 6, 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 April 13, 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, (866) 208-3676 or TTY, (202) 502-8659.

Dated: March 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-06502 Filed 3-29-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21-116-000.

Applicants: Diablo Energy Storage, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Diablo Energy Storage, LLC.

Filed Date: 3/23/21.

Accession Number: 20210323-5214.

Comments Due: 5 p.m. ET 4/13/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15-2028-012.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in Response to Order issued in ER15-2028-011 (Corn Belt) to be effective N/A.

Filed Date: 3/24/21.

Accession Number: 20210324-5067.

Comments Due: 5 p.m. ET 4/14/21.

Docket Numbers: ER20-819-004.

Applicants: Blythe Solar III, LLC.

Description: Notice of Change in Status of Blythe Solar III, LLC.

Filed Date: 3/23/21.

Accession Number: 20210323-5272.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: ER21-1504-000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021-03-23 SA 3273 150 Mvar Cap Bank at Blackhawk 345kV MPFCA 1st Rev to be effective 3/5/2021.

Filed Date: 3/23/21.

Accession Number: 20210323-5165.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: ER21-1505-000.

Applicants: Diablo Energy Storage, LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization under Section 205 of the FPA to be effective 4/1/2021.

Filed Date: 3/23/21.

Accession Number: 20210323-5180.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: ER21-1506-000.

Applicants: Shaw Creek Solar, LLC.

Description: Baseline eTariff Filing: Shaw Creek Solar, LLC Application for MBR Authority to be effective 5/23/2021.

Filed Date: 3/23/21.

Accession Number: 20210323–5181.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: ER21–1507–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Cancellation: Notice of Cancellation of Service Agreement No. 884 to be effective 2/25/2020.

Filed Date: 3/23/21.

Accession Number: 20210323–5198.

Comments Due: 5 p.m. ET 4/13/21.

Docket Numbers: ER21–1508–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 233 to be effective 11/5/2020.

Filed Date: 3/24/21.

Accession Number: 20210324–5043.

Comments Due: 5 p.m. ET 4/14/21.

Docket Numbers: ER21–1509–000.

Applicants: PacifiCorp.

Description: Tariff Cancellation: Termination of BPA Non-Conforming PTP Agreement (Green Springs) to be effective 4/30/2021.

Filed Date: 3/24/21.

Accession Number: 20210324–5060.

Comments Due: 5 p.m. ET 4/14/21.

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 24, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–06508 Filed 3–29–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 18517]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (“Privacy Act”), this document announces the establishment of a computer matching program the Federal Communications Commission (“FCC” or “Commission” or “Agency”) and the Universal Service Administrative Company (USAC) will conduct with the Utah Department of Workforce Services (DWS) (collectively, Agencies). The purpose of this matching program is to verify the eligibility of applicants to and subscribers of the Emergency Broadband Benefit Program, which is administered by USAC under the direction of the FCC, or other federal programs that use qualification for the FCC's Lifeline Program as an eligibility criterion. More information about this program is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before April 29, 2021. This computer matching program will commence on April 29, 2021, and will conclude 18 months after becoming effective.

ADDRESSES: Send comments to Margaret Drake, FCC, 45 L Street NE, Washington, DC 20554, or to Privacy@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Margaret Drake at 202–417–1707 or Privacy@fcc.gov.

SUPPLEMENTARY INFORMATION: The Emergency Broadband Benefit Program (EBBP) was established by Congress in the Consolidated Appropriations Act of 2021, Public Law 116–260, 134 Stat. 1182. EBBP is a program that will help low-income Americans obtain discounted broadband service and one-time co-pay for a connected device (laptop, desktop computer or tablet). This program was created specifically to assist American families' access to broadband, which has proven to be essential for work, school, and healthcare during the public health emergency that exists as a result of COVID–19. A household may qualify for the EBBP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016 (81 FR 33026, May 24, 2016), the Commission ordered USAC to create a National Lifeline Eligibility

Verifier (“National Verifier”), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program. The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for EBBP. The purpose of this matching program is to verify the eligibility of EBBP applicants and subscribers by determining whether they receive Medicaid or Supplemental Nutrition Assistance Program (SNAP) benefits administered by the Utah DWS. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for EBBP benefits.

PARTICIPATING NON–FEDERAL AGENCIES:

Utah Department of Workforce Services (DWS)

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

Consolidated Appropriations Act of 2021, Pub. L. 116–260, 134 Stat. 1182; 47 CFR part 54.

PURPOSE(S):

In the 2016 Lifeline Modernization Order (81 FR 33026, May 24, 2016), the FCC required USAC to develop and operate the National Verifier to improve efficiency and reduce waste, fraud, and abuse in the Lifeline program. The stated purpose of the National Verifier is “to increase the integrity and improve the performance of the Lifeline program for the benefit of a variety of Lifeline participants, including Lifeline providers, subscribers, states, community-based organizations, USAC, and the Commission.” 31 FCC Rcd 3962, 4006, para. 126. To help determine whether Lifeline applicants and subscribers are eligible for Lifeline benefits, the Order contemplates that the USAC-operated LED will communicate with information systems and databases operated by other Federal and State agencies. Id. at 4011–2, paras. 135–7.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for EBBP. The purpose of this matching program is to verify the eligibility of EBBP applicants and subscribers by determining whether they receive Medicaid or SNAP benefits administered by the Utah DWS. Under

FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for EBBP benefits.

CATEGORIES OF INDIVIDUALS:

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for EBBP benefits; are currently receiving benefits; are individuals who enable another individual in their household to qualify for EBBP benefits; are minors whose status qualifies a parent or guardian for EBBP benefits; or are individuals who have received EBBP benefits.

CATEGORIES OF RECORDS:

The categories of records involved in the matching program include, but are not limited to last name, date of birth and the last four digits of the applicant's Social Security Number. The National Verifier will transfer these data elements to the Utah DWS, which will respond either "yes" or "no" that the individual meets the income verification standard or is enrolled in an EBBP-qualifying assistance program: State of Utah's SNAP or Medicaid.

SYSTEM(S) OF RECORDS:

The USAC records shared as part of this matching program reside in the EBBP system of records, FCC/WCB-3, Emergency Broadband Benefit Program, which was published in the Federal Register at 86 FR 11523 (Feb. 25, 2021).

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2021-06638 Filed 3-29-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

[Petition No. P1-21]

Petition of Kawasaki Kisen Kaisha, LTD. and "K" Line America, Inc. for a Temporary Exemption From Standard Tariff & Service Contract Filing Requirements; Notice of Filing and Request for Comments; Served: March 25, 2021

Notice is hereby given that Kawasaki Kisen Kaisha, LTD. and "K" Line America, Inc. ("Petitioners") have petitioned the Commission pursuant to 46 CFR 502.92 ". . . for a temporary exemption from 46 CFR 520.7(c), 46 CFR 520.8(a)(1), 46 CFR 520.8(4), 46 CFR 530.8(a)(1), 46 CFR 530.3(i) and 46 CFR 530.14(a)". Petitioner states it is "requesting retroactive application of tariff publications and service contract

filings impacted by the recent cyber-attack against K Line, for a period of up to 60 days following the cyber-attack."

In order for the Commission to make a thorough evaluation of the requested exemption and rulemaking presented in the Petition, pursuant to 46 CFR 502.92, interested parties are requested to submit views or arguments in reply to the Petition no later than April 5, 2021. Replies shall be sent to the Secretary by email to Secretary@fmc.gov, and replies shall be served on Petitioner, K Line America, Inc., 4860 Cox Road, Glen Allen, VA 23060.

Any confidential filing must be accompanied by a transmittal letter that identifies the filing as "Confidential-Restricted" and describes the nature and extent of the confidential treatment requested. The Commission will provide confidential treatment to the extent allowed by law for confidential submissions, or parts of submissions, for which confidentiality has been requested. When a confidential filing is submitted, there must also be submitted a public version of the filing. Such public filing version shall exclude confidential materials, and shall indicate on the cover page and on each affected page "Confidential materials excluded." The Petition will be posted on the Commission's website at <http://www.fmc.gov/P1-21>. Replies filed in response to the Petition will also be posted on the Commission's website at this location.

Rachel E. Dickon,
Secretary.

[FR Doc. 2021-06498 Filed 3-29-21; 8:45 am]

BILLING CODE 6730-02-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 April 13, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *The Norman L. Nelson Revocable Trust, Norman L. Nelson, trustee; and the Diane P. Nelson Bank Stock Trust, Diane P. Nelson, trustee, all of East Peoria, Illinois;* to join the Nelson Family Control Group, a group acting in concert, and retain voting shares of First Lacon Corporation, and thereby indirectly retain voting shares of First National Bank of Lacon, both of Lacon, Illinois.

Board of Governors of the Federal Reserve System, March 24, 2021.

Michele Taylor Fennell,
Deputy Associate Secretary of the Board.

[FR Doc. 2021-06463 Filed 3-29-21; 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 April 14, 2021.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to or *Comments.applications@rich.frb.org*:

1. *Jacob S. Fisher, Salisbury, North Carolina*; to retain voting shares of F&M Financial Corporation (F&M), Granite Quarry, North Carolina, by continuing to serve as sole general partner of Fisher Woodside LP, Salisbury, North Carolina, which owns F&M, and thereby indirectly owns Farmers and Merchants Bank, Granite Quarry, North Carolina.

Board of Governors of the Federal Reserve System, March 25, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-06541 Filed 3-29-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

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 whether the proposed transaction complies with the standards

enumerated in the HOLA (12 U.S.C. 1467a(e)).

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 28, 2021.

A. *Federal Reserve Bank of Atlanta* (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org*:

1. *TC Bancshares, Inc., Thomasville, Georgia*; to become a savings and loan holding company by acquiring TC Federal Bank, Thomasville, Georgia, in connection with the mutual-to-stock conversion of TC Federal Bank.

Board of Governors of the Federal Reserve System, March 24, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-06462 Filed 3-29-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-3411-N]

Medicare, Medicaid, and CLIA Programs; Clinical Laboratory Improvement Amendments of 1988 Exemption of Permit-Holding Laboratories in the State of New York

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces that laboratories located in and licensed by the State of New York that possess a valid permit under the New York State Public Health Law are exempt from the requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) for a period of 6 years.

DATES: The exemption granted by this notice is effective from March 26, 2021 to March 26, 2027.

FOR FURTHER INFORMATION CONTACT: Penny Keller, (410) 786-2035.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

Section 353 of the Public Health Service Act (PHSA), as amended by the Clinical Laboratory Improvement

Amendments of 1988 (CLIA) (Pub. L. 100-578, enacted on October 31, 1988), generally provides that no laboratory may perform tests on human specimens for the diagnosis, prevention, or treatment of any disease or impairment of, or assessment of the health of, human beings unless it has a certificate to perform that category of tests issued by the Secretary of the Department of Health and Human Services (HHS). Under section 1861(s)(17)(A) of the Social Security Act (the Act), the Medicare program will only pay for laboratory services if the laboratory has a CLIA certificate. Section 1902(a)(9)(C) of the Act generally requires that state Medicaid plans pay only for laboratory services furnished by CLIA-certified laboratories. Thus, although subject to specified exemptions and exceptions, laboratories generally must have a current and valid CLIA certificate to test human specimens for the purposes noted above to be eligible for payment for those tests from the Medicare or Medicaid programs. Regulations implementing section 353 of the PHSA are contained in 42 CFR part 493.

Section 353(p) of the PHSA provides for the exemption of laboratories from CLIA requirements in states that enact legal requirements that are equal to or more stringent than CLIA's statutory and regulatory requirements. Section 353(p) of the PHSA is implemented in subpart E of our regulations at 42 CFR part 493. Sections 493.551 and 493.553 provide that we may exempt from CLIA requirements, for a period not to exceed 6 years, all state-licensed or -approved laboratories in a state if the state licensure program meets the specified conditions. Section 493.559 provides that we will publish a notice in the **Federal Register** when we grant an exemption to an approved state licensure program. It also provides that the notice will include the following:

- The basis for granting the exemption.
- A description of how the state's laboratory requirements are equal to or more stringent than those of CLIA.
- The term of approval, not to exceed 6 years.

A. State of New York's Application for CLIA Exemption of Its Laboratories

The State of New York has applied for exemption of its Clinical Laboratory Evaluation Program (CLEP) permit-holding laboratories from CLIA program requirements. New York State law is generally applicable to all clinical laboratories operating within the State of New York except those operated by the Federal Government and those operated by a licensed physician,

osteopath, dentist, midwife, nurse practitioner or podiatrist who performs laboratory tests or procedures, personally or through his or her employees, solely as an adjunct to the treatment of his or her own patients. The State of New York submitted all of the applicable information and attestations required by §§ 493.551, 493.553, and 493.557(b) for state licensure programs seeking exemption of their licensed laboratories from CLIA program requirements. (Please note that although the CLEP issues “permits” rather than “licenses” or “certificates,” for the purposes of this notice, we will hereinafter refer to the CLEP as a “state licensure program.”) Examples of documents and information submitted include a comparison of its laboratory licensure requirements with comparable CLIA condition-level requirements (that is, a crosswalk) and a description of the following: its inspection process; its proficiency testing (PT) monitoring process; its data management and analysis system; its investigative and response procedures for complaints received against laboratories; and its policy regarding announced and unannounced inspections.

B. CMS Analysis of New York's Application and Supporting Documentation

To determine whether we should grant a CLIA exemption to laboratories licensed by a state, we review the application and additional documentation that the state submits to us and conduct a detailed and in-depth comparison of the CLEP state licensure program and CLIA's statutory and regulatory requirements to determine whether the state program meets the requirements at subpart E of part 493.

In summary, the state generally must demonstrate that:

- It has state laws in effect that provide for a state licensure program that has requirements that are equal to or more stringent than CLIA condition-level requirements for laboratories.
- It has implemented a state licensure program with requirements that are equal to or more stringent than the CLIA condition-level requirements such that a laboratory licensed by the state program would meet the CLIA condition-level requirements if it were inspected against those requirements.
- The requirements under that state licensure program meet or exceed the requirements of §§ 493.553, 493.555, and 493.557(b) and is suitable for approval by us under § 493.551. For example, among other things, the program would need to:

++ Demonstrate that it has enforcement authority and administrative structures and resources adequate to enforce its laboratory requirements.

++ Permit us or our agents to inspect laboratories within the state.

++ Require laboratories within the state to submit to inspections by us or our agents as a condition of state licensure.

++ Agree to pay any costs associated with our activities to validate its state licensure program as well as the state's pro rata share of the general overhead to develop and implement CLIA as specified in §§ 493.645(a), 493.646(b), and 493.557(b).

++ Take appropriate enforcement action against laboratories found by us or our agents to be out of compliance with requirements comparable to CLIA condition-level requirements, as specified in § 493.557(b).

As specified in our regulations at §§ 493.555 and 493.557(b), our review of a state licensure program includes (but is not necessarily limited to) an evaluation of the following:

- Whether the state's requirements for laboratories are equal to or more stringent than the CLIA condition-level requirements.
- The state's inspection process requirements to determine the following:

++ The comparability of the full inspection and complaint inspection procedures to those of CMS.

++ The state's enforcement procedures for laboratories found to be out of compliance with its requirements.

- The ability of the state to provide us with electronic data and reports with the adverse or corrective actions resulting from PT results that constitute unsuccessful participation in CMS-approved PT programs and with other data we determine to be necessary for validation review and assessment of the state's inspection process requirements.

• The state's agreement with us to ensure that the agreement obligates the state to do the following:

++ Notify us within 30 days of the action taken against any CLIA-exempt laboratory that has had its licensure or approval withdrawn or revoked or been in any way sanctioned.

++ Notify us within 10 days of any deficiency identified in a CLIA-exempt laboratory in cases when the deficiency poses an immediate jeopardy to the laboratory's patients or a hazard to the general public.

++ Notify each laboratory licensed by the state under its approved state licensure program within 10 days of a withdrawal of our approval of the state's

licensure program, and the resulting loss of the laboratory's exemption from CLIA based on its licensure under that program.

++ Provide us with written notification of any changes in the state's licensure (or approval) and inspection requirements.

++ Disclose to us or our agent any laboratory's PT results in accordance with the state's confidentiality requirements.

++ Take appropriate enforcement action against laboratories that we or our agents find to be out of compliance with CLIA condition-level requirements in a validation survey, and report these enforcement actions to us.

++ Notify us of all newly licensed laboratories, and any changes in the specialties and subspecialties for which any laboratory performs testing, within 30 days.

++ Provide us, as requested, inspection schedules for validation purposes.

In keeping with the process described above, we evaluated the application and supporting materials that were submitted by the State of New York to verify that CLEP permit-holding laboratories will meet or exceed the requirements of the following subparts of part 493: Subpart H, Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing; subpart J, Facility Administration for Nonwaived Testing; subpart K, Quality Systems for Nonwaived Testing; subpart M, Personnel for Nonwaived Testing; subpart Q, Inspection; and subpart R, Enforcement Procedures.

We found that the State of New York's CLEP requirements mapped to all the CLIA condition-level requirements. Its inspection and proficiency testing monitoring processes were adequate. Other materials that were submitted demonstrated compliance with the other above-referenced requirements of subpart E of part 493. As a result, we concluded that the submitted documents supported exempting CLEP permit-holding laboratories from the CLIA program requirements. Furthermore, a review of our validation inspections conducted by our branch location in New York supported this conclusion.

The Federal validation inspections of CLIA-exempt laboratories, as specified in § 493.563, were conducted on a representative sample basis, as well as in response to any substantial allegations of noncompliance (that is, complaint inspections). The outcome of those validation inspections has been, and will continue to be our principal tool for verifying that the laboratories

located within the state that hold valid permits are in compliance with CLIA requirements.

Our branch location in New York has conducted validation inspections of a representative sample (approximately 5 percent) of the laboratories inspected by the New York State Office of Laboratory Quality Assurance (LQA). The validation inspections were primarily of the concurrent type; that is, our surveyors accompanied New York State's inspectors, each inspecting against his or her agency's respective regulations. Analysis of the validation data revealed no significant differences between the State and Federal findings. The validation surveys verified that the State of New York CLEP inspection process covers all CLIA conditions applicable to each laboratory being inspected and also verified that the CLEP requirements meet or exceed CLIA condition-level requirements. Our validation surveys found the State inspectors highly skilled and qualified. The LQA inspected laboratories in a timely fashion; that is, all laboratories were inspected within the required 24-month cycle. All parameters monitored by our branch location in New York, to date, indicate that the State of New York is meeting all requirements for approval of CLIA exemption. This Federal monitoring will continue as an ongoing process.

C. Conclusion

Based on review of the documents submitted by the New York State licensure program, CLEP, pursuant to the requirements of subpart E of part 493, as well as the outcome of the validation inspections conducted by our branch location in New York, we find that the State of New York's licensure program meets the requirements of § 493.551(a), and that, as a result, we may exempt from CLIA program requirements all State-licensed or -approved laboratories.

Approval of the CLIA exemption for laboratories located within and permitted by the State of New York is subject to removal if we determine that the outcome of a comparability review or a validation review inspection is not acceptable, as described under §§ 493.573 and 493.575, or if the State of New York fails to pay the required fee every 2 years as required under § 493.646(b).

D. Laboratory Data

In accordance with our regulations at § 493.557(b)(8), the approval of this exemption for laboratories located within and permitted by the State of New York is conditioned on the State of

New York's continued compliance with the assertions made in its application, especially the provision of information to us about changes to a laboratory's specialties or subspecialties based on the State's survey, and changes to a laboratory's certification status, such as a change from a CLIA certificate of compliance to a CLIA certificate of waiver.

E. Required Administrative Actions

CLIA is a user-fee funded program. The registration fee paid by laboratories is intended to cover the cost of the development and administration of the program. However, when a state's application for exemption is approved, we do not charge a fee to laboratories in the state. The state's share of the costs associated with CLIA must be collected from the state, as specified in § 493.645(a).

The State of New York must pay for the following:

- Costs of Federal inspections of laboratories in the State to verify that New York State's laboratory licensure program requirements are equivalent to or more stringent than those in the CLIA program, and that they are enforced in an appropriate manner. The average Federal hourly rate is multiplied by the total hours required to perform Federal validation surveys within the State.
- Costs incurred for Federal surveys, including investigations of complaints that are substantiated. We will bill the State of New York on a semiannual basis.

- The State of New York's proportionate share of the costs associated with establishing, maintaining, and improving the CLIA computer system, based on the portion of those services from which the State of New York received direct benefit or which contributed to the CLIA program in the State. Thus, the State of New York is being charged for a portion of our direct and indirect costs of administering the CLIA program. Such costs will be incurred by CMS, the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA) and contractors working on behalf of these respective agencies.

To estimate the State of New York's proportionate share of the general overhead costs to develop and implement CLIA, we determined the ratio of laboratories in the State to the total number of laboratories nationally. Approximately 1.5 percent of the registered laboratories are in the State of New York. We determined that a corresponding percentage of the applicable CMS, CDC, FDA, and their

respective contractor costs should be borne by the State of New York.

The State of New York has agreed to pay the State's pro rata share of the anticipated overhead costs and costs of actual validation (including complaint investigation surveys). A final reconciliation for all laboratories and all expenses will be made. We will reimburse the State for any overpayment or bill it for any balance.

II. Approval

In light of the foregoing, we grant approval of the State of New York's laboratory licensure program (CLEP) under subpart E. All laboratories that are located within the State of New York and hold valid CLEP permits are CLIA-exempt for all specialties and subspecialties until March 26, 2027.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), Elizabeth Richter, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: March 25, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021-06499 Filed 3-26-21; 4:15 pm]

BILLING CODE 4120-01-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; New Investigator Gateway Awards for Collaborative T1D Research Special Emphasis Panel.

Date: April 6, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7009, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-4721, kozelp@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)

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-06470 Filed 3-29-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: Chimeric Antigen Receptors Targeting CD56

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute (NCI), National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive, sublicensable patent license to Memorial Sloan Kettering Cancer Center, ("MSKCC"), a non-profit research center located in New York, in its rights to the inventions and patents listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: Only written comments and/or applications for a license which are

received by the NCI Technology Transfer Center April 14, 2021 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated exclusive patent license should be directed to: Rose M. Freel, Ph.D., Senior Licensing and Patenting Manager at Telephone: (301) 624-8775 or Email: rose.freel@nih.gov.

SUPPLEMENTARY INFORMATION: The following and all continuing U.S. and foreign patents/patent applications thereof are the intellectual properties to be licensed under the prospective agreement to MSKCC: U.S. Provisional Patent Application No. 62/199,775, filed July 31, 2015 entitled "Antigen-Binding Proteins Targeting CD56 And Uses Thereof," (HHS Ref. No. E-142-2014-0-US-01); PCT Application No. PCT/US16/045027, filed August 2, 2016 entitled "Antigen-binding proteins targeting CD56 and uses thereof" (HHS Ref. No. E-142-2014-0-PCT-02); U.S. Patent No. 10,730,941, granted on August 4, 2020, corresponding to U.S. Patent Application No. 15/884,608, filed January 31, 2018, entitled "Antigen-binding proteins targeting CD56 and uses thereof" (HHS Ref. No. E-142-2014-0-US-03); Canadian Patent Application No. 2994412, filed January 31, 2018, entitled "Antigen-binding proteins targeting CD56 and uses thereof" (HHS Ref. No. E-142-2014-0-CA-04); Australian Patent Application No. 16833684.0, filed January 31, 2018, entitled "Antigen-binding proteins targeting CD56 and uses thereof" (HHS Ref. No. E-142-2014-0-AU-05); U.S. Patent Application No. 16/912,291, filed June 25, 2020, entitled "Methods of treatments using antigen-binding proteins targeting CD56" (HHS Ref. No. E-142-2014-0-US-06).

The patent rights in these inventions have been assigned to the Government of the United States of America and Memorial Sloan Kettering Cancer Center. The prospective patent license will be for the purpose of consolidating the patent rights to MSKCC, one of the co-owners of said rights, for commercial development and marketing. Consolidation of these co-owned rights is intended to expedite development of the invention, consistent with the goals of the Bayh-Dole Act codified as 35 U.S.C. 200-212.

The prospective patent license will be worldwide, exclusive, and may be limited to those fields of use commensurate in scope with the patent rights. It will be sublicensable, and any sublicenses granted by MSKCC will be

subject to the provisions of 37 CFR part 401 and 404.

The invention pertains to novel antibody binders and chimeric antigen receptors (CARs) that target CD56 or NCAM, a glycoprotein that is highly expressed in a variety of cancerous cells. Based on current available data, the intended use for the invention is anti-CD56 CARs for the treatment of CD56 positive cancers such as multiple myeloma.

This notice is made pursuant to 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive patent license will include terms for the sharing of royalty income with NCI from commercial sublicenses of the patent rights and may be granted unless within fifteen (15) days from the date of this published notice the NCI receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license that are timely filed in response to this notice will be treated as objections to the grant of the contemplated exclusive patent license. In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C § 552.

Dated; March 10, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021-06474 Filed 3-29-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for

licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Pitts, Ph.D., 240-669-5299; elizabeth.pitts@nih.gov. Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished information related to the invention.

SUPPLEMENTARY INFORMATION:

Technology description follows.

Protein Nanoparticle-Based Vaccine for Influenza Virus

Description of Technology

There is a great need for a broadly protective, “universal” influenza virus vaccine. Most influenza vaccines target the head of the influenza surface glycoprotein hemagglutinin (HA). However, this region of the HA protein undergoes fast antigenic drift. The current strategy to address this issue is to reformulate influenza vaccines annually against dominant circulating strains, but this leads to variable protective efficacy against annual epidemic strains and will not provide protection against novel influenza viruses with pandemic potential. A “universal” influenza vaccine could improve seasonal vaccination and provide pandemic preparedness.

Broadly neutralizing antibodies with heterosubtypic binding have been discovered. However, commercial development of vaccines that produce broadly neutralizing antibodies has so far been unsuccessful. Researchers at NIAID used structure-guided techniques to identify and develop nanoparticles that express a conserved peptide from the HA stem, a preferred antigen for influenza vaccine development as it evolves slower than the HA head. The nanoparticles of this invention elicit antibodies to the HA stem, confer protection in mouse challenge models, are cross-reactive to heterosubtypic HA subtypes, and are heat stable. Additionally, the protein platform of the nanoparticles can be expressed for group 1 and group 2 influenza HA (H1 to H16), which allows mixing of

antigens. This vaccine technology has great potential to provide protection against both annual influenza outbreaks and pandemic-potential influenza viruses.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Potential Commercial Applications

- Vaccines against influenza virus.
- Universal influenza virus vaccine.

Competitive Advantages

- Broad/universal protection against both seasonal and pandemic-potential influenza viruses.
- Nanoparticles allow mixing of antigens.
- Incorporates epitopes from group 1 and groups 2 influenza viruses.
- Stability of particle and immunogenicity after high temperature exposure.

Development Stage

- In vivo data assessment (animal).

Inventors: Audray K. Harris (NIAID) and Dustin McCraw (NIAID).

Intellectual Property: HHS Reference No. E-005-2017—U.S. Provisional Application No. 62/540,474, filed August 2, 2017; PCT Application No. PCT/US2018/045032, filed August 2, 2018; United States Application No. 16/635,240, filed January 30, 2020 (pending); European Application No. 18756111.3, filed August 2, 2018 (pending); Chinese Application No. 201880063622.5, filed August 2, 2018 (pending); and Indian Application No. 202017008138, August 2, 2018 (pending).

Licensing Contact: To license this technology, please contact Elizabeth Pitts, Ph.D., 240-669-5299; elizabeth.pitts@nih.gov.

Dated: March 18, 2021.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2021-06476 Filed 3-29-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: The Development of Natural Killer (NK) Cell Kita-Kyushu Lung Cancer Antigen 1 (KK-LC-1) T Cell Receptor (TCR) Therapy for the Treatment of KK-LC-1 Expressing Human Cancers

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice Zelluna Immunotherapy (Zelluna), located in Oslo, Norway.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before April 14, 2021 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Abritee Dhal, Ph.D., Technology Transfer Manager, at Telephone: (240) 276-6154 or at Email: abritee.dhal@nih.gov.

SUPPLEMENTARY INFORMATION:

Intellectual Property

U.S. Provisional Patent Application 62/327,529 entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-US-01], PCT Patent Application PCT/US2017/027865 entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-PCT-02], Australian Patent Application 2017258745 entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-AU-03], Canadian Patent Application 3021898 entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-CA-04], European Patent Application 1733120.4 entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-EP-05], United States Patent Application 16/096,118, entitled “Anti-KK-LC-1 T Cell Receptors” [HHS Ref. E-153-2016-0-US-06], and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned and/or exclusively

licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to:

The development, manufacture and commercialization of a T-Cell Receptor (TCR) Therapy for the treatment of Kita-Kyushu Lung Cancer Antigen 1 (KK-LC-1) expressing cancers, using modified or unmodified natural killer (NK) cells transduced using viral vectors (including lentivirus or retrovirus) to express an anti-KK-LC-1 TCR wherein:

- (1) The TCR has:
 - (a) A single antigen specificity; and
 - (b) a binding domain with complementary determining region (CDR) sequences of CASSLGTGGYNEQFF (beta chain) and CAGQLVYGNKLVF (alpha chain); and
- (2) The modified allogeneic NK cells can be modified to express one or more of the following:
 - (a) CD3 subunits;
 - (b) CD8 co-receptor subunits;
 - (c) truncated CD34 tag;
 - (d) a chemokine receptor; or
 - (e) IL15.

For the sake of clarity, unmodified NK cells would mean cells that are modified only by the expression of the TCR without any additional modification.

This technology discloses TCRs that are specific for the cell surface domain of KK-LC-1. KK-LC-1 is a cancer germline antigen, that in adults, is reported to be expressed only by germ cells and by certain cancers, including gastric cancer, triple-negative breast cancer, and non-small cell lung cancer. Currently, there for no effective immunotherapies for patients with these various solid tumors. The NK-TCRs can potentially be used for the treatment of triple negative breast cancer, gastric cancer, and lung cancer. In the subject situation, the TCRs can lead to the selective destruction of the cancerous cells. The development of a new therapeutic targeting KK-LC-1 will benefit public health by providing an effective treatment for patients with solid tumors.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated

confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 11, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021-06475 Filed 3-29-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2021-0178]

Consolidation of Redundant Coast Guard Boat Stations—Decision

AGENCY: Coast Guard, DHS.

ACTION: Notice of decision.

SUMMARY: On February 14, 2020, the Coast Guard announced the potential consolidation of several redundant Coast Guard boat stations and solicited public comments to inform the decision making process. After reading the public comments, the Coast Guard has decided to consolidate four (4) Coast Guard boat stations to increase staffing and capacity levels at nearby boat stations that are better equipped to respond to calls for rescue.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Todd Aikins, Coast Guard Office of Boat Forces; telephone 202-372-2463, email todd.r.aikins@uscg.mil.

SUPPLEMENTARY INFORMATION:

Background and Purpose

This notice is issued under authority of 14 U.S.C. 909 and 910. The Coast Guard engaged in public outreach and connected with locals in the area of the boat stations to be closed. Opportunities were provided for a public meeting, but because of the pandemic it was decided that such collaboration was better done virtually.

Response to Public Comments

The Coast Guard received 111 distinct public submissions in response to the **Federal Register** Notice. Five supported the consolidations, while 106 raised concerns (one of the five supporting

comments recommended consolidating a single station as a proof of concept).

In the following discussion, we summarize the reasons or information some commenters gave in support of their position or recommendation. After each summary, we state our response.

No comments were submitted with concerns about the consolidation of Station(small) Roosevelt Inlet.

No comments were submitted with concerns about the consolidation of Station(small) Salem.

Two comments were submitted with concerns about the consolidation of Station(small) Shark River. One comment noted that a fast response is needed in the area, while the other asked that the decision be postponed until after the local COVID stay-at-home orders were lifted. The Coast Guard complied with the latter comment, and is following the findings of contractor analyses and the referenced GAO report that finds the remaining response sufficient in this area, most notably from Station Manasquan Inlet, fewer than ten miles away.

Four comments were submitted with concerns about the consolidation of Station(small) Fishers Island. All comments noted the area near Race Rock Lighthouse and its treacherous current, necessitating a fast Coast Guard Response. The Coast Guard is following the findings of contractor analyses and the referenced GAO report that finds the remaining response sufficient in this area, most notably from Station New London, fewer than ten miles away.

One hundred comments were submitted with concerns about the consolidation of Station Oxford. Twenty comments were general in nature, stating that the station is important and should not be closed. 69 comments noted that the area near Station Oxford is heavily worked and traveled, local resources have limited crews and hours, and that response from Station Annapolis would take too long. Six comments noted that Station Oxford was necessary for local triathlons, regattas, and other races. Three comments noted that boat safety checks are crucial to limiting the number of mariners in distress in the area. One comment noted that Station Oxford is critical to LMR in Terrapin Cover. One commenter felt that the data used in the studies was outdated and took issue with the fact that only the Coast Guard Districts with the most redundancy were included in the analyses instead of every station. In response to these concerns, Station Oxford will be removed as a candidate for closure in FY21 and analyzed further.

Dated: March 23, 2021.

J.B. Rush,

Captain, U.S. Coast Guard, Chief, Office of Boat Forces.

[FR Doc. 2021-06461 Filed 3-29-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0008]

Application for Identification Card

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension with change of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection, Department of Homeland Security, 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. **DATES:** Comments are encouraged and must be submitted (no later than June 1, 2021) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0008 in the subject line and the agency name. Please use the following method to submit comments:

Email. Submit comments to: CBP_PRA@cbp.dhs.gov.

Due to COVID-19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number 202-325-0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Identification Card.

OMB Number: 1651-0008.

Form Number: CBP Form 3078.

Current Actions: Extension with an increase in burden hours.

Type of Review: Extension (with change).

Affected Public: Businesses

Abstract: CBP Form 3078, *Application for Identification Card*, is filled out in order to obtain an Identification Card that is used to gain access to CBP security areas. This form collects biographical information and is usually completed by Broker's Employee, CBP Security Area Identification, Warehouse Officer or Employee, Container Station Employee, Foreign Trade Zone Employee, CES Employee, licensed Cartmen or Lightermen whose duties require receiving, transporting, or otherwise handling imported merchandise which has not been released from CBP custody. This form may be submitted electronically or to the local CBP office at the port of entry that the respondent will be requesting access to the Federal Inspection Section (FIS). Form 3078 is authorized by 19

U.S.C. 66, 1551, 1555, 1565, 1624, 1641; and 19 CFR 112.41, 112.42, 118, 122.182, and 146.6. This form is accessible at: <https://www.cbp.gov/newsroom/publications/forms?title=3078&=Apply>.

Type of Information Collection: CBP Form 3078.

Estimated Number of Respondents: 200,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 200,000.

Estimated Time per Response: 0.283 hours.

Estimated Total Annual Burden Hours: 56,600.

Dated: March 25, 2021.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2021-06537 Filed 3-29-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6247-N-01]

Announcement of Funding Awards

AGENCY: Office of Chief Financial Officer, HUD.

ACTION: Notice.

SUMMARY: In accordance with the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in competitions for funding under the Notice of Funding Opportunity (NOFO) for the following programs: FY2018 and FY2019 HUD Community Compass Technical Assistance and Capacity Building Program, FY2020 HOPWA Permanent Supportive Housing, FY2019 Family-Self Sufficiency-Renewal (FSS), FY2019 Resident Opportunity & Self Sufficiency Service Coordinator (ROSS-SC) Grant Program, FY2019 Jobs Plus Initiative, FY2019 and FY2020 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG), FY2019 Choice Neighborhoods Implementation Grants, FY2019/2020 Housing Counseling Training Grant, FY2020 Supplemental Comprehensive Housing Counseling Grant Program, FY2020 Lead Hazard Reduction Grant Program, FY2020 Lead and Healthy Homes Technical Studies Grants Program Pre and Full Application, FY2020 Healthy Homes Production Grant Program for Tribal Housing, FY2019/2020 Cooperative

Research in Housing Technologies FY2019/2020 Examining Long Term Outcomes Following Exit from HUD-Assisted Housing, FY2019/2020 Estimating the Prevalence and Probability of Homeless Youth, and FY2019/2020 Impact of Rental Assistance Demonstration (RAD) on Children in HUD Assisted Households.

FOR FURTHER INFORMATION CONTACT:

Office of the Chief Financial Officer (Systems), Grants Management and Oversight at AskGMO@hud.gov or the contact person listed in each appendix.

SUPPLEMENTARY INFORMATION:

HUD posted its FY 2018 and FY 2019 HUD Community Compass Technical Assistance and Capacity Building Program on [grants.gov](https://www.grants.gov) on December 17, 2018, (FR-6200-N-06). The competition closed on March 14, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFO. The initial funding awards, including supplemental awards funded by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, were published with the September 1, 2020 **Federal Register** Notice.

Additional funds recently became available through recaptures and appropriated funds uncommitted. The funds were competitively awarded as amendments to awards for five applicants from the FY2018 and FY2019 HUD Community Compass Technical Assistance and Capacity Building Program NOFO competition. The award amendments provide technical assistance and capacity building services to CARES Act grantees associated with the Emergency Solutions Grant (ESG) Program, and grantees and other customers of HUD's Offices of Community Planning and Development (CPD), Public and Indian Housing (PIH), and EnVision Centers.

HUD posted its FY2020 HOPWA Permanent Supportive Housing Program on [grants.gov](https://www.grants.gov) on February 28, 2019, (CPD-20-02). The competition closed on April 3, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$35,815,555 to 31 recipients. Pursuant to the authority provided by the Consolidated Appropriations Act, 2019, Public Law 116-6, Div. G, Title II, the Department will renew all eligible expiring HOPWA permanent supportive housing (PSH) competitive grants initially funded with appropriated funds from Fiscal Year 2010 or earlier provided they meet applicable program requirements.

HUD posted its FY2019 Family Self-Sufficiency-Renewal (FSS) Program on [grants.gov](https://www.grants.gov) on September 26, 2019, (FR-

6300-N-04). The competition closed on October 28, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$79,549,539 to 673 recipients to support the Department's strategic goal of increasing economic opportunity for HUD-assisted families. FSS provides grants to Public Housing Authorities (PHAs) to support the salaries and training needs of FSS Program Coordinators who assist participating families receiving housing assistance through the Housing Choice Voucher (HCV/PBV) and Public Housing (PH) programs. FSS Program Coordinators develop local strategies to connect participating families to public and private resources to increase their earned income and financial empowerment, reduce or eliminate the need for welfare assistance, and make progress toward economic independence and self-sufficiency. PHAs and each individual participating family execute a five-year contract that incorporates the responsibilities of each party, as well as a training and services plan to help the family become more self-sufficient.

HUD posted its FY2019 Resident Opportunity & Self Sufficiency Service Coordinator (ROSS-SC) Grant Program on [grants.gov](https://www.grants.gov) on August 4, 2019, (FR-6300-N-05). The competition closed on October 15, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFA. This competition awarded \$36,843,021 to 137 recipients to assist residents of Public and Indian Housing make progress towards economic self-sufficiency. HUD provides ROSS-SC grant funding to Public Housing Authorities, tribes, resident associations, and eligible nonprofits to hire a Service Coordinator who assesses the needs of Public and Indian housing residents and links them to supportive services that enable participants to move along a continuum towards economic independence and stability.

HUD posted its FY2019 Jobs Plus Initiative Program on [grants.gov](https://www.grants.gov) on July 30, 2019, (FR-6300-N-14). The competition closed on October 1, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$20,744,952 to 9 recipients to develop locally based, job-driven approaches that increase earnings and advance employment outcomes through work readiness, employer linkages, job placement, educational advancement, technology skills, and financial literacy for residents of public housing. The place-based Jobs Plus program addresses poverty among public housing residents

by incentivizing and enabling employment through earned income disregards for working residents and a set of services designed to support work including employer linkages, job placement and counseling, educational advancement, and financial counseling.

HUD posted its FY2019 and FY2020 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) Program on [grants.gov](https://www.grants.gov) on November 19, 2019, (FR-6300-N-23). The competition closed on February 3, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$119,849,893 to 103 recipients to develop viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low- and moderate-incomes.

HUD posted its FY2019 Choice Neighborhood Implementation Grants Program on [grants.gov](https://www.grants.gov) on August 5, 2019, (FR-6300-N-34). The competition closed on November 4, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$130,000,000 to 4 recipients to support locally driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Local leaders, residents, and stakeholders, such as public housing authorities, cities, schools, police, business owners, nonprofits, and private developers, come together to create and implement a plan that revitalizes distressed HUD housing and addresses the challenges in the surrounding neighborhood. The program helps communities transform neighborhoods by revitalizing severely distressed public and/or assisted housing and catalyzing critical improvements in the neighborhood, including vacant property, housing, businesses, services, and schools. HUD posted its FY2019 and FY2020 Housing Counseling Training Grant Program on [grants.gov](https://www.grants.gov) on August 6, 2019, (FR-6300-N-30). The competition closed on September 5, 2019. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$3,000,000 to 5 recipients to housing counseling agencies to better assist individuals and families. This NOFO was a two-year funding grant to support basic housing counseling training and specialized topics to housing counseling agencies to better assist individuals and families. In

addition, the grant supports training the agencies on state and local issues and to support the emerging administrative priorities such as HECM default counseling and disaster preparation/recovery classes, both on-line and onsite courses.

HUD posted its FY 2020 Supplemental Comprehensive Housing Counseling Grant Program on *grants.gov* on May 27, 2019, (FR-6400-N-33). The competition closed on July 8, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. HUD awarded 21 new grantees under the Supplemental Comprehensive Housing Counseling NOFO. FY2020 funding was also provided to grantees under HUD's two-year FY 2019 NOFO for the Comprehensive Housing Counseling (CHC) Grant Program. In total, \$49,090,442 was awarded to 224 recipients: HUD-approved local housing counseling agencies, national and regional organizations, and state housing finance agencies (SHFAs) who competed under HUD's FY 2020 Supplemental Comprehensive Housing Counseling Grant NOFO or HUD's FY 2019/2020 Comprehensive Housing Counseling NOFO. These grants will support quality housing counseling services to help individuals and families to avoid eviction or foreclosure or to make more informed homebuying and rental choices.

HUD posted FY2020 Lead Hazard Reduction Grant Program on *grants.gov* on July 22, 2020, (FR-6400-N-13). The competition closed on August 24, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$164,155,145.90 to 44 recipients to maximize the number of children under the age of six protected from lead poisoning by assisting states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations.

HUD posted FY2020 Lead Technical Studies Grant Program on *grants.gov* on May 01, 2020, (FR-6400-N-15). The competition closed on June 15, 2020 (Pre-Application) and August 13, 2020 (Full Application). HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$3,780,022 to 6 recipients to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of residential lead-based paint hazards.

HUD posted its FY2020 Healthy Homes Production Technical Studies Grant Program on *grants.gov* May 01, 2020, (FR-6400-N-15). The competition closed on June 15, 2020 (Pre-Application) and August 13, 2020 (Full Application). HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$5,591,849 to 7 recipients to advance the recognition and control of priority residential health and safety hazards and more closely examine the link between housing and health.

HUD posted its FY2020 Healthy Homes Production Grant Program for Tribal Housing Program on *grants.gov* on July 23, 2020, (FR-6400-N-44). The competition closed on August 24, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$9,939,998 to 12 recipients to addressing multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion, rather than addressing a single hazard at a time in Tribal housing.

HUD posted its FY2019 and FY2020 Cooperative Research in Housing Technologies Program on *grants.gov* on May 15, 2020, (FR-6400-N-56). The competition closed on June 29, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$2,000,000 to 6 recipients to develop and deploy knowledge that provides the homebuilding industry with new, innovative construction products or practices that may lead to more affordable, energy efficient, resilient (*i.e.*, durable, disaster resistant, adaptable for future requirements, and maintainable), and healthier housing while at the same time reducing the cost of construction. Specifically, applications are encouraged to focus on aspects of residential construction related to factory-built housing and components and/or resilience.

HUD posted its FY2019 and FY2020 Examining Long Term Outcomes Following Exit from HUD-Assisted Housing Program on *grants.gov* on May 29, 2020, (FR-6400-N-58). The competition closed on July 14, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$318,413 to 2 recipients to examine long-term outcomes of households who have exited HUD-assisted housing (all programs), also referred to as "leavers." HUD's purpose is to learn how housing assistance can better support good outcomes, such as economic

opportunity and self-sufficiency of assisted households, enabling households to exit HUD assistance and thus increase the availability of scarce housing resources for other families in need. HUD is soliciting proposals to explore this topic by taking advantage of HUD administrative or tenant data linked with other longitudinal data sources on households or individuals.

HUD posted its FY2019 and FY2020 Estimating the Prevalence and Probability of Homeless Youth Program on *grants.gov* on May 15, 2020, (FR-6400-N-59). The competition closed on July 1, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$2,000,000 to 3 recipients to meet the requirements for youth research activities authorized under Section 345 of the Runaway and Homeless Youth Act, which calls for "using the best quantitative and qualitative social science research methods available to produce estimates of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age and that includes with such estimate an assessment of the characteristics of such individuals."

HUD posted its FY2019 and FY2020 Impact of Rental Assistance Demonstration (RAD) on Children in HUD Assisted Households Program competition on *grants.gov* on May 26, 2020, (FR-6400-N-66). The competition closed on July 30, 2020. HUD rated and selected for funding based on selection criteria contained in the NOFO. This competition awarded \$750,000 to 2 recipients to support research project(s) that will advance scientific knowledge and produce policy-relevant evidence on the implementation of the RAD program and its effect on children's well-being.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545(a)(4)(C)), the Department is publishing the awardees and the amounts of the awards in Appendices A–Q of this document.

Director, Grants Management and Oversight for the Office of the Chief Financial Officer, Dorthera Yorkshire, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Aaron Santa Anna, who is the Federal Register Liaison for HUD,

for purposes of publication in the **Federal Register**.

Aaron Santa Anna,

Federal Register Liaison for the Department of Housing and Urban Development.

Appendix A

FY2018 and FY2019 HUD Community Compass Technical Assistance and Capacity Building Program (FR-6200-FA-06)

Contact: Stephanie V. Stone (202) 402-7418.

Legal name	Address line 1	City	Zip	FY2018 total award	2019 total award	Total supplemental (CARES Act) awards	Total awards
HomeBase/The Center for Common Concerns.	870 Market Street	San Francisco.	94102 .....	.....	\$500,000.00	\$1,500,000.00	\$2,000,000.00
Econometrica, INC	7475 Wisconsin Avenue ...	Bethesda	20814 .....	.....	305,459.00	.....	305,459.00
University of Chicago (formerly John Marshall Law School).	315 South Plymouth Court	Chicago	60604	(\$708,822.74)	(750,000.00)	.....	(1,458,822.74)
Technical Assistance Collaborative, Inc.	31 Saint James Avenue	Boston	02116 .....	.....	.....	1,000,000.00	1,000,000.00
Cloudburst Consulting Group, Inc.	8400 Corporate Drive, Suite 550.	Landover	20785	708,822.74	750,000.00	.....	1,458,822.74
Total .....	.....	.....	.....	.....	805,459.00	2,500,000.00	3,305,459.00

Appendix B

FY 2020 HOPWA Permanent Supportive Housing (CPD-20-02)

Contact: Vanessa Larkin (202) 402-2633.

Grantee name	Address	City	State	Zip	Amount
Action, Inc	180 Main Street	Gloucester	MA	01930-6002	\$1,244,213.00
AIDS Alabama, Inc	3529 7th Avenue South	Birmingham	AL	35222-3210	938,072.00
AIDS Foundation of Chicago	200 W Monroe Street, Suite 1150	Chicago	IL	60606-5036	1,425,065.00
AIDS Foundation of Chicago	200 W Monroe Street, Suite 1150	Chicago	IL	60606-5306	1,370,429.00
AIDS Interfaith Residential Services, Inc	1800 N Charles Street, Suite 700	Baltimore	MD	21201-5920	1,284,588.00
AIDS Resource Center of Wisconsin	820 N Plankinton Ave	Milwaukee	WI	53203-1802	1,340,206.00
Alaska Housing Finance Corporation	P.O. Box 101020, 4300 Boniface Parkway	Anchorage	AK	99510-1020	892,646.00
Asociacion de Puertorriqueños en Marcha, Inc	1900 N 9th St., Ste 101	Philadelphia	PA	19122-2028	1,292,763.00
City of Baltimore—Mayor's Office of Homeless Services.	7 E Redwood Street, 5th Floor	Baltimore	MD	21202-1108	1,331,033.00
City of Nashua	229 Main Street	Nashua	NH	03060	1,439,929.00
Clare Housing	929 Central Avenue NE	Minneapolis	MN	55413-2404	421,113.00
Cochise County	1415 Melody Lane	Bisbee	AZ	85603-3037	616,323.00
Downtown Emergency Service Center	515 3rd Ave	Seattle	IL	98104-2304	579,260.00
Grace House, Inc	2219 N Lamar Street	Jackson	MS	39202-1404	1,209,843.00
Greystone Health Services, Inc	21 Park Avenue	Yonkers	NY	10703-3401	1,348,063.00
Harbor Homes, Inc	77 Northeastern Blvd	Nashua	NH	03062-3128	494,450.00
Health Services Center, Inc	608 Martin Luther King Dr	Hobson City	AL	36201	886,563.00
Idaho Housing and Finance Association	565 W Myrtle St	Boise	ID	83702-7675	1,333,793.00
Kingsport Housing & Redevelopment Authority	906 E Sevier Ave	Kingsport	TN	37660-0044	1,076,041.00
Lexington-Fayette Urban County Government ..	200 East Main Street	Lexington	KY	40507-1310	1,441,081.00
Los Angeles Housing and Community Investment Department.	1200 West 7th Street	Los Angeles	CA	90017-2349	1,445,197.00
Maui AIDS Foundation	1935 Main Street, Suite 101	Wailuku	HI	96793-1784	1,444,074.00
Oregon Health Authority	800 NE Oregon St., Suite 1105	Portland	OR	97232-2187	1,379,538.00
Pima County	2797 E Ajo Way	Tucson	AZ	85713-6223	1,355,770.00
Santa Fe Community Housing Trust	1111 Agua Fria St., P.O. Box 713	Santa Fe	NM	87501-2467	1,276,263.00
State of Montana	1400 Carter Dr	Helena	MT	59601-6400	1,441,081.00
Tarrant County Community Development Division.	1509 B S University Dr., Suite 276	Fort Worth	TX	76107-9571	927,766.00
The Board of Trustees of the University of Illinois.	809 S Marshfield Ave, MB 502, M/C 551	Chicago	IL	60612-4305	1,252,970.00
The Methodist Training & Outreach Center, Inc	4A Kronprindsens Gade, P.O. Box 306816	St. Thomas	VI	00803-6816	1,436,907.00
The Salvation Army	2445 Prior Avenue	Roseville	MN	55113-2714	459,768.00
Vermont Housing and Conservation Board	58 East State Street	Montpelier	VT	05602-3044	1,430,747.00
Total .....	.....	.....	.....	.....	35,815,555.00

Appendix C

FY2019 Family Self-Sufficiency-Renewal
(FR-6300-FA-04)

Contact: Jogchum Poodt (202) 402-2953.

Legal name	Address	City	State	Zip code	Total recommended amount
Albertville Housing Authority	711 South Broad Street P.O. Box 1126	Albertville	AL	35950-19	\$22,000.00
Mobile Housing Board	151 S Claiborne Street Resident Services	Mobile	AL	36602-2333	222,035.00
Auburn Housing Authority	931 Booker Street	Auburn	AL	36832-2902	60,848.00
Tuscaloosa Housing Authority	2117 Jack Warner Parkway Suite 2	Tuscaloosa	AL	35401-1092	135,377.00
The Housing Authority of the City of Montgomery, AL	525 South Lawrence St. FSS	Montgomery	AL	36104-4611	109,800.00
Bessemer Housing Authority	1515 Fairfax Avenue	Bessemer	AL	35021	61,844.00
Jefferson County Housing Authority	3700 Industrial Parkway	Birmingham	AL	35217-5316	139,725.00
Alexander City Housing Authority	2110 County Rd	Alexander City	AL	35010-3800	48,818.00
Sheffield Housing Authority	505 N Columbia Ave. Family Self-Sufficiency Prog.	Sheffield	AL	35660-429	51,602.00
Huntsville Housing Authority	200 Washington Street	Huntsville	AL	35801-4843	269,067.00
Housing Authority of Birmingham District	1826-3rd Avenue South	Birmingham	AL	35255	143,982.00
Prichard Housing Authority	P.O. Box 10307	Prichard	AL	36610	96,071.00
Alaska Housing Finance Corporation	P.O. Box 101020 Public Housing Division	Anchorage	AK	99510-1020	288,000.00
City of Mesa	20 E Main Street, Suite 250 P.O. Box 1466	Mesa	AZ	85211-1466	75,994.00
County of Mohave	P.O. Box 7000 Mohave Co. Housing Authority	Kingman	AZ	86402-7000	58,349.00
Housing Authority of the City of Yuma	420 South Madison Avenue	YUMA	AZ	85364-2320	344,456.00
Yuma County Housing Department	2050 W Main Street Housing	Somerton	AZ	85350-2534	203,362.00
City of Tempe Housing Services	3500 S Rural Rd. Suite 202 Housing Services Division.	Tempe	AZ	85282-5404	68,000.00
Housing Authority of Cochise County	1415 Melody Ln, Bldg A	Bisbee	AZ	85603	58,420.00
City of Chandler	Mail Stop 101, P.O. Box 4008 Housing Division.	Chandler	AZ	85244-4008	138,336.00
Douglas City of Public Housing	425 E 10th Street	Douglas	AZ	85607-2008	72,000.00
City of Scottsdale Housing Agency	Paiute Neighborhood Center 6535 E Osborn Rd. Building 8.	Scottsdale	AZ	85251-6029	67,500.00
City of Phoenix Housing Department	251 W Washington, 4th Floor Property Management/HSS.	Phoenix	AZ	85003-2245	216,000.00
Housing Authority of Maricopa County	8910 N 78TH Avenue	Peoria	AZ	85345-7900	72,000.00
City of Tucson	310 N Commerce Park Loop P.O. Box 27210	Tucson	AZ	85726-7210	138,572.00
Housing Authority of the City of West Memphis	390 South Walker Avenue	West Memphis	AK	72301-6013	53,186.00
Housing Authority of Lono County	P.O. Box 74	Carlisle	AK	72024-74	21,466.00
Lee County Housing Authority	199 Highway 243 N	Marianna	AK	72360-2854	30,000.00
Jonesboro Urban Renewal and Housing Authority.	330 Union	Jonesboro	AK	72401-2815	44,500.00
Pine Bluff Housing Authority	2503 Belle Meade Drive P.O. Box 8872	Pine Bluff	AK	71611-8872	70,394.00
McGehee Public Residential Housing Facilities board.	P.O. Box 725 Family Self-Sufficiency Program	McGehee	AK	71654-725	39,961.00
White River Regional Housing Authority	P.O. Box 650	Melbourne	AK	72556-650	43,461.00
Fort Smith Housing Authority	2100 North 31st Street Family Self Sufficiency	Fort Smith	AK	72904-6140	59,028.00
Northwest Regional Housing Authority	P.O. Box 2568	Harrison	AK	72602-2568	37,336.00
Housing Authority of the City of Hot Springs	1004 Illinois Street	Hot Springs	AK	71901-4315	54,841.00
Wynne Housing Authority	200 Fisher Place HCV FSS	WYNNE	AK	72396-552	38,000.00
Pope County Public Facilities Board/Universal Housing.	P.O. Box 846/301 E 3rd Street	Russellville	AK	72801-5109	21,872.00
Pulaski County Housing Agency	201 S Broadway	Little Rock	AK	72201-2338	43,974.00
Conway County Housing Authority	P.O. Box 229	Morrilton	AK	72110	49,278.00
North Little Rock Housing Authority	628 West Broadway Suite 100	North Little Rock ..	AK	72114	52,000.00
City of Madera	205 North G Street Housing Services	Madera	CA	93637-3512	65,436.00
Housing Authority of the County of Los Angeles	700 W Main Street	Alhambra	CA	91801-3312	762,739.00
Regional Housing Authority	1455 Butte House Road	Yuba City	CA	95993-2701	115,000.00
Imperial Valley Housing Authority	1402 D Street	Brawley	CA	92227-2117	65,000.00
Roseville Housing Authority	316 Vernon Street, Ste. 150	Roseville	CA	95678-2649	72,000.00
Lake County Housing Commission	16170 Main Street, Suite F Housing	Lower Lake	CA	95457-7603	67,000.00
City of Norwalk	12700 Norwalk Blvd Housing Authority	Norwalk	CA	90650-3144	36,000.00
Housing Authority of the City of Redding	777 Cypress Avenue Housing Division	Redding	CA	96001-2718	67,291.00
Housing Authority of the County of Contra Costa.	3133 Estudillo P.O. Box 2759	Martinez	CA	94553-3258	152,547.00
El Dorado County Public Housing Authority	2900 Fairlane Court	Placerville	CA	95667-5335	59,902.00
Housing Authority of the City of Oakland	1619 Harrison Street	Oakland	CA	94612-3375	305,095.00
Culver City Housing Authority	9770 Culver Blvd. Culver City Housing Authority.	Culver City	CA	90232-507	36,554.00
Housing Authority of the County of Riverside ...	5555 Arlington Avenue	Riverside	CA	92504-2506	504,000.00
Housing Authority of the County of Butte	2039 Forest Avenue	Chico	CA	95928-7042	71,557.00
Housing Authority of the City of Santa Barbara	808 Laguna Street	Santa Barbara	CA	93101-1590	203,425.00
Housing Authority of the City of San Buenaventura.	995 Riverside Street	Ventura	CA	93001-1636	72,000.00
Housing Authority of the City of San Luis Obispo.	487 Leff Street Family Self Sufficiency	San Luis Obispo ...	CA	93401-4347	124,769.00
Anaheim Housing Authority	201 S Anaheim Blvd #203	Anaheim	CA	92805-9987	78,894.00
Housing Authority of the City of Napa	1115 Seminary Street	Napa	CA	94559-2512	78,894.00
Housing Authority of the County of Santa BARBARA.	815 West Ocean Avenue	Lompoc	CA	93436-6526	72,000.00
Housing Authority of the County of San Bernardino.	715 E Brier Drive	San Bernardino	CA	92408-2841	216,000.00

Legal name	Address	City	State	Zip code	Total recommended amount
San Diego Housing Commission	1122 Broadway Suite 300	San Diego	CA	92101-5629	453,099.00
Garden Grove Housing Authority	12966 Euclid Street, Ste 150 Housing Authority	Garden Grove	CA	92840-9202	76,274.00
Housing Authority of the County of San Joaquin.	2575 Grand Canal Blvd	Stockton	CA	95207-8260	215,140.00
Santa Clara County Housing Authority	505 West Julian St	San Jose	CA	95110-2338	228,822.00
Oxnard Housing Authority	435 South D Street	Oxnard	CA	93030-5918	151,086.00
Housing Authority of the County of San Diego	3989 Ruffin Road	San Diego	CA	92123-1815	136,327.00
Housing Authority of the City of San Jose	505 West Julian St	San Jose	CA	95110-2338	152,547.00
Housing Authority of the County of Stanislaus ..	1701 Robertson Road P.O. Box 581918	Modesto	CA	95358-33	149,102.00
City of Oceanside Community Development Commission.	300 N. Coast Highway Housing	Oceanside	CA	92054-2823	72,000.00
Housing Authority of Alameda County	22941 Atherton Street	Hayward	CA	94541-6633	305,095.00
Sonoma County Community Development Commission.	1440 Guerneville road	Santa Rosa	CA	95403-4107	76,274.00
Orange County Housing Authority	1501 E St. Andrew Place Housing Assistance	Santa Ana	CA	92705-4925	288,000.00
Housing Authority of the County of Marin	4020 Civic Center Drive Supportive Housing ...	San Rafael	CA	94903-4173	228,786.00
County of Shasta Housing Authority and Community Action Agency.	1450 Court Street Suite 108	Redding	CA	96001-1661	31,564.00
Area Housing Authority of the County of Ventura.	1400 West Hillcrest Drive	Newbury Park	CA	91320-2721	69,000.00
Housing Authority of the County of San Mateo	264 Harbor Blvd., #A	Belmont	CA	94002-4017	381,370.00
Pomona Housing Authority	505 S Garey Ave Housing Authority	Pomona	CA	91766-3320	75,894.00
Vacaville Housing Authority	40 Eldridge Avenue, Suite 2	Vacaville	CA	95688-6824	144,000.00
Solano County Housing Authority	40 Eldridge Avenue Suite 2	Vacaville	CA	95688-6824	65,906.00
Housing Authority of the City of Long Beach ...	521 East 4TH Street	Long Beach	CA	90802-2502	299,612.00
Housing Authority of the County of Sacramento	801 12th Street	Sacramento	CA	95814-2947	143,230.00
Housing Authority of the City of Sacramento ...	801 12 Street	Sacramento	CA	95814-2947	67,599.00
The Housing Authority of the County of Santa Cruz.	2160 41st Avenue	Capitola	CA	95010-2040	152,547.00
Housing Authority of the City of Los Angeles ...	2600 Wilshire Boulevard Development Services.	Los Angeles	CA	90057-3400	831,319.00
City of Santa Rosa	90 Santa Rosa Ave	Santa Rosa	CA	95404-4904	72,000.00
The Housing Authority of the City of Santa Ana	P.O. Box 22030 Housing Authority	Santa Ana	CA	92702-2030	152,547.00
Housing Authority of the City of Alameda	701 Atlantic Ave. Housing Programs	Alameda	CA	94501-2161	39,447.00
Housing Authority of the County of Kern	601 24th St	Bakersfield	CA	93301-4142	280,077.00
Housing Authority of Fresno County	1331 Fulton Street	Fresno	CA	93721-1630	66,413.00
Housing Authority of the County of Merced	405 U Street	Merced	CA	95341-6548	54,400.00
Boulder County Housing Authority	P.O. Box 471 Housing	Boulder	CO	80306-471	216,000.00
Housing Authority of the City of Englewood	3460 S Sherman St. Suite 101	Englewood	CO	80113-2664	54,548.00
Housing Authority of the City of Fort Collins	1715 West Mountain Ave	Fort Collins	CO	80521-2359	223,260.00
Adams County Housing Authority	3033 West 71st Street Housing and Housing Services.	Westminster	CO	80030-5440	59,195.00
City of Grand Junction Housing Authority	8 Foresight Circle	Grand Junction	CO	81505-1014	54,624.00
Housing Authority of the City and County of Denver.	1035 Osage Street P.O. Box 40305	Denver	CO	80204-4035	328,791.00
Colorado Department of Local Affairs, Division of Housing.	1313 Sherman Street, Room 320	Denver	CO	80203-2288	65,000.00
Housing Authority of the City of Norwalk	24½ Monroe Street	Norwalk	CT	6856-508	144,000.00
Trout Brook Realty Advisors formerly WHHC ...	80 Shield Street	West Hartford	CT	6110-1920	75,741.00
Housing Authority of the City of New Haven	360 Orange Street	New Haven	CT	6511-6403	142,065.00
The Housing Authority of the Town of Greenwich.	249 Milbank Avenue Family Housing	Greenwich	CT	6830-6680	72,000.00
Connecticut Department of Housing	505 Hudson Street Individual and Family Assist..	Hartford	CT	6106-7107	206,880.00
Housing Authority of the City of Meriden	22 Church St. Apt, Suite, Bldg. (optional)	Meriden	CT	6451-468	156,914.00
Housing Authority of the City of New Britain	16 Armistice St	New Britain	CT	6053-3927	72,000.00
Housing Authority of the City of Stamford	22 Clinton Avenue	Stamford	CT	6901-3316	72,000.00
Derby Housing Authority	P.O. Box 843	Derby	CT	6418	63,099.00
Ansonia Housing Authority	36 Main Street	Ansonia	CT	6401	72,000.00
Bristol Housing Authority	164 Jerome Avenue	Bristol	CT	6010	70,636.00
Housing Authority of the City of Danbury	2 Mill Ridge Road	Danbury	CT	6811-5231	52,806.00
Wilmington Housing Authority	400 N Walnut Street	Wilmington	DE	19801-4600	142,000.00
District of Columbia Housing Authority	1133 North Capitol Street NE, Ste. 147 Family Self-Sufficiency.	Washington	DC	20002-7599	228,821.00
West Palm Beach Housing Authority	3700 Georgia Avenue	West Palm Beach	FL	33405-2176	132,002.00
The Housing Authority of the City of Fort Pierce, Florida.	511 Orange Avenue	Fort Pierce	FL	34950-4278	66,620.00
The Housing Authority of the City of Daytona Beach.	211 N. Ridgewood Avenue #300	Daytona Beach	FL	32114-3294	104,808.00
Punta Gorda Housing Authority	340 Gulf Breeze Avenue	Punta Gorda	FL	33950-5634	52,320.00
Housing Authority of the City of Deerfield Beach.	533 S Dixie Highway, STE 201 Family Self Sufficiency.	Deerfield Beach	FL	33441-4665	55,680.00
Housing Authority of the City of Tampa	5301 W Cypress Street Family Self-Sufficiency	Tampa	FL	33607-1727	487,893.00
Hialeah Housing Authority	75 East 6th Street Family-Self-Sufficiency	Hialeah	FL	33010-4845	130,399.00
Lee County Housing Authority	14170 Warner Circle	North Fort Myers ..	FL	33903-3528	56,951.00
Broward County Housing Authority	4780 North State Road 7	Lauderdale Lakes	FL	33319-5860	255,673.00
Delray Beach Housing Authority	82 NW 5th Avenue	Delray Beach	FL	33444-2612	52,969.00
Housing Authority of the City of Miami Beach ...	200 Alton Road FSS	Miami Beach	FL	33139-6742	63,000.00
Pasco County Housing Authority	36739 S.R. 52 Family Self-Sufficiency	Dade City	FL	33525-5101	42,571.00
Milton Housing Authority	5668 Byrom Street	Milton	FL	32570	72,000.00
Public Housing and Community Development ..	701 NW 1st Ct 16th Floor	Miami	FL	33136-3914	245,697.00
Winter Haven Housing Authority	2653 Avenue C. South West	Winter Haven	FL	33880	144,000.00

Legal name	Address	City	State	Zip code	Total recommended amount
Pahokee Housing Authority	465 Friend Terrace Family Self-Sufficiency	Pahokee	FL	33476-1941	23,535.00
Orange County Housing and Community Development.	525 E South Street Orange County Housing and Comm.	Orlando	FL	32801-2817	54,429.00
The Housing Authority of the City of Fort Lauderdale.	500 W Sunrise Blvd Family Self-Sufficiency	Fort Lauderdale	FL	33311-7234	125,378.00
Sarasota Housing Authority	2069 S Osprey Ave	Sarasota	FL	34236	42,496.00
Boca Raton Housing Authority	2333A W Glades Rd	Boca Raton	FL	33431-7305	54,106.00
Clearwater Housing Authority	28050 U.S. Hwy 19 N., Suite 103	Clearwater	FL	33761-2600	55,587.00
Housing Authority of the City of Fort Myers	4224 Renaissance Preserve Way FSS Coordinators.	Fort Myers	FL	33916-2310	208,666.00
Walton County Housing Agency	63 BoPete Manor Road Citizen Services	DeFuniak Springs	FL	32435-2943	38,412.00
Pinellas County Housing Authority	11479 Ulmertown Road	Largo	FL	33778-1147	118,000.00
Tallahassee Housing Authority	2940 Grady Rd.	Tallahassee	FL	32312	72,000.00
Palm Beach County Housing Authority	3432 W 45th St	West Palm Beach	FL	33407-1844	115,000.00
Jacksonville Housing Authority	1300 Broad Street N JHA Family Self-Sufficiency.	Jacksonville	FL	32202-3938	322,860.00
Ocala Housing Authority	P.O. Box 2468 1629 NW 4th St	Ocala	FL	34478-2468	92,110.00
Housing Authority of Brevard County	1401 Guava Ave	Melbourne	FL	32935	132,200.00
Housing Authority of the City of Lakeland	430 Hartsell Avenue Lakeland	Lakeland	FL	33815-4502	72,000.00
Housing Authority of Columbus, Georgia	Post Office Box 630 1000 Wynnton Road	Columbus	GA	31902-630	105,100.00
Griffin Housing Authority	327 S 9th Street	Griffin	GA	30224	72,000.00
Housing Authority of the City of Carrollton	1 Roop Street	Carrollton	GA	30117-4448	106,967.00
Housing Authority of the City of Jonesboro	203 Hightower Street P.O. Box 458	Jonesboro	GA	30237-458	130,664.00
Northwest Georgia Housing Authority	326 West 9th Street	Rome	GA	30162-1428	105,300.00
Housing Authority of Fulton County, Georgia	4273 Wendell Drive	Atlanta	GA	30336-1632	32,745.00
Housing Authority of Newman	48 Ball Street	Newnan	GA	30263-2307	78,894.00
Housing Authority of the City of East Point, Georgia.	3056 Norman Berry Drive	East Point	GA	30364-363	62,500.00
Housing Authority of the City of Marietta	95 Cole Street Family Self-Sufficiency	Marietta	GA	30060-2090	115,944.00
Housing Authority of the City of College Park, Georgia.	2000 Princeton Avenue Housing Assistance ...	College Park	GA	30337-2412	144,000.00
Macon-Bibb County Housing Authority	2015 Felton Avenue	Macon	GA	31201-4928	60,434.00
Tri-City Housing Authority	P.O. Box 220 33 Martin Luther King Jr. Drive ..	Woodland	GA	31836-220	44,293.00
The Housing Authority of the City of Atlanta, Georgia.	230 John Wesley Dobbs Avenue, NE	Atlanta	GA	30303-2421	276,959.00
Housing Authority of the City of Albany, GA	P.O. Box 485	Albany	GA	31702-485	42,072.00
Housing Authority of the City of Augusta, Georgia.	1435 Walton Way	Augusta	GA	30901-2609	171,950.00
Housing Authority of Savannah	P.O. Box 1179	Savannah	GA	31402-1179	220,960.00
Guam Housing and Urban Renewal Authority ..	117 Bien Venida Avenue	Sinajana	GQ	96910-3643	139,352.00
Maui, County of	200 S High Street Housing	Wailuku	HI	96793-2155	43,135.00
Hawaii County Housing Agency	1990 Kinoole Street Suite 102 OHCD	Hilo	HI	96720-5293	66,937.00
Kauai County Housing Agency	4444 Rice Street Suite 330	Lihue	HI	96766-1340	142,000.00
Hawaii Public Housing Authority	1002 North School Street Hawaii Public Housing Auth..	Honolulu	HI	96817-6912	72,000.00
Idaho Housing and Finance Association	P.O. Box 7899 565 W Myrtle	Boise	ID	83707-1899	289,452.00
Ada County Housing Authority	1001 S Orchard St	Boise	ID	83705-1932	125,496.00
Boise City Housing Authority	1001 S Orchard St	Boise	ID	83705-1932	125,498.00
Southwestern Idaho Cooperative Housing Authority.	377 Cornell St	Middleton	ID	83644-9903	104,196.00
Nampa Housing Authority	211 19th Avenue North	Nampa	ID	83687-4402	44,977.00
Housing Authority of Marion County	719 Howard St	Centralia	IL	62801-689	25,000.00
Winnebago County Housing Authority	3617 Delaware Street	Rockford	IL	61102-1506	144,000.00
Rockford Housing Authority	223 S Winnebago Street	Rockford	IL	61102-9904	144,000.00
Housing Authority of the City of Freeport	1052 West Galena	Freeport	IL	61032-3814	72,000.00
Madison County Housing Authority	2 Eastport Plaza Drive	Collinsville	IL	62234-4909	71,789.00
Lake County Housing Authority	33928 North Route 45	Grayslake	IL	60020-1700	250,983.00
Kankakee County Housing Authority	185 N. St. Joseph Ave. P.O. Box 965	Kankakee	IL	60901-965	45,200.00
St. Clair County Housing Authority	1790 S 74th St	Belleville	IL	62223-3366	59,866.00
Waukegan Housing Authority	215 South Martin Luther King Jr. Avenue	Waukegan	IL	60085-5522	58,368.00
Housing Authority of Joliet	6 South Broadway	Joliet	IL	60436-1753	35,908.00
Chicago Housing Authority	60 East Van Buren	Chicago	IL	60605-1241	904,560.00
Menard County Housing Authority	101 West Sheridan Rd., P.O. Box 168	Petersburg	IL	62675-1349	60,000.00
Housing Authority of Henry County	125 North Chestnut Street Family Self-Sufficiency.	Kewanee	IL	61443-2110	94,700.00
Rock Island Housing Authority	227 21st Street	Rock Island	IL	61201-8822	64,538.00
Peoria Housing Authority	100 South Richard Pryor Place	Peoria	IL	61605-3905	113,869.00
Springfield Housing Authority	200 North Eleventh Street Self-Sufficiency Programs.	Springfield	IL	62703-1004	263,338.00
Housing Authority of the City of Bloomington ...	104 E Wood Street	Bloomington	IL	61701-6768	42,500.00
Macoupin County Housing Authority	760 Anderson Street P.O. Box 226	Carlinville	IL	62626-1003	45,786.00
Housing Authority of the City of East Saint Louis.	700 North 20th Street Asset Management	East St. Louis	IL	62205-1814	72,000.00
Housing Authority of the City of Elgin	120. S State Street	Elgin	IL	60123	72,000.00
DuPage Housing Authority	711 E Roosevelt Rd	Wheaton	IL	60187-5646	122,195.00
Housing Authority of Cook County	175 W Jackson Blvd., Suite 350	Chicago	IL	60604-3042	188,747.00
Housing Authority of the City of Hammond, IN	1402 173rd St Family Self Sufficiency	Hammond	IN	46324-2861	61,944.00
Housing Authority of the City of Kokomo	210 E Taylor St. P.O. Box 1207	Kokomo	IN	46903-1207	52,337.00
Housing Authority of the City of Bloomington ...	1007 N. Summit St	Bloomington	IN	47404-3712	94,004.00
Housing Authority of the City of Terre Haute ...	P.O. Box 3086 Resident & Community Services.	Terre Haute	IN	47803-86	112,445.00
Housing Authority City of Vincennes	501 Hart Street P.O. Box 1636	Vincennes	IN	47591-2103	44,509.00

Legal name	Address	City	State	Zip code	Total recommended amount
Indianapolis Housing Agency (IHA)	1919 N. Meridian Street	Indianapolis	IN	46202-1303	255,162.00
Housing Authority of the City of Gary	578 Broadway	Gary	IN	46402	50,951.00
Housing Authority of the City of Columbus IN ..	799 McClure Road PIH	Columbus	IN	47201-6610	47,769.00
New Albany Housing Authority	P.O. Box 11	New Albany	IN	47150-11	177,578.00
Housing Authority of South Bend	501 Alonzo Watson Drive	South Bend	IN	46601	43,642.00
Fort Wayne Housing Authority	7315 Hanna Street	Fort Wayne	IN	46816-3489	148,878.00
The Housing Authority of the City of Evansville	402 Court Street Suite B	Evansville	IN	47708	132,921.00
Marion Housing Authority	601 S Adams St	Marion	IN	46953	72,000.00
Eastern Iowa Regional Housing Authority	7600 Commerce Park	Dubuque	IA	52002-9673	206,170.00
Southern Iowa Regional Housing Authority	219 N. Pine Street	Creston	IA	50801-2413	54,052.00
Region XII Regional Housing Authority	320 E 7th P.O. Box 663	Carroll	IA	51401	53,539.00
City of Des Moines Municipal Housing Agency	2309 Euclid Ave. Supportive Services—FSS ...	Des Moines	IA	50310-5703	224,430.00
City of Sioux City Housing Authority	405 6th Street, Suite 107, P.O. Box 447 Housing Services Division.	Sioux City	IA	51102-447	144,000.00
Central Iowa Regional Housing Authority	1201 SE Gateway Drive	Grimes	IA	50111-6637	35,000.00
Municipal Housing Agency of the City of Fort Dodge.	700 South 17th Street	Fort Dodge	IA	50501-5300	103,801.00
City of Cedar Rapids	101 First Street SE Housing Services	Cedar Rapids	IA	52401-1205	152,547.00
Muscatine, City of d/b/a Muscatine Municipal Housing Agency.	215 Sycamore Street	Muscatine	IA	52761-3839	60,203.00
Iowa City Housing Authority	410 E Washington Street	Iowa City	IA	52240-1825	135,889.00
Johnson County, Kansas	12425 West 87th Street Parkway, Suite 200 Housing Services.	Lenexa	KS	66215-4524	64,618.00
City of Wichita Kansas Housing Authority	455 N Main St 10th Floor	Wichita	KS	67202-1600	199,727.00
Lawrence-Douglas County Housing Authority ...	1600 Haskell Avenue	Lawrence	KS	66044-4399	239,921.00
Salina Housing Authority	P.O. Box 1202, 469 S 5th Street	Salina	KS	67402-1202	50,000.00
NEKCAP, Inc	1260 220th Street P.O. Box 380	Hiawatha	KS	66434-380	54,629.00
Topeka Housing Authority	2010 SE California Ave	Topeka	KS	66607-1444	51,855.00
City of Olathe	P.O. Box 768 200 West Santa Fe Street	Olathe	KS	66051-768	54,635.00
Pineville Urban Renewal & Community	114 W Kentucky Avenue	Pineville	KY	40977-460	41,884.00
Cumberland Valley Regional Housing Authority	P.O. Box 806 338 Court Square	Barbourville	KY	40906-806	119,852.00
Housing Authority of Covington	2300 Madison Avenue	Covington	KY	41014-1237	65,000.00
Boone County Fiscal Court Assisted Housing Department.	2950 Washington P.O. Box 536	Burlington	KY	41005	66,373.00
City of Covington CDA	2300 Madison Avenue 2nd floor	Covington	KY	41014-2237	60,555.00
Appalachian Foothills Housing Agency, Inc	1214 Riverside Blvd	Flatwoods	KY	41144-1635	44,651.00
City of Richmond Section 8 Housing	P.O. Box 250	Richmond	KY	40476-250	100,000.00
Housing Authority of Newport, KY	30 East 8th Street	Newport	KY	41071-459	61,894.00
Georgetown Housing Authority	139 Scroggin Park Family Self-Sufficiency	Georgetown	KY	40324-2039	47,285.00
Housing Authority of Frankfort	590 Walter Todd Drive	Frankfort	KY	40601-2026	56,795.00
Louisville Metro Housing Authority	420 South Eighth Street	Louisville	KY	40203-1906	461,726.00
Housing Authority of Glasgow	111 Bunche Avenue P.O. Box 1745	Glasgow	KY	42142-1745	51,342.00
Kentucky Housing Corporation	1213 Louisville Road Tenant Assistance Programs.	Frankfort	KY	40601-6156	121,654.00
Lexington-Fayette Urban County Housing Authority.	300 W New Circle Road	Lexington	KY	40505-1428	115,073.00
Housing Authority of Bowling Green	247 Double Springs Road	Bowling Green	KY	42101-5160	49,500.00
Housing Authority of the City of Shreveport	2500 Line Avenue	Shreveport	LA	71104-3022	104,323.00
Terrebonne Parish Consolidated Government ..	809 Barrow Street Section 8	Houma	LA	70360	50,372.00
Calcasieu Parish Police Jury Human Services Housing Department.	2001 Moeling Street	Lake Charles	LA	70601	13,000.00
Housing Authority of Jefferson Parish	1718 Betty St	Marrero	LA	70072-3318	120,000.00
St. James Parish Housing Authority	2627 King Avenue P.O. Box 280	Lutcher	LA	70071	69,380.00
Portland Housing Authority	14 Baxter Boulevard	Portland	ME	4101-1822	78,894.00
Maine State Housing Authority	353 Water St	Augusta	ME	4330-4678	62,702.00
City of Caribou	25 High St	Caribou	ME	4736-25	57,681.00
Westbrook Housing Authority	30 Liza Harmon Drive Family Self-Sufficiency	Westbrook	ME	4092-3438	47,501.00
Lewiston Housing Authority	One College Street	Lewiston	ME	4240-7175	58,873.00
Housing Authority of the City of Old Town	358 Main Street P.O. Box 404	Old Town	ME	4468-404	47,944.00
Augusta Housing	33 Union Street, Suite 3	Augusta	ME	4330-6800	32,484.00
Housing Authority of the City of Brewer	15 Colonial Circle, Suite 1	Brewer	ME	4412-1576	61,213.00
Bangor Housing Authority	161 Davis Rd	Bangor	ME	4401-2310	63,944.00
Housing Authority of the City of Frederic	209 Madison St	Frederick	MD	21701-6536	73,653.00
Housing Authority of Washington County	319 E Antietam St 2nd Floor	Hagerstown	MD	21740-5701	72,000.00
Hagerstown Housing Authority	35 W Baltimore Street	Hagerstown	MD	21740-6059	177,252.00
Havre De Grace Housing Authority	101 Stansbury Court	Havre De Grace ...	MD	21078-2641	72,000.00
Harford County, Maryland	15 South Main Street	Bel Air	MD	21014-8725	32,154.00
Carroll County Commissioners	225 N. Center Street	Westminster	MD	21157-5108	62,716.00
Howard County Housing Commission	9770 Patuxent Woods Drive Suite 100	Columbia	MD	21046-3374	61,059.00
Housing Authority of the City of Annapolis	1217 Madison Ave Resident Services	Annapolis	MD	21403-2203	72,000.00
Housing Commission of Anne Arundel County	7477 Baltimore-Annapolis Blvd Housing Resources.	Glen Burnie	MD	21061-370	206,192.00
Cecil County Housing Agency	200 Chesapeake Blvd, Suite 1800	Elkton	MD	21921-6682	53,594.00
Housing Authority of Baltimore City	417 E Fayette Street	Baltimore	MD	21202-3431	504,000.00
Rockville Housing Enterprises	621 Southlawn Lane, Ste. A	Rockville	MD	20850-1456	65,000.00
Housing Opportunities Commission	10400 Detrick Avenue Housing Resources Division.	Kensington	MD	20895-2440	393,286.00
County of Baltimore	6401 York Road Office of Housing	Baltimore	MD	21212-2152	245,037.00
Housing Authority of St. Mary's County, Maryland.	21155 Lexwood Drive Suite C	Lexington Park	MD	20653-4386	54,559.00
Brockton Housing Authority	45 Goddard Road	Brockton	MA	2303-7070	139,000.00
Melrose Housing Authority	910 Main Street	Melrose	MA	2176-2331	31,084.00

Legal name	Address	City	State	Zip code	Total recommended amount
Lynn Housing Authority & Neighborhood Development (LHAND)	10 Church Street	Lynn	MA	1902-4418	116,810.00
Winchester Housing Authority	13 Westley Street	Winchester	MA	1890-2130	72,000.00
Milton Housing Authority	65 Miller Avenue	Milton	MA	2186-4756	72,000.00
Quincy Housing Authority	80 Clay Street	Quincy	MA	2170-2799	72,000.00
Arlington Housing Authority	4 Winslow Street	Arlington	MA	2474-3062	72,000.00
Hingham Housing Authority	30 Thaxter Street	Hingham	MA	2043-2143	33,000.00
Leominster Housing Authority	100 Main Street	Leominster	MA	1453-5599	57,674.00
Braintree Housing Authority	25 Roosevelt Street	Braintree	MA	2184-8663	62,271.00
Methuen Housing Authority	24 Mystic Street	Methuen	MA	1844-2499	64,628.00
Framingham Housing Authority	1 John J Brady Drive Family Self Sufficiency ..	Framingham	MA	1702-2300	74,500.00
Gloucester Housing Authority	259 Washington Street P.O. Box 1599	Gloucester	MA	1931-1599	53,521.00
Taunton Housing Authority	30 Olney Street, Suite B	Taunton	MA	2780-4141	69,502.00
Commonwealth of Massachusetts	100 Cambridge Street	Boston	MA	2114-2531	785,547.00
Boston Housing Authority	52 Chauncy Street Leased Housing	Boston	MA	2111-2325	304,256.00
Wayland Housing Authority	106 Main Street	Wayland	MA	1778-4939	33,000.00
Holyoke Housing Authority	Suite One	Holyoke	MA	1040	113,627.00
Worcester Housing Authority	40 Belmont Street Resident Programs—FSS ..	Worcester	MA	1605-2658	360,000.00
Greenfield Housing Authority	1 Elm Terrace	Greenfield	MA	1301-2203	63,961.00
Lowell Housing Authority	350 Moody Street P.O. Box 60	Lowell	MA	1853-60	73,267.00
Medford Housing Authority	121 Riverside Ave. Family Self-Sufficiency	Medford	MA	2155-4611	72,000.00
Chelmsford Housing Authority	10 Wilson St	Chelmsford	MA	1824-3160	64,449.00
Somerville Housing Authority	30 Memorial Road	Somerville	MA	2145-1704	132,987.00
Revere Housing Authority	70 Coolidge Street	Revere	MA	2151-2963	36,000.00
Attleboro Housing Authority	80 South Ave	Attleboro	MA	2703	60,000.00
Fall River Housing Authority	85 Morgan St	Fall River	MA	2722	142,000.00
North Andover Housing Authority	One Morkeski Meadows	North Andover	MA	1845	33,143.00
Malden Housing Authority	630 Salem Street	Malden	MA	2148-4361	136,788.00
Acton Housing Authority	68 Windsor Avenue	Acton	MA	1720-681	66,665.00
Plymouth Housing Authority	130 Court Street	Plymouth	MA	2360	52,000.00
Chelsea Housing Authority	54 Locke St	Chelsea	MA	2150-2250	72,000.00
Saginaw Housing Commission	1803 Norman St P.O. Box 3225	Saginaw	MI	48605-3225	75,689.00
Wyoming Housing Commission	2450 36th St SW	Wyoming	MI	49519-6111	152,267.00
Ann Arbor Housing Commission	727 Miller Avenue RAD PBV & HCV	Ann Arbor	MI	48103-3353	144,000.00
Michigan State Housing Development Authority	735 East Michigan Avenue P.O. Box 30044 ..	Lansing	MI	48909-1474	1,067,835.00
Detroit Housing Commission	1301 East Jefferson	Detroit	MI	48207-3148	307,780.00
Lansing Housing Commission	419 Cherry Street	Lansing	MI	48933-2022	68,152.00
Kent, County of	121 Franklin Street, SE Suite 110	Grand Rapids	MI	49507-1132	134,275.00
Plymouth Housing Commission	1160 Sheridan Street	Plymouth	MI	48170-1560	133,413.00
Westland Housing Commission	32150 Dorsey Road	Westland	MI	48186-4755	39,682.00
Traverse City Housing Commission	150 Pine St	Traverse City	MI	49684-2478	70,148.00
Pontiac Housing Commission	132 Franklin Blvd	Pontiac	MI	48341	72,000.00
Grand Rapids Housing Commission	1420 Fuller Avenue	Grand Rapids	MI	49507-2139	360,000.00
Housing & Redevelopment Authority of Clay County.	116 Center Ave E P.O. Box 99	Dilworth	MN	56529-99	73,431.00
Dakota County Community Development Agency.	1228 Town Centre Drive	Eagan	MN	55123-1066	24,876.00
Mankato Economic Development Authority	10 Civic Center Plaza P.O. Box 3368	Mankato	MN	56002-3368	61,611.00
Scott County Community Development Agency	323 Naumkeag St	Shakopee	MN	55379-1652	23,836.00
Housing & Redevelopment Authority of Virginia, MN.	442 Pine Mill Court FSS	Virginia	MN	55792-3097	67,288.00
Public Housing Agency of the City of St. Paul ..	555 N Wabasha Street Suite 400	Saint Paul	MN	55102-1602	23,447.00
City of Brainerd	324 East River Rd	Brainerd	MN	56401-3504	67,539.00
Washington County Community Development Agency.	7645 Currell Blvd	Woodbury	MN	55125-2256	39,447.00
South Central MN Multi-County HRA	422 Belgrade Ave. Ste. 102	North Mankato	MN	56003-3874	46,034.00
Housing and Redevelopment Authority of Duluth, MN.	222 E 2nd St P.O. Box 16900	Duluth	MN	55816-900	73,254.00
Southeastern Minnesota Multi-County HRA	134 East Second Street	Wabasha	MN	55981-1440	43,318.00
Housing Authority of St. Louis park	5005 Minnetonka Boulevard HA	St. Louis Park	MN	55416-2216	39,447.00
The Housing Authority of the City of Meridian ..	2425 E Street	Meridian	MS	39302-870	126,918.00
The Housing Authority of the City of Biloxi	330 Benachi Avenue P.O. Box 447	Biloxi	MS	39533-447	48,922.00
South Delta Regional Housing Authority	202 Weston Avenue	Leland	MS	38756-202	106,500.00
Tennessee Valley Regional Housing Authority ...	P.O. BOX 1329	Corinth	MS	38835-1329	180,101.00
Mississippi Regional Housing Authority VIII	10430 Three Rivers Rd Mailing P.O. Box 2347, Gulfport, MS 39505-2347.	Gulfport	MS	39501-5914	105,222.00
The Housing Authority of the City of Jackson, MS.	2747 Livingston Road	Jackson	MS	39213-6928	55,636.00
Mississippi Regional Housing Authority No. II ...	900 Molly Barr Road	Oxford	MS	38655-2106	35,000.00
Mississippi Regional Housing Authority, No. VII	P.O. Box 748	McComb	MS	39649	216,680.00
Mississippi Regional Housing Authority VI	2180 Terry Road P.O. Box 8746	Jackson	MS	39204-8746	137,572.00
Housing Authority of the City of Liberty, MO	17 East Kansas	Liberty	MO	64068-2372	52,090.00
Phelps County Public Housing Agency	#4 Industrial Drive	St. James	MO	65559-9998	59,946.00
Housing Authority of Kansas City, Missouri	920 Main Suite 701	Kansas City	MO	64105-2017	287,995.00
Housing Authority of the City of Jefferson	1040 Myrtle Ave. P.O. Box 1029	Jefferson City	MO	65109-2525	72,000.00
Economic Security Corporation of Southwest Area.	302 S Joplin St	Joplin	MO	64801-2354	47,526.00
Saint Charles Housing Authority	1041 Olive Street	Saint Charles	MO	63301-4711	111,946.00
St. Francois County Public Housing Agency	403 Parkway Dr. P.O. Box 308	Park Hills	MO	63601-308	27,887.00
St Charles County Government	201 N Second St. Room 529	St. Charles	MO	63301	47,834.00
North East Community Action Corp	16 N Court St. P.O. Box 470	Bowling Green	MO	63334-470	91,906.00
Ripley County Public Housing Agency	3019 Fair Street	Poplar Bluff	MO	63901-7044	43,840.00

Legal name	Address	City	State	Zip code	Total recommended amount
St. Clair County PHA	106 West Fourth Street Housing Division	Appleton City	MO	64724-1402	166,387.00
Franklin County Public Housing Agency	P.O. Box 920 Housing Program	Hillsboro	MO	63050-920	87,169.00
Housing Authority of St Louis County	8865 Natural Bridge Road P.O. Box 23886	St. Louis	MO	63121	136,465.00
Housing Authority of the City of Springfield, Missouri	421 W Madison St	Springfield	MO	65806-2938	26,825.00
St. Louis Housing Authority	3520 Page Boulevard Business Development	St. Louis	MO	63106-1417	141,449.00
Housing Authority of the City of Columbia, Mo	201 Switzler Street	Columbia	MO	65203-4156	107,052.00
Housing Authority of Billings	2415 1st Avenue North	Billings	MT	59101-2318	50,771.00
Missoula Housing Authority	1235 34th Street	Missoula	MT	59801-8521	218,242.00
Douglas County Housing Authority	5404 N 107th Plaza	Omaha	NE	68134-1100	58,910.00
Housing Authority of the City of Lincoln	5700 R Street Family Self-Sufficiency	Lincoln	NE	68505-2332	129,935.00
Housing Authority of the City of Omaha	1823 Harney Street Resident Opportunity	Omaha	NE	68102-1908	225,210.00
Northeast Nebraska Joint Housing Agency	1017 Avenue E P.O. Box 799	Wisner	NE	68791-799	50,590.00
Goldenrod Regional Housing Agency	1017 Avenue E P.O. Box 799	Wisner	NE	68791-799	43,776.00
Kearney Housing Authority	2715 I Avenue P.O. Box 1236	Kearney	NE	68848-1236	87,971.00
Housing Authority of the City of Reno	1525 E 9th Street	Reno	NV	89512-3012	113,553.00
Southern Nevada Regional Housing Authority ..	340 North 11th Street Family Self Sufficiency ..	Las Vegas	NH	89101-3125	710,050.00
Manchester Housing and Redevelopment Authority ..	198 Hanover Street	Manchester	NH	3104-6125	52,176.00
Dover Housing Authority	62 Whittier Street	Dover	NH	3820-2946	144,000.00
Keene Housing	831 Court St	Keene	NH	3431-1712	145,925.00
New Hampshire Housing Finance Authority	32 Constitution Drive	Bedford	NH	3110-6062	266,576.00
Housing Authority of the Town of Boonton	125 Chestnut Street Voucher	Boonton	NJ	7005-1130	72,000.00
Housing Authority Town of Dover	215 East Blackwell Street	Dover	NJ	7801	35,632.00
Housing Authority of the Borough of Madison ..	24 Central Ave	Madison	NJ	7940-1811	72,000.00
Woodbridge Housing Authority	800 B Bunns Lane	Woodbridge	NJ	7095-1765	26,709.00
Passaic County Public Housing Agency	100 Hamilton Plaza Suite 510	Paterson	NJ	7505-2100	123,466.00
Housing Authority of the City of Jersey City	400 U.S. Highway #1 Marion Gardens	Jersey City	NJ	7306-6545	276,824.00
NJ Department of Community Affairs	101 S Broad Street P.O. Box 051	Trenton	NJ	8625-51	72,000.00
Housing Authority of the City of Perth Amboy ..	881 Amboy Avenue P.O. Box 390	Perth Amboy	NJ	8862-390	139,712.00
Housing Authority County of Morris	99 Ketch Road	Morristown	NJ	7960-2606	87,361.00
Lakewood Housing Authority	317 Sampson Avenue P.O. Box 1599	Lakewood	NJ	8701-3565	73,840.00
Lakewood TWP Residential Assistance Program ..	600 W Kennedy Blvd	Lakewood	NJ	8701-1243	60,673.00
Housing Authority of Gloucester County	100 Pop Moylan Blvd	Deptford	NJ	8096-1947	53,912.00
Housing Authority of the City of Camden	2021 Watson Street Suite 211	Camden	NJ	8105-1866	56,780.00
Monmouth County Public Housing Agency	3000 Kozloski Road P.O. Box 3000	Freehold	NJ	7728-9969	72,000.00
Housing Authority of the Borough of Fort Lee ..	1403 Teresa Drive, Suite FLHA	Fort Lee	NJ	7024-2102	55,000.00
Housing Authority of the City of Newark	500 Broad Street 2nd Floor	Newark	NJ	7102-3112	134,897.00
Housing Authority of the City of Vineland	191 West Chester Avenue	Vineland	NJ	8360-5417	70,000.00
Irvington Housing Authority	101 A Union Avenue Family Self Sufficiency ..	Irvington	NJ	7111-3261	37,997.00
Housing Authority of the City of East Orange ...	East Orange Housing 7 Glenwood Avenue, Suite 304A ..	East Orange	NJ	7017-1041	72,000.00
Atlantic City Housing & Redevelopment Authority ..	227 North Vermont Avenue, 17th Floor	Atlantic City	NJ	8401-5563	64,959.00
Housing Authority of the City of Orange	340 Thomas Blvd	Orange	NJ	7050	68,000.00
Pleasantville Housing Authority	168 North Main Street	Pleasantville	NJ	8232-2569	77,699.00
Housing Authority of the City of Paterson	60 Van Houten Street P.O. Box H	Paterson	NJ	7505-1028	56,972.00
The Housing Authority of Plainfield	510 East Front Street	Plainfield	NJ	7060	69,000.00
Bernalillo County Housing Department	1900 Bridge Blvd SW Community Services	Albuquerque	NM	87105-3164	80,334.00
Clovis Housing and Redevelopment Agency, Inc.	2101 W Grand Avenue	Clovis	NM	88101-7088	102,122.00
El Camino Real Housing Authority	P.O. Box 00 301 Otero Avenue	Socorro	NM	87801-5000	25,633.00
Eastern Regional Housing Authority	P.O. Drawer 2057	Roswell	NM	88202-2057	122,420.00
Santa Fe Civic Housing Authority	664 Alta Vista Street	Santa Fe	NM	87505-4149	62,284.00
Mesilla Valley Public Housing Authority	926 S San Pedro St Housing Choice Voucher	Las Cruces	NM	88001-3637	50,121.00
Town of Islip Housing Authority	963 Montauk Highway	Oakdale	NY	11769-1433	60,551.00
North Hempstead Housing Authority	899 Broadway	Westbury	NY	11590	72,000.00
City of Oswego Community Development Office ..	159 Liberty Street Housing Choice Voucher	Oswego	NY	13126-1904	36,000.00
Village of Kiryas Joel Housing Authority	51 Forest Road, Suite 360	Monroe	NY	10950-2938	73,094.00
Town of Babylon Housing Assistance Agency ..	281 Phelps Lane Housing Assistance Agency ..	N. Babylon	NY	11703-4006	36,000.00
Syracuse Housing Authority	516 Burt Street	Syracuse	NY	13202-3934	207,000.00
Cohoes Housing Authority	11 Federal Street	Saratoga Springs	NY	12866-4111	68,876.00
Town of Colonie	11 Federal Street	Saratoga Springs	NY	12866-4111	56,708.00
Village of Ballston Spa	11 Federal Street	Saratoga Springs	NY	12866-4111	46,830.00
Village of Corinth	11 Federal Street	Saratoga Springs	NY	12866-4111	67,174.00
Village of Fort Plain	11 Federal Street	Saratoga Springs	NY	12866-4111	68,706.00
Gloversville Housing Authority	11 Federal Street	Saratoga Springs	NY	12866-4111	104,633.00
Town of Guilderland	11 Federal Street	Saratoga Springs	NY	12866-4111	67,897.00
Village of Highland Falls	11 Federal Street	Saratoga Springs	NY	12866-4111	66,704.00
Mechanicville Housing Authority	11 Federal Street	Saratoga Springs	NY	12866-4111	69,192.00
City of Utica Section 8 Program	1 Kennedy Plaza Section 8 Program	Utica	NY	13502-4236	51,894.00
Village of Scotia	11 Federal Street	Saratoga Springs	NY	12866-4111	59,384.00
Town of Rotterdam	11 Federal Street	Saratoga Springs	NY	12866-4111	58,682.00
City of Johnstown	11 Federal Street	Saratoga Springs	NY	12866-4111	66,704.00
NYS Housing Trust Fund Corp	38-40 State Street Statewide Section 8	Albany	NY	12207-2837	1,448,098.00
Troy Housing Authority	One Eddy's Lane	Troy	NY	12180-1423	144,000.00
Ithaca Housing Authority	800 S Plain St	Ithaca	NY	14850-5347	151,988.00
Municipal Housing Authority of the City of Schenectady ..	375 Broadway	Schenectady	NY	12305-2519	122,771.00
City of North Tonawanda	216 Payne Ave	North Tonawanda ..	NY	14120-5446	50,975.00

Legal name	Address	City	State	Zip code	Total recommended amount
Town of Amherst	5583 Main St	Williamsville	NY	14221-5488	164,685.00
Rochester Housing Authority	675 West Main Street	Rochester	NY	14611-2313	201,581.00
Municipal Housing Authority of the City of Utica, New York	509 2nd Street, Suite One	Utica	NY	13501-2540	72,000.00
Albany Housing Authority	200 South Pearl Street	Albany	NY	12202-2028	228,262.00
Town of Huntington Housing Authority	1A Lowndes Avenue Family Self Sufficiency ..	Huntington Station	NY	11746-1261	72,000.00
Rental Assistance Corporation of Buffalo	470 Franklin St	Buffalo	NY	14202-1302	109,375.00
Town of Brookhaven	One Independence Hill HCV Program	Farmingville	NY	11738-362	71,418.00
Monticello Housing Authority	76 Evergreen Drive	Monticello	NY	12701	72,000.00
Buffalo Municipal Housing Authority	300 Perry Street Resident Services	Buffalo	NY	14204-2270	34,500.00
Amsterdam Housing Authority	52 Division Street FSS Program	Amsterdam	NY	12010-4002	101,435.00
New York City Department of Housing Preservation and Development	100 Gold Street Tenant Resources	New York	NY	10038-1605	1,517,359.00
New York City Housing Authority	250 Broadway Office of the EVP	New York	NY	10007-2516	216,000.00
City of Lockport Housing Authority Inc	301 Michigan St	Lockport	NY	14094	72,000.00
Western Piedmont Council of Governments	1880 2nd Ave NW P.O. Box 9026	Hickory	NC	28603-9026	76,274.00
Housing Authority of the Town of Laurinburg	Post Office Box 1437 Family Self-Sufficiency ..	Laurinburg	NC	28353-1437	52,500.00
Roxboro Housing Authority	500 Mt. Bethel Church Street P.O. Box 996 ..	Roxboro	NC	27573-4795	62,975.00
Housing Authority of the City of Wilson, NC	301 Nash St N	Wilson	NC	27893-4130	66,394.00
Lexington Housing Authority	1 Jamaica Dr.	Lexington	NC	27292-2571	35,871.00
Mountain Projects, INC.	2177 Asheville Road	Waynesville	NC	28786-3139	33,975.00
City of Hickory Public Housing Authority	841 South Center Street	Hickory	NC	28602	59,741.00
Isothermal Planning and Development Commission	P.O. Box 841 Housing Department	Rutherfordton	NC	28139-841	35,744.00
Western Carolina Community Action	P.O. Box 685 220 King Creek Blvd	Hendersonville	NC	28793-685	68,717.00
Northwestern Regional Housing Authority	869 Highway 105 Extension, Suite 10 P.O. Box 2510	Boone	NC	28607-4958	206,884.00
Chatham County Housing Authority	13450 US Hwy. 64 West P.O. Box 571	Siler City	NC	27344-6443	49,337.00
Economic Improvement Council, Inc	712 Virginia Road	Edenton	NC	27932-549	51,122.00
Housing Authority of the City of Kinston, NC	608 N Queen St Kinston Housing Authority	Kinston	NC	28501-697	110,941.00
Gastonia Housing Authority	340 W Long Ave. P.O. Box 2398	Gastonia	NC	28053-2398	52,056.00
Rowan County Housing Authority	310 Long Meadow Drive	Salisbury	NC	28147-8200	108,000.00
Housing Authority of the City of High Point	500 E Russell Ave	High Point	NC	27260-6746	182,288.00
Mid-East Regional Housing Authority	415 East Boulevard, Suite 140 P.O. Box 811 ..	Williamston	NC	27892-9764	46,566.00
Housing Authority of the City of Greensboro	450 N Church Street	Greensboro	NC	27401-2001	282,581.00
Twin Rivers Opportunities, Inc	318 Craven St	New Bern	NC	28560-1482	74,156.00
Sandhills Community Action Program, Inc	340 Commerce Avenue, Suite 20	Southern Pines	NC	28387-7168	45,000.00
The Housing Authority of the City of Charlotte	400 East Blvd. Executive Office Division	Charlotte	NC	28203-5584	116,170.00
Coastal Community Action, Inc	P.O. Box 729	Newport	NC	28570-729	39,807.00
Burlington Housing Authority	133 N Ireland Street	Burlington	NC	27217-2635	66,584.00
The Housing Authority of the City of Durham	330 East Main Street	Durham	NC	27701-3718	132,977.00
Eastern Carolina Human Services Agency, INC	237 New River Dr. Suite 1 P.O. Box 796	Jacksonville	NC	28541-796	64,282.00
North Wilkesboro Housing Authority	P.O. Box 1373 101 Hickory Street	North Wilkesboro ..	NC	28659	60,000.00
Housing Authority of the County of Wake	100 Shannon Dr. P.O. Box 399	Zebulon	NC	27597	56,000.00
Washington Housing Authority	809 Pennsylvania Ave. P.O. Box 1046	Washington	NC	27889	45,000.00
Housing Authority of the City of Asheville	165 S French Broad Avenue STE 1	Asheville	NC	28801-3947	139,659.00
Housing Authority of the City of Greenville	1103 Broad Street	Greenville	NC	27834-3952	170,000.00
Housing Authority of the City of Winston-Salem	500 W 4th Street Suite 300	Winston-Salem	NC	27101-2782	62,912.00
Sanford Housing Authority	P.O. Box 636	Sanford	NC	27331-4115	119,120.00
The Housing Authority of the City of Wilmington, NC.	1524 S 16th Street	Wilmington	NC	28401-6426	64,530.00
City of Concord Housing Department	283 Harold Goodman Circle SW	Concord	NC	28025-5442	51,726.00
Statesville Housing Authority	110 West Allison Street Family Self-Sufficiency ..	Statesville	NC	28677-6616	194,513.00
The Housing Authority of the City of Grand Forks ND.	1405 1st Ave North	Grand Forks	ND	58203-3484	118,687.00
Fargo Housing and Redevelopment Authority ..	325 Broadway	Fargo	OH	58102-430	124,624.00
Meigs Metropolitan Housing Authority	441 General Hartinger Parkway	Middleport	OH	45760-1251	23,449.00
Knox Metropolitan Housing Authority	201-A West High Street	Mount Vernon	OH	43050-2427	23,122.00
Morrow Metropolitan Housing Authority	619 West Marion Road, Suite 107	Mount Gilead	OH	43338-1097	39,984.00
Fairfield Metropolitan Housing Authority	315 N Columbus St	Lancaster	OH	43130-1619	113,000.00
Morgan Metropolitan Housing Authority	4580 N St. Rt. 376	McConnelsville	OH	43756-9701	47,000.00
Youngstown Metropolitan Housing Authority	131 West Boardman Street Youngstown FSS Program.	Youngstown	OH	44503-1337	244,140.00
Pickaway Metro Housing Authority	176 Rustic Dr	Circleville	OH	43113-1576	24,069.00
Parma Public Housing Agency	1440 Rockside Road Suite 306 Housing Choice Voucher Program.	Pamra	OH	44134-2775	50,483.00
Jackson Metropolitan Housing Authority	249 West 13th Street P.O. Box 619	Wellston	OH	45692-619	40,750.00
Akron Metropolitan Housing Authority	100 West Cedar Street	Akron	OH	44307-2502	351,072.00
Tuscarawas Metropolitan Housing Authority	134 Second Street SW	New Philadelphia	OH	44663-3861	50,000.00
Athens Metropolitan Housing Authority	10 Hope Drive	Athens	OH	45701-2136	41,494.00
Vinton Metropolitan Housing Authority	310 West High Street P.O. Box 487	McArthur	OH	45651-487	39,323.00
Cuyahoga Metropolitan Housing Authority	8120 Kinsman Road	Cleveland	OH	44104-4310	247,406.00
Erie Metropolitan Housing Authority	322 Warren Street	Sandusky	OH	44870-2265	51,715.00
Portage Metropolitan Housing Authority	2832 State Route 59 FSS	Ravenna	OH	44266-1650	46,504.00
Chillicothe Metropolitan Housing Authority	178 West Fourth Street	Chillicothe	OH	45601-3219	115,419.00
Lorain Metropolitan Housing Authority	1600 Kansas Ave	Lorain	OH	44052-3317	121,759.00
Clinton Metropolitan Housing Authority	478 Thorne Avenue	Wilmington	OH	45177-1222	50,750.00
Cambridge Metropolitan Housing Authority	1100 Maple Court P.O. Box 1388	Cambridge	OH	43725-6388	32,900.00
Zanesville Metropolitan Housing Authority	407 Pershing Road	Zanesville	OH	43701-6871	222,874.00
Lake Metropolitan Housing Authority	189 First St	Painesville	OH	44077-3111	60,000.00
Lucas Metropolitan Housing Authority	435 Nebraska Avenue P.O. Box 477	Toledo	OH	43604-9587	264,338.00
Allen Metropolitan Housing Authority	600 S Main St	Lima	OH	45804-1242	43,500.00

Legal name	Address	City	State	Zip code	Total recommended amount
Geauga Metropolitan Housing Authority	385 Center Street—Office	Chardon	OH	44024-1155	67,151.00
Cincinnati Metropolitan Housing Authority	1627 Western Avenue	Cincinnati	OH	45214-2001	364,652.00
Wayne Metropolitan Housing Authority	345 North Market Street	Wooster	OH	44691-3566	45,514.00
The City of Marietta, Ohio/PHA	301 Putnam Street	Marietta	OH	45750	48,000.00
Logan County Metropolitan Housing Authority ..	116 North Everett Street	Bellefontaine	OH	43311-1132	47,638.00
Trumbull Metropolitan Housing Authority	4076 Youngstown Road, SE	Warren	OH	44484-3397	119,097.00
Columbus Metropolitan Housing Authority	880 E 11th Ave	Columbus	OH	43211-2771	155,602.00
Dayton Metropolitan Housing Authority	400 Wayne Avenue	Dayton	OH	45410-1118	181,721.00
Springfield Metropolitan Housing Authority	101 West High Street	Springfield	OH	45502-1219	72,000.00
Adams Metropolitan Housing Authority	401 E Seventh Street	Manchester	OH	45144-1401	52,456.00
Housing Authority of the City of Shawnee, OK	601 W. Seventh Street P.O. Box 3427	Shawnee	OK	74802-3427	136,979.00
Housing Authority of the City of Norman	700 North Berry Road	Norman	OK	73069-7562	50,935.00
Oklahoma Housing Finance Agency	100 NW 63rd ST Suite 200	Oklahoma City	OK	73116-8208	213,207.00
Housing Authority of the City of Muskogee	P.O. Box 1471 220 North 40th	Muskogee	OK	74402-1471	50,540.00
Oklahoma City Housing Authority	1700 Northeast Fourth Street Resident Services.	Oklahoma City	OK	73117-3800	50,794.00
Housing Authority of the City of Stillwater	807 S Lowry	Stillwater	OK	74074-4742	52,589.00
Housing Authority of the City of Tulsa	415 E Independence St	Tulsa	OK	74106-5727	95,600.00
Linn-Benton Housing Authority	1250 Queen Avenue SE	Albany	OR	97322-6661	144,000.00
Housing Authority of the City of Salem	360 Church Street SE	Salem	OR	97301-3707	297,420.00
Central Oregon Regional Housing Authority	405 SW 6th Street	Redmond	OR	97756-2204	149,033.00
Housing Authority of Jackson County	2251 Table Rock Rd	Medford	OR	97501-1409	143,398.00
Housing Authority of Yamhill County	135 NE Dunn Pl	McMinnville	OR	97128-9081	236,683.00
Housing and Community Services Agency of Lane County.	177 Day Island Road Supportive Housing Division.	Eugene	OR	97401-7911	228,821.00
Northeast Oregon Housing Authority	2608 May Lane P.O. Box 3357	La Grande	OR	97850-7357	105,493.00
Home Forward	135 SW Ash Street FSS/GOALS	Portland	OR	97204-3540	570,179.00
Housing Authority of Washington County	111 NE Lincoln Street	Hillsboro	OR	97124-3036	137,316.00
Columbia Gorge Housing Authority	500 E 2nd St	The Dalles	OR	97058	61,147.00
Mid-Columbia Housing Authority	500 E 2nd St	The Dalles	OR	97058	61,147.00
Housing Authority of Clackamas County	P.O. Box 1510 13930 S Gain Street	Oregon City	OR	97045-510	129,468.00
Housing Authority & Urban Renewal Agency of Polk County.	204 SW Walnut Avenue	Dallas	OR	97338-1428	72,000.00
Northwest Oregon Housing Authority	P.O. Box 1149 147 South Main Avenue	Warrenton	OR	97146-1149	45,761.00
Housing Authority of the City of Easton	157 South Fourth St	Easton	PA	18042-876	50,000.00
Housing Authority of the County of Cumberland	114 N. Hanover St. HCV & FPH	Carlisle	PA	17013-2445	48,718.00
Housing Authority of the County of Chester	30 West Barnard Street Suite 2	West Chester	PA	19382-1000	55,000.00
Housing Authority of the County of Dauphin	501 Mohn Street	Steelton	PA	17113-7598	62,000.00
Housing Authority of Northumberland County ..	50 Mahoning Street	Milton	PA	17847-1016	64,458.00
Adams County Housing Authority	40 E High St	Gettysburg	PA	17325-2316	48,639.00
Westmoreland County Housing Authority	167 S Greengate Road	Greensburg	PA	15601-6392	239,093.00
Housing Authority of Centre County	602 E Howard St HCV	Bellefonte	PA	16823-2145	57,299.00
Lehigh County Housing Authority	333 Ridge Street	Emmaus	PA	18032-3722	56,000.00
Lycoming County Housing Authority	1941 Lincoln Drive	Williamsport	PA	17701-2824	20,355.00
Allegheny County Housing Authority	625 Stanwix Street—12th Floor	Pittsburgh	PA	15222-1418	193,809.00
Housing Authority of Indiana County	104 Philadelphia Street	Indiana	PA	15701-2132	39,589.00
Philadelphia Housing Authority	2013 Ridge Avenue Planning & Development	Philadelphia	PA	19121-4113	370,000.00
Housing Authority of the County of Clarion (INC).	8 West Main Street	Clarion	PA	16214-1816	84,901.00
Housing Authority of the County of Butler	114 Woody Drive	Butler	PA	16001-5692	55,587.00
Altoona Housing Authority	2700 Pleasant Valley Boulevard	Altoona	PA	16602-4492	54,000.00
Montgomery County Housing Authority	104 W. Main Street Suite #1	Norristown	PA	19401-4716	64,203.00
Housing Authority of the City of Pittsburgh	200 Ross Street 9th Floor	Pittsburgh	PA	15219-210	377,268.00
The Housing Authority of the County of Franklin.	436 W Washington St	Chambersburg	PA	17201-2458	22,200.00
Housing Authority of the County of Union	1610 Industrial Blvd Suite 400	Lewisburg	PA	17837-1284	48,500.00
Housing Authority of the City of York	31 S Broad St	York	PA	17403	69,380.00
Municipality of Juana Diaz	#35 Degetau Street Section 8 Programs	JUANA DIAZ	RQ	795-1409	24,680.00
Municipality of San German	Ave. Universidad Interamericana #136	San German	RQ	0-683	56,816.00
Municipality of San Juan	P.O. Box 70179 Section 8	San Juan	RQ	936-8179	25,387.00
Municipality of Bayamon	P.O. Box 1588 Section 8 Program	Bayamon	RQ	960-1588	28,324.00
Municipality of Ponce	P.O. Box 3117069 Section 8 Program	Ponce	RQ	733-1709	15,040.00
Town of Cumberland Housing Authority	573 Mendon Rd. Suite 4	Cumberland	RI	2864-6200	74,811.00
Central Falls Housing Authority	30 Washington Street	Central Falls	RI	2863-2842	71,106.00
Narragansett Housing Authority	25 Fifth Avenue Family Self-Sufficiency Prog.	Narragansett	RI	2882-3612	76,274.00
Warwick Housing Authority	1035 West Shore Road	Warwick	RI	2889-3417	43,296.00
Town of Coventry Housing Authority	14 Manchester Circle	Coventry	RI	2816-8827	61,049.00
Town of North Providence Housing Authority ...	945 Charles Street North Providence HA	North Providence	RI	2904-5647	20,043.00
The Housing Authority of the City of Providence.	100 Broad Street, 2nd Floor	Providence	RI	2903-4167	219,863.00
East Providence Housing Authority	99 Goldsmith Avenue East Providence Housing.	E Providence	RI	2914-2221	66,980.00
Housing Authority of the Town of East Greenwich.	146 First Avenue FSS	East Greenwich ...	RI	2818-3663	65,473.00
Rhode Island Housing and Mortgage Finance Corporation.	44 Washington Street Leased Housing	Providence	RI	2903-1721	208,397.00
Housing Authority of the City of Pawtucket	214 Roosevelt Ave	Pawtucket	RI	2860-2153	152,547.00
Housing Authority of the City of Spartanburg ...	2271 South Pine Street	Spartanburg	SC	29302-4339	69,531.00
Housing Authority of Myrtle Beach	605 10th Avenue North P.O. Box 2468	Myrtle Beach	SC	29568-2468	68,680.00
The Housing Authority City of Charleston	550 Meeting Street Housing Choice Voucher ..	Charleston	SC	29403-5068	61,416.00
Charleston County Housing and Redevelopment Authority.	2106 Mount Pleasant Street	Charleston	SC	29403	67,906.00

Legal name	Address	City	State	Zip code	Total recommended amount
Beaufort Housing Authority	Post Office Box 1104	Beaufort	SC	29901-1104	51,804.00
North Charleston Housing Authority	6327 Rivers Ave	North Charleston ..	SC	29406-4850	59,677.00
Housing Authority of the City of Columbia, SC	1917 Harden Street	Columbia	SC	29204-1015	109,821.00
Housing Authority of Greenville	122 Edinburgh Court	Greenville	SC	29607	110,000.00
Brookings County Housing & Redevelopment Commission.	1310 S Main Ave Suite #106	Brookings	SD	57006-432	37,966.00
Mobridge Housing & Redevelopment Commission.	202 1ST Ave East	Mobridge	SD	57601-370	34,233.00
Sioux Falls Housing and Redevelopment Commission.	630 S Minnesota Ave	Sioux Falls	SD	57104-4825	90,048.00
East Tennessee Human Resource Agency, Inc	9111 Cross Park Drive Suite D-100	Knoxville	TN	37923-4517	33,883.00
Shelbyville Housing Authority	316 Templeton Street	Shelbyville	TN	37160-3295	57,269.00
Franklin Housing Authority	200 Spring Street	Franklin	TN	37064-3311	59,626.00
Knoxville's Community Development Corporation.	901 N. Broadway P.O. Box 3550	Knoxville	TN	37927-6663	57,202.00
Kingsport Housing & Redevelopment Authority	906 E Sevier Ave	Kingsport	TN	37660-44	107,982.00
Tennessee Housing Development Agency	502 Deaderick Street 3rd Floor Rental Assistance Division.	Nashville	TN	37243-900	307,605.00
Town of Crossville Housing Authority	P.O. Box 425	Crossville	TN	38557-425	54,158.00
Chattanooga Housing Authority	801 N Holtzclaw Avenue	Chattanooga	TN	37404-1236	72,000.00
Oak Ridge Housing Authority	10 Van Hicks Road	Oak Ridge	TN	37830-4969	39,809.00
Metropolitan Development and Housing Agency.	701 South Sixth Street Social Services Division	Nashville	TN	37206-3809	281,022.00
Jackson Housing Authority	125 Preston Street	Jackson	TN	38301-4888	217,699.00
Memphis Housing Authority	700 Adams Ave	Memphis	TN	38105-5029	66,744.00
Brazos Valley Council of Governments	P.O. Drawer 4128 Family Self-Sufficiency	Bryan	TX	77802-4128	395,640.00
Housing Authority of San Angelo	420 E 28th St Family Self-Sufficiency	San Angelo	TX	76903-2455	80,000.00
Housing Authority of the City of Brownsville	2606 Boca Chica Blvd	Brownsville	TX	78521-2312	166,978.00
Housing Authority of the City of Fort Worth	1201 E 13TH Street	Fort Worth	TX	76102-5794	360,000.00
Deep East Texas Council of Governments	210 Premier Drive Family Self-Sufficiency Program.	Jasper	TX	75951-7495	72,000.00
Galveston Housing Authority	4700 Broadway	Galveston	TX	77551-4241	72,000.00
City of Tyler Housing Agency	900 W Gentry Pkwy Housing Choice Voucher	Tyler	TX	75702-5521	58,563.00
Housing Authority of the City of Wichita Falls ...	501 Webster Street	Wichita Falls	TX	76306-2954	56,216.00
County of Dallas	2377 North Stemmons Freeway, Suite 600 Dallas County Housing Agency.	Dallas	TX	75207-2710	71,906.00
Housing Authority of the City of Waco	4400 Cobbs Dr. P.O. Box 978	Waco	TX	76703-978	117,537.00
Robstown Housing Authority	625 West Ave F	Robstown	TX	78380-2540	39,677.00
McAllen Housing Authority	2301 Jasmine Ave	McAllen	TX	78501-7496	45,850.00
City of Garland Housing Agency	210 Carver St.; Ste 201B	Garland	TX	75040	59,553.00
Housing Authority of the City of Pharr	104 W Polk Ave	Pharr	TX	78577-3023	45,976.00
San Marcos Housing Authority	1201 Thorpe Lane	San Marcos	TX	78666-6565	119,312.00
Housing Authority of the County of Hidalgo	1800 N. Texas Blvd. Family Self-Sufficiency ...	Weslaco	TX	78599-4034	95,775.00
Mission Housing Authority of the City of Mission.	1300 East 8th ST. Operations	Mission	TX	78572-5817	54,456.00
Houston Housing Authority	2640 Fountain View Dr	Houston	TX	77057-7610	393,387.00
Tarrant County Housing Assistance Office	2100 Circle Drive	Fort Worth	TX	76119-8130	217,537.00
The Housing Authority of the City of Lubbock ..	1708 Crickets Ave Family Self-Sufficiency	Lubbock	TX	79401-5127	46,348.00
Housing Authority of the City of Kingsville	1000 W Corral Avenue	Kingsville	TX	78363-3035	56,996.00
Montgomery County Housing Authority	1500 North Frazier Suite 101 Family Self-Sufficiency.	Conroe	TX	77301-2220	42,762.00
Housing Authority of the City of Austin	1124 S IH-35 Special Programs & Intake	Austin	TX	78704-2614	294,750.00
Housing Authority of the City of El Paso	5300 E Paisano Housing Programs	El Paso	TX	79905-2931	116,859.00
Midland County Housing Authority	1710 Edwards	Midland	TX	79701-2313	45,000.00
City of Longview, TX	P.O. Box 1952 Housing	Longview	TX	75606-1952	56,276.00
Housing Authority of the City of Arlington	501 W Sanford Street Suite 20	Arlington	TX	76011-7090	190,127.00
The Housing Authority of the City of Dallas, Texas.	3939 North Hampton Road	Dallas	TX	75212-1630	784,491.00
Texoma Council of Governments	1117 Gallagher Dr	Sherman	TX	75090-3107	144,000.00
Housing Authority of the City of Abilene	1149 E South 11th Street FSS	Abilene	TX	79602-3701	55,397.00
Walker County Housing Authority	340 Hwy. 75 N, Ste. E	Huntsville	TX	77320-3176	45,450.00
Housing Authority of the City of Beaumont	1890 Laurel	Beaumont	TX	77701-1396	98,522.00
Housing Authority of Bexar County	1954 E Houston Street	San Antonio	TX	78202	192,149.00
San Antonio Housing Authority	818 S Flores Street	San Antonio	TX	78204	939,989.00
Housing Authority of Salk Lake City	1776 S West Temple	Salt Lake City	UT	84115-1816	101,804.00
Provo City Housing Authority	688 West 100 North	Provo	UT	84601-2632	72,000.00
Tooele County Housing Authority	66 West Vine	Tooele	UT	84029-2194	52,955.00
Davis Community Housing Authority	352 South 200 West, Suite 1	Farmington	UT	84025-2423	60,178.00
Housing Authority of Utah County	240 E Center Street	Provo	UT	84606-3162	53,539.00
Housing Authority of the City of Ogden	1100 Grant Avenue	Ogden	UT	84404-4931	59,679.00
Housing Authority of the County of Salt Lake ...	3595 South Main Street	Salt Lake City	UT	84115-4434	230,519.00
Burlington Housing Authority	65 Main Street	Burlington	VT	5401-8408	118,951.00
Brattleboro Housing Authority	P.O. Box 2275	W. Brattleboro	VT	5303	70,168.00
Vermont State Housing Authority	1 Prospect Street Self-Sufficiency Programs	Montpelier	VT	5602-3556	261,814.00
Virgin Islands Housing Authority	9900 Oswald Harris Court #1 Estate Thomas ..	St. Thomas	VQ	802-3100	69,380.00
Danville Redevelopment and Housing Authority	135 Jones Crossing Community Relations	Danville	VA	24541-2245	24,818.00
City of Roanoke Redevelopment and Housing Authority.	2624 Salem Turnpike	Roanoke	VA	24017-5443	151,470.00
Newport News Redevelopment and Housing Authority.	227 27th Street Community Resources Division.	Newport News	VA	23607-797	168,751.00
Hampton Redevelopment and Housing Authority.	1 Franklin Street Suite 603 HCV-FSS	Hampton	VA	23669-280	60,387.00

Legal name	Address	City	State	Zip code	Total recommended amount
Norfolk Redevelopment and Housing Authority	555 E Main Street Housing Operations	Norfolk	VA	23510-1820	360,000.00
Prince William County OHCD	15941 Donald Curtis Drive Suite 112	Woodbridge	VA	22191-4256	72,000.00
Harrisonburg Redevelopment and Housing Authority.	286 Kelley Street	Harrisonburg	VA	22802-4721	35,338.00
County of Loudoun	P.O. Box 7400 HCV	Leesburg	VA	20177-7400	74,315.00
Fairfax County Redevelopment and Housing Authority.	3700 Pender Drive Suite 100	Fairfax	VA	22030-6039	152,256.00
City of VA Beach Dept. of Housing & Neighborhood Pres.	2424 Courthouse Drive Building 18A	Virginia Beach	VA	23456-9083	56,582.00
James City County Housing	5320 Palmer Lane, Suite 1A Office of Housing	Williamsburg	VA	23188-2674	26,500.00
Richmond Redevelopment and Housing Authority.	901 Chamberlayne Parkway	Richmond	VA	23220-6887	72,000.00
Bristol Redevelopment and Housing Authority ..	809 Edmond Street Resident Services	Bristol	VA	24201-4385	49,862.00
Portsmouth Redevelopment Development and Housing Authority.	3116 South St Resident Services	Portsmouth	VA	23707-4116	227,594.00
Alexandria Redevelopment and Housing Authority.	401 Wythe St Family Self-Sufficiency	Alexandria	VA	22314	78,894.00
Waynesboro Redevelopment and Housing Authority.	1700 New Hope Road P.O. Box 1138	Waynesboro	VA	22980-821	97,744.00
Chesapeake Redevelopment & Housing Authority.	1468 South Military Highway	Chesapeake	VA	23320-2604	167,440.00
Suffolk Redevelopment and Housing Authority	530 Pinner Street	Suffolk	VA	23434-3023	104,736.00
Pierce County Housing Authority	1525 108th Street South Family Self Sufficiency.	Tacoma	WA	98444-2614	138,000.00
Housing Opportunities of SW WA (Longview Housing Authority).	820 11th Ave FSS Program	Longview	WA	98632-2402	98,856.00
Housing Authority of the City of Tacoma	902 South L Street Family Self-Sufficiency	Tacoma	WA	98405-4037	197,662.00
City of Kelso Housing Authority	1415 10th Avenue	Kelso	WA	98626-2729	69,688.00
King County Housing Authority	600 Andover Park West Resident Services	Tukwila	WA	98188-3326	368,079.00
Housing Authority of Chelan County and the City of Wenatchee.	1555 S. Methow	Wenatchee	WA	98801-9417	49,178.00
Housing Authority of Skagit County	1650 Port Dr	Burlington	WA	98233-3106	58,791.00
Peninsula Housing Authority	2603 S Francis Street	Port Angeles	WA	98362-6710	94,170.00
Housing Authority of Island County	7 NW 6th Street	Coupeville	WA	98239-3400	58,163.00
Housing Authority of the City of Pasco and Franklin County.	2505 W Lewis St	Pasco	WA	99301-4569	50,160.00
Housing Authority of Thurston County	1206 12th Ave. SE Housing Stability Division ..	Olympia	WA	98501-2351	147,680.00
Housing Authority of the City of Vancouver	2500 Main St. Suite 100	Vancouver	WA	98660-2676	215,767.00
Seattle Housing Authority	190 Queen Anne Ave N P.O. Box 19028	Seattle	WA	98109-1028	457,643.00
Housing Authority of the City of Yakima	810 N 6th Avenue	Yakima	WA	98902-1474	129,755.00
The Housing Authority of the City Bremerton ...	600 Park Ave	Bremerton	WV	98337-1544	67,927.00
Clarksburg-Harrison Regional Housing Authority.	433 Baltimore Ave	Clarksburg	WV	26301-2053	43,498.00
Benwood-McMechen Housing Authority	2200 Marshall Street	Benwood	WV	26031-1323	18,104.00
The Fairmont-Morgantown Housing Authority ...	P.O. Box 2738 103 12th Street	Fairmont	WV	26555-2738	30,186.00
Wheeling Housing Authority	P.O. Box 2089 11 Community Street	Wheeling	WV	26003-5201	56,138.00
Housing Authority of Mingo County	5026 Helena Avenue	Delbarton	WV	25670-120	69,000.00
Parkersburg Housing Authority	1901 Cameron Ave	Parkersburg	WV	26101-9316	47,419.00
Charleston-Kanawha Housing Authority	1525 Washington Street West	Charleston	WV	25387	91,019.00
Randolph County Housing Authority	2280 Randolph Avenue	Elkins	WV	26241-1579	26,486.00
Dane County Housing Authority	6000 Gisholt Drive, #203	Monona	WI	53713-3707	49,124.00
Winnebago County Housing Authority	600 Merritt Avenue	Oshkosh	WI	54901-5178	72,000.00
Brown County Housing Authority	305 E Walnut St Room 320 P.O. Box 23600 ...	Green Bay	WI	54305-3600	90,308.00
City of Kenosha Housing Authority	625 52nd Street, RM 98	Kenosha	WI	53140-3480	72,000.00
Dunn County Housing Authority	1421 Stout Rd	Menomonie	WI	54751	20,750.00
Beloit Community Development Authority	100 State Street Beloit Housing Authority	Beloit	WI	53511-6234	72,000.00
Housing Authority of the City of Milwaukee	P.O. Box 324	Milwaukee	WI	53201-324	151,474.00
Housing Authority of Racine County	837 Main Street	Racine	WI	53403-1522	72,000.00
Appleton Housing Authority	925 W Northland Ave	Appleton	WI	54914-1422	57,500.00
Total .....	.....	.....	.....	.....	79,549,276.00

Appendix D

FY2019 Resident Opportunity & Self Sufficiency Service Coordinator (ROSS-SC) Grant Program (FR-6300-FA-05)

Contact: Tremayne Youmans (202) 402-6621.

Legal name	Address	City	State	Zip code	Total recommended amount
Huntsville Housing Authority	200 Washington Street	Huntsville	AL	35804	\$ 478,500.00
Housing Authority of Birmingham District	1826 3rd Avenue S	Birmingham	AL	35233	717,750.00
Catholic Community Service	1803 Glacier Highway	Juneau	AK	99801	222,651.00

Legal name	Address	City	State	Zip code	Total recommended amount
Aleut Community of St. Paul Island Tribal Government.	P.O. Box 86	St. Paul Island	AK	99660	237,850.00
Baranof Island Housing Authority	245 Katlian Street N/A	Sitka	AK	99835	239,250.00
Tagiugmiullu Nunamiullu Housing Authority	P.O. Box 409	Utiagvik	AK	99723	239,250.00
Navajo Housing Authority	P.O. Box 4980	Window Rock	AZ	86515	717,750.00
City of Tucson	310 N. Commerce Park Loop, P.O. Box 27210	Tucson	AZ	85726	239,250.00
City of Glendale Housing Authority	6842 N 61st Avenue, Housing	Glendale	AZ	85301	239,250.00
Hoopa Valley Housing Authority	P.O. Box 1285	Hoopa	CA	95546	239,250.00
Housing Authority of the County of San Joaquin.	2575 Grand Canal Blvd	Stockton	CA	95207	239,250.00
Cahto Tribe of the Laytonville Rancheria	300 Cahto Drive, P.O. Box 1239	Laytonville	CA	95454	176,100.00
Housing Authority of the County of Sacramento	801 12th Street	Sacramento	CA	95814	239,250.00
Housing Authority of the County of Stanislaus ..	1701 Robertson Road, P.O. Box 581918	Modesto	CA	95358	237,600.00
Thomas Bean Local Resident Council	2350 Cleveland Place, Local Resident Council	Denver	CO	80205	219,868.00
North Lincoln Homes Local Resident Council ...	1401 Mariposa Street, Local Resident Council	Denver	CO	80204	216,105.00
Barney Ford Local Resident Council	2024 Clarkson Street, Local Resident Council	Denver	CO	80205	228,879.00
Callahan House Association	32 Smith St., Apt 4M	Seymour	CT	06483	239,250.00
West Haven Housing Authority dba Savin Rock Communities.	15 Glade Street	West Haven	CT	06516	239,250.00
Housing Authority of the City of New Haven	360 Orange Street	New Haven	CT	06511	235,065.00
Wilmington Housing Authority	400 N Walnut Street	Wilmington	DE	19801	239,250.00
Housing Authority of the City of Winter Park ...	718 Margaret Square	Winter Park	FL	32789	239,250.00
Jacksonville Housing Authority (JHA)	1300 Broad Street, North Resident Services ...	Jacksonville	FL	32202	437,214.00
The Housing Authority of the City of Fort Myers	4224 Renaissance Preserve Way	Fort Myers	FL	33916	236,691.00
Ocala Housing Authority	1629 North West 4th Street	Ocala	FL	34475	239,250.00
Housing Authority of The City of College Park, Georgia.	2000 Princeton Avenue, Housing Assistance ...	College Park	GA	30337	239,250.00
Housing Authority of the City of Gainesville	750 Pearl Nix Parkway	Gainesville	GA	30501	236,500.00
Dublin Housing Authority	500 West Mary Street, P.O. Box 36	Dublin	GA	31040	239,250.00
Housing Authority of the City of Calhoun, Georgia.	607 Oothcalooga Street	Calhoun	GA	30701	239,250.00
Guam Housing and Urban Renewal Authority ..	117 Bien Venida Ave	Sinajana	GQ	96910	175,636.00
Coeur d'Alene Tribal Housing Authority	1005 8th Street, P.O. Box 267	Plummer	ID	83851	201,282.00
Boise City Housing Authority	1001 S. Orchard St	Boise	ID	83705	216,168.00
Housing Authority of Henry County	125 North Chestnut Street	Kewanee	IL	61443	186,725.00
Springfield Housing Authority	200 North Eleventh Street	Springfield	IL	62703	190,349.00
Winnebago County Housing Authority	3617 Delaware Street	Rockford	IL	61102	239,250.00
Holsten Human Capital Development NFP	1034 W Montrose Ave	Chicago	IL	60613	239,250.00
Peoria Housing Authority	100 S Richard Pryor Place, Supportive Services.	Peoria	IL	61605	233,801.00
Lake County Housing Authority	33928 North Route 45	Grayslake	IL	60030	239,250.00
Jackson County Housing Authority	300 North 7th Street, P.O. Box 1209	Murphysboro	IL	62966	174,196.00
Housing Authority of the City of East St. Louis	700 North 20th Street ROSS	East St. Louis	IL	62205	473,569.00
Lawrence-Douglas County Housing Authority ...	1600 Haskell Avenue	Lawrence	KS	66044	206,250.00
Housing Authority of Lebanon	101 Hamilton Heights	Lebanon	KY	40033	239,250.00
Campbellsville Housing & Redevelopment Authority.	400 Ingram Ave. ROSS Service Coordinator ...	Campbellsville	KY	42718	239,250.00
Lexington-Fayette Urban County Housing Authority.	300 West New Circle Road	Lexington	KY	40505	205,214.00
Housing Authority of Danville	1014 Rosemont Avenue, P.O. Box 666	Danville	KY	40423	168,850.00
Lafayette Housing Authority	115 Kattie Drive	Lafayette	LA	70501	239,250.00
Housing Authority of East Baton Rouge Parish	4731 North Boulevard	Baton Rouge	LA	70808	163,766.00
Ellsworth Housing Authority	P.O. Box 28, 80 Mount Desert Street	Bar Harbor	ME	04609	197,708.00
Housing Authority of the City of Brewer	15 Colonial Circle, Suite 1	Brewer	ME	04412	206,250.00
Housing Authority of the City of Bangor	161 Davis Rd	Bangor	ME	04401	235,306.00
Housing Authority of the City of Annapolis	1217 Madison Street	Annapolis	MD	21403	239,250.00
Glenarden Housing Authority	8639 Glenarden Parkway	Glenarden	MD	20706	231,000.00
Housing Authority of Baltimore	417 E. Fayette Street	Baltimore	MD	21202	478,315.00
Framingham Housing Authority	1 John J Brady Drive, Public Housing	Framingham	MA	01702	239,250.00
Springfield Housing Authority	P.O. Box 1609, 60 Congress Street	Springfield	MA	01101	239,250.00
Holyoke Housing Authority	475 Maple Street, Suite One	Holyoke	MA	01040	239,250.00
Somerville Housing Authority	30 Memorial Road	Somerville	MA	02145	237,600.00
Boston Housing Authority	52 Chauncy Street CCECR	Boston	MA	02111	475,200.00
Lowell Housing Authority	350 Moody Street, P.O. Box 60	Lowell	MA	01853	239,250.00
Malden Housing Authority	630 Salem Street	Malden	MA	02148	239,250.00
Port Huron Housing Commission	905 Seventh Street	Port Huron	MI	48060	126,732.00
Ferndale Housing Commission	415 Withington Street	Ferndale	MI	48220	206,250.00
Flint Housing Commission	3820 Richfield Road	Flint	MI	48506	239,250.00
Housing Authority of the City of Canton	120 Faith Lane	Canton	MS	39046	199,657.00
St. Louis Housing Authority	3520 Page Boulevard, Development	St. Louis	MO	63106	468,600.00
Salish & Kootenai Housing Authority	P.O. Box 38	Pablo	MT	59855	173,775.00
Fort Belknap Housing Authority	668 Agency Main St.	Harlem	MT	59526	197,695.00
Blackfeet Housing Program dba Blackfeet Housing Authority.	P.O. Box 449	Browning	MT	59417	162,657.00
Crow Tribal Housing Authority	245 Weaver Street	Crow Agency	MT	59022	205,590.00
Kearney Housing Authority	P.O. Box 1236 2715 Avenue I	Kearney	NE	68848	202,500.00
Housing Authority of the City of Omaha	1823 Harney Street, Resident Opportunity and Self.	Omaha	NE	68102	717,750.00
Housing Authority of the County of Scottsbluff	89A Woodley Park Road	Gering	NE	69341	239,250.00
Proventus Place	112 S Water Street	Henderson	NV	89015	210,599.00
Southern Nevada Regional Housing Authority ..	340 N 11th Snnha ROSS—SC	Las Vegas,	NV	89101	239,250.00
North Bergen Housing Authority	6121 Grand Avenue	North Bergen	NJ	07047	239,250.00

Legal name	Address	City	State	Zip code	Total recommended amount
Atlantic City Housing & Redevelopment Agency	227 North Vermont Avenue, 17th Floor	Atlantic City	NJ	08401	235,529.00
Housing Authority of the City of Newark	500 Broad Street	Newark	NJ	07102	478,500.00
Housing Authority of the City of Camden	2021 Watson Street, Suite 211	Camden	NJ	08105	190,748.00
Zuni Housing Authority	P.O. Box 710	Zuni	NM	87327	113,388.00
Ithaca Housing Authority	800 S. Plain Street	Ithaca	NY	14850	239,250.00
Syracuse Housing Authority	516 Burt Street	Syracuse	NY	13202	478,500.00
Binghamton Housing Authority	35 Exchange Street	Binghamton	NY	13901	237,000.00
Municipal Housing Authority of the City of Utica, New York.	509 Second Street, Suite One	Utica	NY	13501	239,250.00
Akwesasne Housing Authority	378 State Route 37, Suite A	Hogansburg	NY	13655	199,768.00
New York City Housing Authority	250 Broadway Office of the EVP	New York	NY	10007	717,750.00
Roxboro Housing Authority	500 Mt. Bethel Church Street, P.O. Box 996 ..	Roxboro	NC	27573	222,519.00
Fayetteville Metropolitan Housing Authority	1000 Ramsey Street	Fayetteville	NC	28302	226,950.00
Monroe Housing Authority	504 Hough Street	Monroe	NC	28112	239,250.00
Robeson County Housing Authority	100 Oxendine Circle	Lumberton	NC	28360	239,250.00
Housing Authority of the City of Goldsboro	700 N Jefferson Ave	Goldsboro	NC	27530	238,920.00
City of Concord Housing Department	283 Harold Goodman Circle SW	Concord	NC	28025	228,450.00
Portage Metropolitan Housing Authority	2832 State Route 59	Ravenna	OH	44266	227,095.00
Cuyahoga Metropolitan Housing Authority	8120 Kinsman	Cleveland	OH	44104	698,265.00
Springfield Metropolitan Housing Authority	101 West High Street	Springfield	OH	45502	226,370.00
Dayton Metropolitan Housing Authority	400 Wayne Avenue	Dayton	OH	45410	478,500.00
Warm Springs Housing Authority	P.O. Box 1167	Warm Springs	OR	97761	138,273.00
Homes for Good	177 Day Island Road, Supportive Housing Division.	Eugene	OR	97405	235,950.00
Housing Authority of the County of Chester	30 W Barnard Street, Suite 2	West Chester	PA	19382	222,750.00
Housing Authority of the County of Beaver	300 State Avenue	Beaver	PA	15009	476,131.00
Housing Authority of the County of Armstrong ..	350 S. Jefferson Street	Kittanning	PA	16201	202,275.00
Montgomery County Housing Authority	104 W. Main Street, Suite #1	Norristown	PA	19401	238,759.00
Allentown Housing Authority	1339 West Allen Street Social Services	Allentown	PA	18102	189,657.00
Bradford County Housing Authority	112 Dorsett Heights	Bradford	PA	16933	239,250.00
Housing Authority of the City of Erie	606 Holland Street	Erie	PA	16501	182,153.00
Tioga County Housing Authority	112 Dorsett Heights	Mansfield	PA	16933	239,250.00
Blueprints	150 West Beau Street, Suite 304	Washington	PA	15301	170,352.00
Blueprints	150 West Beau Street, Suite 304	Washington	PA	15301	170,352.00
Housing Authority of the County of Jefferson ...	201 N. Jefferson St	Punxsutawney	PA	15767	135,749.00
Philadelphia Housing Authority	2013 Ridge Avenue, Resident Programs and Partners.	Philadelphia	PA	19121	407,198.00
The Housing Authority of the County of Franklin.	436 West Washington Street	Chambersburg	PA	17201	115,000.00
Lancaster City Housing Authority	325 Church Street	Lancaster	PA	17602	239,250.00
Housing Authority of Cheraw	1343 Dizzy Gillespie Drive	Cheraw	SC	29520	169,791.00
Rock Hill Housing Authority	467 S. Wilson Street	Rock Hill	SC	29730	239,250.00
South Carolina Regional Housing Authority #3	10938 Ellenton Street	Barnwell	SC	29812	239,250.00
Southeastern Housing and Community Development.	10938 Ellenton Street, P.O. Box 1326	Barnwell	SC	29812	239,250.00
Southeastern Housing and Community Development.	10938 Ellenton Street, P.O. Box 1326	Barnwell	SC	29812	239,250.00
Oglala Sioux (Lakota) Housing	4 SuAnne Center Drive	Pine Ridge	SD	57770	445,500.00
Franklin Housing Authority	200 Spring Street	Franklin	TN	37064	212,683.00
Chattanooga Housing Authority	801 North Holtzclaw Avenue	Chattanooga	TN	37404	478,500.00
Maryville Housing Authority	311 Atlantic Avenue	Maryville	TN	37801	196,971.00
Newport Housing Authority Resident Advisory Council.	440 Lennon Circle	Newport	TN	37821	237,600.00
Robstown Housing Authority	625 West Ave F	Robstown	TX	78380	239,250.00
Housing Authority of the City of Wichita Falls ...	501 Webster	Wichita Falls	TX	76306	223,266.00
Housing Authority of the City of Bryan	1306 Beck St	Bryan	TX	77803	223,136.00
Alice Housing Authority	125 Olmito St, P.O. Box 1407	Alice	TX	78333	239,250.00
McKinney Housing Authority	603 North Tennessee Street	McKinney	TX	75069	239,250.00
The Housing Authority of the City of Dallas, Texas (DHA).	3939 N. Hampton Rd	Dallas	TX	75212	711,000.00
Hopewell Redevelopment and Housing Authority.	350 E Poythress St	Hopewell	VA	23860	230,916.00
Norfolk Redevelopment and Housing Authority	555 E. Main Street, Housing Operations	Norfolk	VA	23510	478,500.00
Portsmouth Redevelopment and Housing Authority.	3116 South Street Resident Services	Portsmouth	VA	23707	239,250.00
Bristol Redevelopment and Housing Authority ..	Bristol Redevelopment and Housing Authority, 809 Edmond Street.	Bristol	VA	24201	178,482.00
Richmond Redevelopment and Housing Authority.	1901 Chamberlayne Parkway I	Richmond	VA	23220	717,750.00
Yakama Nation Housing Authority	611 S. Camas Avenue, ROSS Grant	Wapato	WA	98951	239,250.00
King County Housing Authority	600 Andover Park, West Resident Services	Tukwila	WA	98188	239,250.00
Wheeling Housing Authority	P.O. Box 2089, 11 Community Street	Wheeling	WV	26003	215,262.00
Appleton Housing Authority	925 W. Northland Ave	Appleton	WI	54914	234,300.00
Beloit Community Development Authority	100 State Street, Beloit Housing Authority	Beloit	WI	53511	195,000.00
Total .....	.....	.....	.....	.....	36,843,021.00

Appendix E**FY2019 Jobs Plus Initiative (FR-6300-FA-14)**

Contact: Jayme Brown (202) 402-3624.

Legal name	Address line	City	County	State	Zip	Amount grant funds
Los Angeles County Development Authority.	700 West Main Street	Alhambra .....	.....	CA	91801	\$1,854,077
Housing Authority of the City of Fort Myers.	4224 Renaissance Preserve Way ...	Fort Myers	Lee	FL	33916	2,300,000
Jacksonville Housing Authority	1300 Nth Broad Street	Jacksonville	Duval	FL	32202	2,300,000
Chicago Housing Authority	60 East Van Buren	Chicago	Cook	IL	60605	2,790,875
Lowell Housing Authority	350 Moody St	Lowell	Middlesex	MA	01853	2,300,000
The Housing Authority of the City of Durham.	330 East Main Street	Durham	Durham	NC	27701	2,300,000
Housing Authority of the City of Elizabeth.	688 Maple Ave	Elizabeth	Union	NJ	07202	2,300,000
Akron Metropolitan Housing Authority.	100 W. Cedar Street	Akron	Summit County	OH	44307	2,300,000
Portsmouth Redevelopment and Housing Authority.	3116 South St	Portsmouth .....	.....	VA	23707	2,300,000
Total .....	.....	.....	.....	.....	.....	20,744,952

Appendix F

FY2019 and FY2020 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) (FR-6300-N-23)

Contact: Hilary Atkin (202) 402-3427.

Recipient	Address	City	State	Zip code	Amount
Akiak Native Community	P.O. Box 52165	Akiak	AK	99552	\$800,000
Circle Native Community	P.O. Box 89	Circle	AK	99773	800,000
Cook Inlet Tribal Council, Inc	3600 San Jeronimo Drive	Anchorage	AK	99508	800,000
Galena Village	P.O. Box 244	Galena	AK	99741-0244	800,000
Holy Cross Village Council	P.O. Box 89	Holy Cross	AK	99602	800,000
Knik Tribe	P.O. Box 871565	Wasilla	AK	99687-1565	800,000
Manokotak Village	P.O. Box 169	Manokotak	AK	99628	800,000
Mentasta Traditional Council	P.O. Box 6019	Mentasta Lake	AK	99780	800,000
Metlakatla Housing Authority	P.O. Box 59	Metlakatla	AK	99926-0059	730,000
Native Village of Barrow Inupiat Traditional Government.	P.O. Box 1130	Barrow	AK	99723-1130	800,000
Native Village of Buckland	P.O. Box 67	Buckland	AK	99727	800,000
Native Village of Fort Yukon	P.O. Box 126	Fort Yukon	AK	99740-0126	800,000
Native Village of Gakona	P.O. Box 102	Gakona	AK	99586	800,000
Native Village of Koyuk	P.O. Box 30	Koyuk	AK	99753	779,733
Native Village of Mary's Igloo	P.O. Box 546	Teller	AK	99778	800,000
Native Village of Napakiak	P.O. Box 34069	Napakiak	AK	99634	800,000
Native Village of Port Graham	P.O. Box 5510	Port Graham	AK	99603-5532	800,000
Native Village of Port Heiden	P.O. Box 49007	Port Heiden	AK	99549	600,000
Native Village of Shaktolik	P.O. Box 100	Shaktolik	AK	99771	800,000
Native Village of Tazlina	P.O. Box 87	Glennallen	AK	99588	800,000
Native Village of Tetlin	P.O. Box 797	Tetlin	AK	99780	447,524
Newtok Village	P.O. Box 5596	Newtok	AK	99559	800,000
Nikolai Village	P.O. Box 9105	Nikolai	AK	99691	569,252
Twin Hills Village	P.O. Box 4061	Twin Hills	AK	99576	800,000
Valdez Native Tribe	P.O. Box 1108	Valdez	AK	99686	800,000
Village of Kotlik	P.O. Box 20210	Kotlik	AK	99620	793,734
Village of Venetie	P.O. Box 81119	Venetie	AK	99781-0119	600,000
Village of Wainwright	P.O. Box 143	Wainwright	AK	99782	750,000
Navajo Nation	P.O. Box 2365	Window Rock	AZ	86515	7,000,000
Tohono O'odham Ki: Ki Association	P.O. Box 790	Sells	AZ	85634-0790	4,000,000
Tonto Apache Tribe	Tonto Reservation #30	Payson	AZ	85541	800,000
White Mountain Apache Housing Authority	P.O. Box 1270	Whiteriver	AZ	85941	4,000,000
All Mission Indian Housing Authority	27368 Via Industria	Temecula	CA	92590	7,015,625
Bear River Band of Rohnerville Rancheria	266 Kiesner	Loleta	CA	95551-9646	1,084,605
Big Sandy Rancheria	P.O. Box 337	Auberry	CA	93602	1,042,480
Colusa Indian Community Council	3730 Highway 45	Colusa	CA	95932	1,491,882
Dry Creek Rancheria Band of Pomo Indians	P.O. Box 607	Geyserville	CA	95441	1,398,784
Elk Valley Rancheria	2332 Howland Hill	Crescent City	CA	95531	1,500,000
Enterprise Rancheria Indian Housing Authority	2133 Monte Vista	Oroville	CA	95966	1,277,652
Fort Independence Indian Reservation	P.O. Box 67	Independence	CA	93526	1,500,000
Iipay Nation of Santa Ysabel	P.O. Box 130	Santa Ysabel	CA	92070	1,312,362
Karuk Tribe	64236 Second Ave	Happy Camp	CA	96039-1016	1,500,000
North Fork Rancheria	P.O. Box 929	North Fork	CA	93643	1,500,000
Northern Circle Indian Housing Authority	694 Pinoleville Rd	Ukiah	CA	95482-3165	864,000
Robinson Rancheria	P.O. Box 428	Nice	CA	95464-0428	1,500,000

Recipient	Address	City	State	Zip code	Amount
Yurok Tribe	190 Klamath Blvd	Klamath	CA	95548	1,500,000
Coeur D'Alene Tribal Housing Authority	P.O. Box 267	Plummer	ID	83851	750,000
Nez Perce Housing Authority	P.O. Box 188	Lapwai	ID	838540	750,000
Mashpee Wampanoag Tribe	483 Great Neck Rd South	Mashpee	MA	02649	900,000
Aroostook Band of Micmacs	#7 Northern Road	Presque Isle	ME	04769	900,000
Houlton Band of Maliseet Indians	88 Bell Road	Houlton	ME	04730	900,000
Bay Mills Indian Community	12140 W. Lakeshore Drive	Brimley	MI	49715	900,000
Hannahville Indian Community	N14911 Hannahville B1 Rd	Wilson	MI	49896	900,000
Lac Vieux Desert Band of Lake Superior Chippewa.	P.O. Box 249	Watersmeet	MI	49969	900,000
Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Rd	Cloquet	MN	55720	900,000
White Earth Band of Chippewa Indians	35500 Eagle View Rd	Ogema	MN	56569	900,000
Mississippi Choctaw Housing Authority	P.O. Box 6088	Choctaw	MS	39350	900,000
Chippewa Cree Tribe	96 Clinic Road	Box Elder	MT	59521	1,500,000
Fort Belknap Tribal Housing Authority	668 Agency Main St	Harlem	MT	59526	1,500,000
Fort Peck Housing Authority	P.O. Box 67	Poplar	MT	59255-0667	1,500,000
Northern Cheyenne Tribal Housing Authority	P.O. Box 327	Lame Deer	MT	59043-0327	1,500,000
Salish and Kootenai Housing Authority	P.O. Box 38	Pablo	MT	59855-0038	1,500,000
Standing Rock Sioux Tribe	Bldg 1, N Standing Rock Ave	Fort Yates	ND	58538-8527	800,000
Northern Ponca Housing Authority	1501 Michigan Ave	Norfolk	NE	68701-5602	1,500,000
Ohkay Owingeh Housing Authority	P.O. Box 1059	Ohkay Owingeh	NM	87566	1,500,000
Pueblo de Cochiti Housing Authority	P.O. Box 98	Pueblo de de Cochiti.	NM	87072	1,500,000
Pueblo of Acoma Housing Authority	P.O. Box 620	Pueblo of Acoma ..	NM	87034-0620	1,500,000
Moapa Indian Housing Authority	P.O. Box 204	Moapa	NV	89025-0204	1,500,000
Winnemucca Indian Colony	595 Humboldt St	Reno	NV	89509	1,500,000
Cherokee Nation	P.O. Box 1669, 17675 S Muskogee Ave	Tahlequah	OK	74465-1669	900,000
Cheyenne-Arapaho Tribes	P.O. Box 167	Concho	OK	73022	900,000
Chickasaw Nation	P.O. Box 1548	Ada	OK	74821	900,000
Choctaw Nation	P.O. Box 1210	Durant	OK	74702	900,000
Citizen Potawatomi Nation	1601 South Gordon Cooper Drive	Shawnee	OK	74801	900,000
Comanche Nation Housing Authority	1918 E Gore Blvd	Lawton	OK	73501	900,000
Kickapoo Tribe Housing Authority of Oklahoma	P.O. Box 120	McLoud	OK	74851	900,000
Modoc Tribe	22 N. Eight Tribes Trail	Miami	OK	74354-6093	900,000
Muscogee Creek Nation	P.O. Box 580	Okmulgee	OK	74447	900,000
Otoe-Missouria Tribe	8151 Highway 177 Red Rock, Oklahoma	Red Rock	OK	74651-0348	900,000
Ottawa Tribe	P.O. Box 110	Miami	OK	74355	900,000
Pawnee Nation	P.O. Box 470	Pawnee	OK	74058	900,000
Quapaw Tribe	5681 South 630 Road	Quapaw	OK	74363	900,000
Thlopthlocco Tribal Town	P.O. Box 188	Okemah	OK	74859	900,000
Tonkawa Tribe	1 Rush Buffalo Road	Tonkawa	OK	74653	840,163
Wichita and Affiliated Tribes	P.O. Box 729	Anadarko	OK	73005	900,000
Wyandotte Nation	64700 East Highway 60	Wyandotte	OK	74370	585,970
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.	1245 Fulton Ave	Coos Bay	OR	97420	450,000
Confederated Tribes of Grande Ronde	9615 Grand Ronde Rd	Grand Ronde	OR	97347	750,000
Crow Creek Housing Authority	P.O. Box 19	Fort Thompson	SD	57339-0019	1,500,000
Lower Brule Housing Authority	100 Lakota Loop	Lower Brule	SD	57548	1,500,000
Oglala Sioux Lakota Housing	4 SuAnne Center Dr	Pine Ridge	SD	57770-0603	1,500,000
Sicangu Wicoti Awayankapi Corporation	P.O. Box 69	Rosebud	SD	57570-0069	1,500,000
Paiute Indian Tribe of Utah	440 North Paiute Drive	Cedar City	UT	84721-0000	1,500,000
Upper Mattaponi Indian Tribe	P.O. Box 184	King William	VA	23086	900,000
Chehalis Tribe	P.O. Box 536	Oakville	WA	98568	750,000
Colville Indian Housing Authority	P.O. Box 528	Nespelem	WA	99155	750,000
Lummi Nation Housing Authority	2579 Kwina Road	Bellingham	WA	98226	750,000
Muckleshoot Housing Authority	38037 158th Avenue SE	Auburn	WA	98092	750,000
Skokomish Indian Tribe	80 N Tribal Center Road	Skokomish	WA	98584	466,127
Spokane Tribe	P.O. Box 100	Wellpinit	WA	99040	750,000
Lac Courte Oreilles Band of Lake Superior Chippewa.	13394 W Trepania Rd	Hayward	WI	54843	900,000
Eastern Shoshone Housing Authority	P.O. Box 1250	Fort Washakie	WY	82514-1250	750,000
Northern Arapaho Housing Authority	501 Ethete Rd	Ethete	WY	82520-9384	1,000,000
Total .....	.....	.....	.....	.....	119,849,893

Appendix G

FY2019 Choice Neighborhood Implementation Grants Program (FR-6400-FA-34)

Contact: Luci Blackburn, (202) 402-4190.

Lead grantee	Address	City	State	ZIP code	Amount
Fort Worth Housing Solutions	1201 13th St	Fort Worth	TX	76102	\$35,000,000
Housing Authority of the City of Los Angeles ...	2600 Wilshire Blvd	Los Angeles	CA	90057	35,000,000
Housing Authority of the City of Winston-Salem	500 West 4th St, Suite 300	Winston-Salem	NC	27101	30,000,000
Philadelphia Housing Authority	2013 Ridge Ave	Philadelphia	PA	19121	30,000,000
Total .....	.....	.....	.....	.....	130,000,000

Appendix H**FY2019/2020 Housing Counseling Training Grant Program (FR-6300-N-30)**

Contact: Judith A. Ayers Britton (305) 520-5059.

Grantee name	Address	City	State	Zip	Amount
Unidos US	1126 16th Street NW, Suite 600	Washington	DC	20036-4845	\$489,462.33
Rural Community Assistance Corporation	3120 Freeboard Drive, Suite 201	West Sacramento	CA	95691-5039	413,248.23
National Community Reinvestment Coalition, INC.	740 15th St NW, Suite 400	Washington	DC	20005-1019	740,701.51
Neighborhood Reinvestment CORP. DBA Neighborworks America.	999 North Capital Street NE, Suite 900	Washington	DC	20002-4684	1,067,890.93
Neighborhood Stabilization Corporation	225 Centre Street, Suite 100	Boston	MA	02119-1298	288,697.00
Total .....	.....	.....	.....	.....	3,000,000.00

Appendix I**FY 2020 Supplemental Comprehensive Housing Counseling Grant Program (FR-6400-N-33)**

Contact: Tracy Badua, 714-955-0802.

Organization name	Address	City	State	Zip	Total award
A-1 Community Housing Services	22693 Hesperian Blvd #150	Hayward	CA	94541	\$41,240.00
Action for Boston Community Development, Inc	105 Chauncy St, Room 304	Boston	MA	02111	26,313.00
Adopt A Hurricane Family, Inc. Dba Crisis Housing Solutions.	4700 SW 64th Avenue—Suite C	Davie	FL	33314	12,910.00
Affordable Homeownership Foundation, Inc	5264 Clayton Ct, Ste 1	Fort Myers	FL	33907	38,941.00
Affordable Housing Enterprises, Inc	210 South 13th Street	Griffin	GA	30224	18,439.00
Allegany County Community Opportunities and Rural Development (Accord) Corp.	84 Schuyler St	Belmont	NY	14813	44,405.00
Allegany County Human Resources Development Commission, Inc.	125 Virginia Ave	Cumberland	MD	21502	24,637.00
Appalachian Housing and Redevelopment Corporation.	P.O. Box 1428	Rome	GA	30162	21,705.00
Area Committee to Improve Opportunities Now, Inc.	2440 West Broad Street, Suite 9	Athens	GA	30606	18,187.00
Arundel Community Development Service, Inc	2666 Riva Road, Suite 210	Annapolis	MD	21401	33,600.00
Asian Incorporated	1167 Mission Street, 4th Floor	San Francisco	CA	94103	48,175.00
Austin Habitat for Humanity	500 W Ben White Blvd	Austin	TX	78704	25,491.00
Bay Area Housing, Inc D/B/A Community Home Solutions.	114 Washington Ave	Bay City	MI	48708	30,166.00
Bennington-Rutland Opportunity Council, Inc. (Broc).	45 Union St	Rutland	VT	05701	45,997.00
Blue Valley Community Action Partnership	620 5th St	Fairbury	NE	68352	26,648.00
Bright Community Trust, INC	2561 Nursery Rd, Ste D	Clearwater	FL	33764	22,263.00
Campbellsville Housing and Redevelopment Authority.	400 Ingram Ave	Campbellsville	KY	42718	21,119.00
Catholic Charities Diocese of St. Cloud	157 Roosevelt Rd, Ste 200	Saint Cloud	MN	56301	47,632.00
Catholic Charities Usa	2050 Ballenger Avenue, Suite 400	Alexandria	VA	22314	1,075,515.00
Catholic Social Services—Fall River	1600 Bay St	Fall River	MA	02724	37,704.00
Center For New York City Neighborhoods	55 Broad St, 10 Floor	New York	NY	10004	41,390.00
Center for Siouxland	715 Douglas St	Sioux City	IA	51101	45,569.00
Centro De Apoyo Familiar—Center for Assistance Families.	6801 Kenilworth Ave	Riverdale	MD	20737	74,903.00
Charleston Trident Urban League, Inc	P.O. Box 20249	Charleston	SC	29413	27,234.00
Chatham County Housing Authority	P.O. Box 571	Siler City	NC	27344	17,601.00
Citizens' Housing and Planning Association, Inc	One Beacon Street, 5th Floor	Boston	MA	02108	724,354.00
City of Albany, Georgia	230 S Jackson St, Ste 315	Albany	GA	31701	19,360.00
City of Bloomington—Housing and Neighborhood Development (Hand).	P.O. Box 100	Bloomington	IN	47402	10,135.00
City of San Antonio/Dept of Neighborhood and Housing Services (Dnhs).	Fair Housing Division, 1400 S Flores Street	San Antonio	TX	78204	29,831.00
City of Vacaville Department of Housing Services.	40 Eldridge Ave, Ste 2	Vacaville	CA	95688	22,878.00
Clinch-Powell Resource Conservation and Development Council, Inc.	P.O. Box 379	Rutledge	TN	37861	27,821.00
Colorado Housing and Finance Authority	1981 Blake St	Denver	CO	80202	604,050.00
Community Action Agency	1214 Greenwood Ave	Jackson	MI	49203	30,753.00
Community Action Agency of Northwest Alabama, Inc.	745 Thompson St	Florence	AL	35630	30,417.00
Community Action Agency of Oklahoma City And Oklahoma/Canadian Counties, Inc.	319 SW 25th St	Oklahoma City	OK	73109	15,135.00
Community Action Partnership of North Alabama, Inc.	1909 Central Pkwy SW	Decatur	AL	35601	32,176.00
Community Action Partnership, Huntsville/Madison & Limestone Counties, Inc.	3516 Stringfield Rd NW	Huntsville	AL	35810	25,726.00

Organization name	Address	City	State	Zip	Total award
Community Action Services	815 S Freedom Blvd, Suite 100	Provo	UT	84601	23,464.00
Community Connection of Northeast Oregon, Inc.	2802 Adams Ave	La Grande	OR	97850	23,464.00
Community Development Support Association	114 S Independence St	Enid	OK	73701	17,015.00
Community Enterprise Investments, Incorporated.	302 North Barcelona St	Pensacola	FL	32502	14,083.00
Community Housing Initiative, Inc	P.O. Box 410522	Melbourne	FL	32941	25,140.00
Community Housing Solutions	12114 Larchmere Blvd	Cleveland	OH	44120	26,648.00
Community Renewal Team, Inc	555 Windsor St	Hartford	CT	06120	21,705.00
Community Service Network, Inc	52 Broadway	Stoneham	MA	02180	29,308.00
Community Service Programs of West Alabama, Inc.	601 Black Bears Way	Tuscaloosa	AL	35401	36,281.00
Community Services League	404 N Noland Rd	Independence	MO	64050	36,782.00
Comprehensive Housing Assistance, Inc	5809 Park Heights Ave	Baltimore	MD	21215	26,062.00
Comprehensive Housing Resources, Inc	21450 Gibraltar Dr	Port Charlotte	FL	33952	25,140.00
Connecticut Housing Finance Authority	999 West Street	Rocky Hill	CT	06067	159,642.00
Consolidated Credit Solutions, Inc	5701 W Sunrise Blvd	Plantation	FL	33313	73,019.00
Consumer Credit and Budget Counseling, Dba National Foundation For Debt Management.	299 S Shore Rd, US Route 9 So	Marmora	NJ	08223	176,330.00
Consumer Credit Counseling Service of Maryland And Delaware, Inc. (Cccsmd—Formerly Guidewell).	6315 Hillside Ct, Suite B	Columbia	MD	21046	439,626.00
Consumer Credit Counseling Services of San Francisco D/B/A Balance.	1655 Grant Street, Suite 1300	Concord	CA	94520	788,743.00
CountyCorp	130 W 2nd St, Ste 1420	Dayton	OH	45402	40,700.00
Covenant Faith Outreach Ministries—Covenant Community Development Corporation.	P.O. Box 954	Tupelo	MS	38802	18,345.00
Credit Advisors Foundation	1818 S. 72nd Street	Omaha	NE	68124	143,790.00
Credit Card Mgmt Svcs, Inc Dba Reversemortgagehelper.Org And Debthelper.Com.	1325 N Congress Ave #201	West Palm Beach	FL	33401	204,833.00
Credit.Org	1450 Iowa Ave, Ste 200	Riverside	CA	92507	347,464.00
Debt Management Credit Counseling Corp	1100 South Powerline Road, Suite 101	Deerfield Beach	FL	33442	124,304.00
Diversified Housing Development, Inc	8025 Liberty Rd	Windsor Mill	MD	21244	28,985.00
Easter Seals of Greater Houston, Inc.	4888 Loop Central Dr	Houston	TX	77081	32,427.00
Eastern Eight Community Development Corp ...	214 E Watauga Ave	Johnson City	TN	37601	35,945.00
Eastern Iowa Regional Housing Authority	7600 Commerce Park	Dubuque	IA	52002	16,428.00
Eden Council for Hope and Opportunity (Echo)	22551 2nd St, Suite 200	Hayward	CA	94541	25,775.00
Fair Housing Advocates of Northern California	1314 Lincoln Ave, Ste A	San Rafael	CA	94901	29,831.00
Fair Housing Contact Service	441 Wolf Ledges Pkwy, Suite 200	Akron	OH	44311	33,413.00
Fair Housing Council of Riverside County, Inc	P.O. Box 1068	Riverside	CA	92502	44,070.00
Fair Housing Resource Center	1100 Mentor Ave	Painesville	OH	44077	35,359.00
Family Housing Advisory Services, Inc	2401 Lake St	Omaha	NE	68111	50,184.00
Family Management Financial Solutions, Inc ...	359 Rock Island Ave	Waterloo	IA	50701	34,522.00
Frederick Community Action Agency (Fcaa)	100 S Market St	Frederick	MD	21701	37,090.00
Garden State Consumer Credit Counseling, Inc. D/B/A/Navicore Solutions.	200 U.S. Highway 9 North	Manalapan	NJ	07726	636,106.00
Garwyn Oaks Northwest Housing Resource Center, Inc.	2300 Garrison Blvd 140	Baltimore	MD	21216	25,802.00
Georgia Housing and Finance Authority	60 Executive Park South, NE	Atlanta	GA	30329	817,727.00
Grand Rapids Urban League	745 Eastern Ave SE	Grand Rapids	MI	49503	31,254.00
Greater Sheepshead Bay Development Corporation.	2107 E 22nd St	Brooklyn	NY	11229	12,910.00
Greenpath, Inc.	36500 Corporate Drive	Farmington Hills ...	MI	48331	2,426,398.00
Greenville County Human Relations Commission.	301 University Rdg, Suite 1600	Greenville	SC	29601	43,045.00
Habitat for Humanity Maui, Inc	1162 Lower Main St	Wailuku	HI	96793	21,705.00
Habitat for Humanity of Jacksonville, Inc	2404 Hubbard Street	Jacksonville	FL	32206	19,026.00
Habitat for Humanity, Stanislaus County	630 Kearney Avenue	Modesto	CA	95350	25,475.00
Hagerstown Neighborhood Development Partnership, Inc.(Hndp).	21 E Franklin St	Hagerstown	MD	21740	30,166.00
Harford County Housing Agency	15 S Main St	Bel Air	MD	21014	45,642.00
High Plains Community Development Corporation.	803 E 3rd St, Ste 4	Chadron	NE	69337	48,637.00
Hispanic Association of Contractors and Enterprises.	167 W Allegheny Ave	Philadelphia	PA	19140	51,743.00
Home Opportunities Made Easy, Inc (Home, Inc.).	1618 6th Ave	Des Moines	IA	50314	25,558.00
Home Partnership, Inc. (Hpi)	626 Towne Center Dr, Suite 102	Joppa	MD	21085	33,349.00
Homefree—USA	6200 Baltimore Avenue, 3rd Floor	Riverdale	MD	20737	2,188,205.00
Hoosier Uplands Economic Development Corporation.	500 W Main St	Mitchell	IN	47446	23,130.00
Horizons, A Family Service Alliance (Horizons CCCS).	P.O. Box 667	Cedar Rapids	IA	52406	21,863.00
Housing & Community Development Network of New Jersey.	145 West Hanover Street	Trenton	NJ	08168	330,927.00
Housing Action Illinois	67 E. Madison Street, Suite 1603	Chicago	IL	60603	1,384,957.00
Housing Assistance and Development Services, INC.	P.O. Box 9637	Bowling Green	KY	42102	34,390.00
Housing Authority of Mingo County	5026 Helena Avenue	Delbarton	WV	25670	21,111.00
Housing Authority of The Choctaw Nation of Oklahoma.	P.O. Box G	Hugo	OK	74743	51,021.00
Housing Authority of The City of Ft. Myers	4224 Renaissance Preserve Way	Fort Myers	FL	33916	17,267.00

Organization name	Address	City	State	Zip	Total award
Housing Authority of The City of Greensboro D/ B/A Greensboro Housing Authority.	450 N Church St	Greensboro	NC	27401	32,176.00
Housing Authority of The City of High Point	500 E Russell Ave	High Point	NC	27260	19,779.00
Housing Authority of The City of Paterson	60 Van Houten St	Paterson	NJ	07505	18,187.00
Housing Authority of the City of Prichard	P.O. Box 10307	Prichard	AL	36610	23,852.00
Housing Authority of Yamhill County	135 NE Dunn Pl	McMinnville	OR	97128	26,648.00
Housing Counseling Services, Incorporated (Hsc, Inc.).	2410 17th St NW, Ste 100	Washington	DC	20009	147,389.00
Housing Education And Economic Development, Inc.	P.O. Box 11853	Jackson	MS	39283	33,404.00
Housing Foundation of AMERICA	2400 N University Dr, Ste 200	Pembroke Pines ...	FL	33024	166,039.00
Housing Initiative Partnership, Inc. (Hip)	6525 Belcrest Road, Suite 555	Hyattsville	MD	20782	76,081.00
Housing Options Provided for The Elderly(Hope).	7300 Dartmouth Ave, Ste 100	University City	MO	63130	193,975.00
Housing Partners of Tulsa, Incorporated	415 E. Independence Street	Tulsa	OK	74106	33,935.00
Housing Services Mid Michigan (Formerly Housing Services For Eaton County).	319 S Cochran Ave	Charlotte	MI	48813	34,522.00
Hudson County Housing Resource Center, INC	830 Bergen Avenue, Suite 5A	Jersey City	NJ	07306	14,826.00
Idaho Housing and Finance Association	P.O. Box 7899	Boise	ID	83702	298,109.00
Indiana Housing and Community Development Authority.	30 South Meridian Street, Ste 900	Indianapolis	IN	46204	129,160.00
Intercommunity Action, Inc. D/B/A Interact, Journey'S Way.	403 Rector St	Philadelphia	PA	19128	19,026.00
Jacksonville Area Legal Aid, Inc	126 W Adams St	Jacksonville	FL	32202	25,894.00
Kceoc Community Action Partnership, Inc	P.O. Box 490	Barbourville	KY	40906	20,533.00
Kentucky Housing Corporation	1231 Louisville Rd.	Frankfort	KY	40601	235,744.00
Lee County Housing Development Corporation	P.O. Box 2854	Fort Myers	FL	33902	24,303.00
Legal Aid Society of Hawaii	924 Bethel Street	Honolulu	HI	96813	25,040.00
Lincoln Hills Development Corporation	P.O. Box 336	Tell City	IN	47586	21,705.00
Live the Dream Development, Inc	247 Double Springs Rd	Bowling Green	KY	42101	15,135.00
Louisiana Housing Corporation	2415 Quail Drive	Baton Rouge	LA	70808	665,117.00
Macoupin County Housing Authority	P.O. Box 226	Carlinville	IL	62626	22,292.00
Maine State Housing Authority	26 Edison Dr	Augusta	ME	04330	32,843.00
Marshall Heights Community Development Organization.	3939 Benning Road, NE	Washington	DC	20019	28,407.00
Michigan State Housing Development Authority	735 E. Michigan Avenue P.O. Box 30044	Lansing	MI	48912	745,073.00
Mid-Florida Housing Partnership, Inc	1834 Mason Ave	Daytona Beach	FL	32117	35,686.00
Minnesota Homeownership Center	1000 Payne Avenue, Suite 200	Saint Paul	MN	55130	687,791.00
Mississippi County, Arkansas Economic Opportunity Commission, INC.	1400 N Division St	Blyheville	AR	72315	13,655.00
Mississippi Home Corporation	735 Riverside Drive	Jackson	MS	39202	330,340.00
Mississippi Homebuyer Education Center- Initiative.	350 West Woodrow Wilson Ave, Suite 3480 ...	Jackson	MS	39213	342,016.00
Mon Valley Initiative	303-305 E. 8th Avenue	Homestead	PA	15120	693,126.00
Money Management International Inc	14141 Southwest Fwy	Sugar Land	TX	77478	1,288,028.00
Montana Homeownership Network DbA Neighborworks Montana.	509 1st Ave S	Great Falls	MT	59401	507,837.00
Movin' Out, Inc	902 Royster Oaks Drive, Ste 105	Madison	WI	53714	36,867.00
Muscatine Municipal Housing Agency	215 Sycamore St	Muscatine	IA	52761	18,942.00
National Association of Real Estate Brokers-Investment Division, Inc.	7677 OakPort Street, Suite 1030, 10th Fl	Oakland	CA	94621	1,263,585.00
National Capacd	1628 16th Street NW, 4th Floor	Washington DC	DC	20009	485,874.00
National Community Reinvestment Coalition, Inc.	740 15th St NW, Suite 400	Washington	DC	20005	1,134,280.00
National Foundation for Credit Counseling, Inc	2000 M St. NW, Suite 505	Washington	DC	20036	994,585.00
National Urban League	80 Pine St, 9th Floor	New York	NY	10005	1,008,602.00
Neighborhood Housing Services of Kansas City, Inc.	616 E 63rd Street, Suite 200	Kansas City	MO	64110	17,015.00
Neighborhood Reinvestment Corp. DbA Neighborworks America.	999 North Capital Street NE, Suite 900	Washington	DC	20002	3,000,000.00
Neighborhood Stabilization Corporation (Naca Counseling Subsidiary).	225 Centre Street, Suite 100	Boston	MA	02119	3,000,000.00
Nevada Partners, INC	690 W Lake Mead Blvd	North Las Vegas ..	NV	89030	36,165.00
New Hampshire Housing Finance Authority	32 Constitution Dr	Bedford	NH	03110	203,564.00
New Jersey Housing and Mortgage Finance Agency.	P.O. Box 18550	Trenton	NJ	08650	284,160.00
New York Mortgage Coalition	85 Broad Street, 17th Floor	New York	NY	10004	426,968.00
New York State Housing Finance Agency	38-40 State Street, 4th Floor	Albany	NY	12207	1,092,658.00
Newton Community Development Corporation	511 W University Dr, Ste 4	Tempe	AZ	85281	25,789.00
NHS of Rochester, INC. DBA Neighborworks Community Partners Rochester.	47916th Street	Niagara Falls	NY	14303	25,968.00
Niagara Falls Neighborhood Housing Services	479 16th St	Niagara Falls	NY	14303	19,946.00
North & East Lubbock Community Development Corporation.	P.O. Box 3893	Lubbock	TX	79452	12,050.00
North Carolina Housing Coalition	104 City Hall Plaza, #201	Durham	NC	27701	873,301.00
North Dakota Housing Finance Agency	P.O. Box 1535	Bismarck	ND	58502	69,472.00
North Hudson Community Action Corporation ..	800 31st St	Union City	NJ	07087	18,187.00
Northeast Iowa Community Action Corporation	P.O. Box 487	Decorah	IA	52101	15,585.00
Northwest Michigan Community Action Agency, Inc.	3963 3 Mile Rd N	Traverse City	MI	49686	38,291.00
Northwest Regional Housing Authority	P.O. Box 2568	Harrison	AR	72602	18,187.00
Nueva Esperanza, Inc	4261 N 5th St	Philadelphia	PA	19140	725,484.00
Oakland County Housing Counseling	250 Elizabeth Lake Rd, Ste 1900	Pontiac	MI	48341	46,041.00

Organization name	Address	City	State	Zip	Total award
Oakland Livingston Human Service Agency	196 Cesar E Chavez Ave	Pontiac	MI	48342	24,637.00
Ocala Housing Authority	P.O. Box 4268	Ocala	FL	34478	51,352.00
Ocean, INC. (Ocean Community Economic Action Now, INC.).	40 Washington Street	Toms River	NJ	08754	13,654.00
Opa-Locka Community Development Corporation.	490 Opa Locka Blvd	Opa Locka	FL	33054	32,762.00
Open Door Counseling Center	34420 SW Tualatin Valley Hwy	Hillsboro	OR	97123	45,382.00
Operation Hope, Inc	191 Peachtree St NE, Suite 3840	Atlanta	GA	30303	473,905.00
Orange County Fair Housing Council, INC	2021 E 4th St, Suite 122	Santa Ana	CA	92705	26,170.00
Pathstone Corporation	400 East Avenue	Rochester	NY	14607	302,840.00
Pennsylvania Community Real Estate Corp. D/B/A Tenant Union Representative Network (T.U.R.N.).	100 S Broad St Ste 800	Philadelphia	PA	19110	38,274.00
Pennsylvania Housing Finance Agency	211 North Front Street	Harrisburg	PA	17101	1,867,130.00
Pro-Home, Inc.	40 Summer St	Taunton	MA	02780	23,130.00
Project Sentinel	554 Valley Way	Milpitas	CA	95035	72,905.00
Providence Housing Authority	100 Broad St	Providence	RI	02903	20,533.00
Quickcert, Inc.	7122 S Sheridan Rd, Ste 2-533	Tulsa	OK	74133	137,975.00
Refugee Family Assistance Program	5405 Memorial Drive, Suite 101	Stone Mountain	GA	30083	27,804.00
Rockaway Development and Revitalization Corporation.	1920 Mott Ave	Far Rockaway	NY	11691	17,015.00
Rural Community Assistance Corporation	3120 Freeboard Drive, Suite 201	WEST Sacramento	CA	95691	812,507.00
San Francisco Housing Development Corporation.	4439 3rd St	San Francisco	CA	94124	47,002.00
Sandhills Community Action Program, INC	340 Commerce Ave Ste 20	Southern Pines	NC	28387	24,030.00
Senior Citizens United Community Services of Camden County, Inc.	537 W Nicholson Rd	Audubon	NJ	08106	36,009.00
Shore Up!, Inc	520 Snow Hill Rd	Salisbury	MD	21804	17,015.00
Smart Money Housing Aka Smart Women Smart Money.	3510 W Franklin Blvd	Chicago	IL	60624	47,341.00
Solita'S House Inc	3101 E 7th Ave	Tampa	FL	33605	40,050.00
South Dakota Housing Development Authority	P.O. Box 1237	Pierre	SD	57501	245,439.00
Southeastern Housing & Community Development Fka Southeastern Housing Foundation.	986 Doyle Street	Orangeburg	SC	29115	34,522.00
Southern Appalachian Labor School Foundatin, INC.	P.O. Box 127	Kincaid	WV	25119	22,858.00
Southern Bancorp Community Partners	8924 Kanis Rd	Little Rock	AR	72205	31,003.00
Southern Maryland Tri-County Community Action.	P.O. Box 280	Hughesville	MD	20637	31,909.00
Southern Minnesota Regional Legal Services, Inc.	55 5th St E, Ste 400	Saint Paul	MN	55101	41,725.00
Springfield Housing Authority	200 N 11th St	Springfield	IL	62703	17,015.00
Springfield Partners for Community Action	721 State Street, 2nd Floor	Springfield	MA	01109	18,774.00
St. Johns County Board of County Commissioners.	200 San Sebastian Vw, Ste 2300	St Augustine	FL	32084	28,155.00
Statesville Housing Authority	110 W Allison St	Statesville	NC	28677	28,135.00
Step Up Suncoast, Inc. F/K/A Manatee Community Action Agency, Inc.	6428 Parkland Dr	Sarasota	FL	34243	18,187.00
Strycker'S Bay Neighborhood Council, Inc	105 West 86th Street, Unit 323	New York	NY	10024	13,497.00
Summech Community Development Corporation, Inc.	633 Pryor Street	Atlanta	GA	30312	20,198.00
Tallahassee Urban League, Inc	923 Old Bainbridge Rd	Tallahassee	FL	32303	20,785.00
Tampa Bay Community Development Corporation.	2139 NE Coachman Rd	Clearwater	FL	33765	44,405.00
Telamon Corporation	5560 Munford Road, Suite 201	Raleigh	NC	27612	453,100.00
Tennessee Housing Development Agency	502 Deaderick Street, Third Floor	Nashville	TN	37243	211,306.00
The Agriculture and Labor Program, Inc	P.O. Box 3126	Winter Haven	FL	33885	15,256.00
The Housing Partnership Network	1 Washington Mall, 12th Fl	Boston	MA	02108	686,710.00
Twin Rivers Opportunities, Inc	P.O. Box 1482	New Bern	NC	28563	27,821.00
Unidos Us	1126 16th Street NW, Suite 600, Raul Yzaguirre Building.	Washington	DC	20036	2,232,486.00
United Communities Against Poverty	1400 Doewood Lane	Capitol Heights	MD	20743	22,858.00
United Community Center	1028 S 9th Street	Milwaukee	WI	53204	27,548.00
United Way of Central Alabama, Inc.	P.O. Box 320189	Birmingham	AL	35232	509,032.00
Universal Housing Development Corporation ..	301 E 3rd St	Russellville	AR	72801	28,993.00
Utah State University—Family Life Center—Hfc	6435 Old Main Hill	Logan	UT	84322	46,136.00
Virgin Islands Housing Finance Authority	3202 Demarara Plaza, Suite 200	St. Thomas	VI	00802	56,399.00
Virginia Housing Development Authority (Virginia Housing).	601 S. Belvidere Street	Richmond	VA	23220	1,345,355.00
Waco Community Development Corporation ..	1624 Colcord Ave	Waco	TX	76707	26,648.00
Washington County Community Action Council (Wccac).	117 Summit Ave	Hagerstown	MD	21740	35,590.00
Washington State Housing Finance Commission.	1000 2nd Avenue, Suite 2700	Seattle	WA	98104	426,202.00
West Ohio Community Action Partnership	540 S Central Ave	Lima	OH	45804	24,303.00
West Palm Beach Housing Authority	3700 Georgia Ave	West Palm Beach	FL	33405	23,096.00
West Tennessee Legal Services, Incorporated	P.O. Box 2066	Jackson	TN	38302	917,938.00
Western Piedmont Council of Governments	P.O. Box 9026	Hickory	NC	28603	45,306.00
Westmoreland Community Action	226 S Maple Ave	Greensburg	PA	15601	23,122.00
Will County Center for Community Concerns ...	2455 Glenwood Ave	Joliet	IL	60435	37,438.00
Working in Neighborhoods	1814 Dremar Ave	Cincinnati	OH	45223	27,234.00
Wsos Community Action Commission, Inc	127 S Front St, P.O. Box 590	Fremont	OH	43420	15,842.00
Youngstown Neighborhood Development Corp	820 Canfield Road	Youngstown	OH	44511	28,407.00

Organization name	Address	City	State	Zip	Total award
Youth Education and Health in Soulard	1924 S 12th St	Saint Louis	MO	63104	27,297.00
Total .....	.....	.....	.....	.....	49,090,442.00

Appendix J

FY2020 Lead Hazard Reduction Grant Program (FR-6400-N-13)

Contact: Yolanda A. Brown (202) 402-7596.

Organization name	Address	City	State/province	Zip/postal code	Award amount
City of New Bedford	133 William Street	New Bedford	MA	02740	\$2,400,000.00
City of Lawrence	200 Common St	Lawrence	MA	01840	5,004,920.00
Westmoreland County	40 North Pennsylvania Avenue	Greensburg	PA	15601-2341	3,400,000.00
County of Sullivan	14 Main St	Newport	NH	3773	1,703,524.00
City of Nashua	229 Main Street	Nashua	NH	03061	5,700,000.00
City of Allentown	435 Hamilton Street	Allentown	PA	18101	5,700,000.00
County of Hamilton	250 William Howard Taft	Cincinnati	OH	45219	2,000,000.00
Kansas City Missouri	2400 Troost Avenue, Suite 4000	Kansas City	MO	64108	4,003,778.00
City of Fort Worth	1000 Throckmorton	Fort Worth	TX	76102	4,700,000.00
City of Clinton	611 South 3rd Street	Clinton	IA	52733-2958	2,800,700.00
Kenosha County	8600 Sheridan Road, Suite 600	Kenosha	WI	53143-6615	4,400,000.00
City of Minneapolis	250 S 4th St, Room 414	Minneapolis	MN	55417	5,700,000.00
Redevelopment Authority of the City of Erie (PA)	626 State Street	Erie	PA	16501	3,011,446.00
City of Portland (OR)	1221 SW 5th Avenue	Portland	OR	97204	3,600,000.00
City of Roanoke	215 Church Ave, Room 208 North	Roanoke	VA	24011	3,718,733.00
City of Lansing	124 W Michigan Ave	Lansing	MI	48933	4,589,940.00
City of Brockton	50 School Street	Brockton	MA	02301	4,700,000.00
City of Burlington	149 Church Street	Burlington	VT	05401	3,623,992.44
City of Lincoln	555 South 10th Street	Lincoln	NE	68508	3,400,000.00
Shelby County	1075 Mullins Station Road	Memphis	TN	38134	4,143,959.00
City of Waterloo	620 Mulberry Street	Waterloo	IA	50703	3,384,678.00
City of Albany	Albany Community Development Agency, 200 Henry Johnson Blvd.	Albany	NY	12210	3,500,000.00
City of St. Louis	1520 Market Street	St. Louis	MO	63101	2,520,000.00
City of Waterbury	One Jefferson Square	Waterbury	CT	06706-1102	5,700,000.00
City of Cincinnati	801 Plum Street	Cincinnati	OH	45202-0000	3,500,000.00
Baltimore County	105 W. Chesapeake Avenue	Towson	MD	21204	2,000,000.00
City of Bloomington	109 E. Olive St.	Bloomington	IL	61701	2,342,691.00
Chautauqua County	3 N Erie St	Mayville	NY	14757	3,000,000.00
State of Connecticut	25 Sigourney Street	Hartford	CT	06106-5041	5,037,437.00
Allegheny County	Chatham One	Pittsburgh	PA	15219	5,600,000.00
City of Baton Rouge	222 St. Louis Street	Baton Rouge	LA	70802	3,400,000.00
City of Toledo	One Government Center	Toledo	OH	43604-2275	5,700,000.00
City of New York	100 Gold St	New York	NY	10038	3,500,000.00
City of Alexandria	625 Murray Street, Suite 7	Alexandria	LA	71301	2,694,573.00
City of Providence	444 Westminster Street	Providence	RI	02903-3206	5,700,000.00
City of Battle Creek	10 N Division Street	Battle Creek	MI	49014	3,400,000.00
City of Paterson	155 Market Street	Paterson	NJ	7505	3,400,000.00
City of Buffalo	City Hall, 65 Niagara Square, Room 920	Buffalo	NY	14202	2,023,602.00
New Hampshire Housing Finance Authority	32 Constitution Drive	Bedford	NH	03110	4,983,542.00
Wisconsin Department of Health Services	1 W. Wilson Street, Room 150	Madison	WI	53701	3,400,000.00
City of Bridgeport	999 Broad Street	Bridgeport	CT	06604-4060	3,562,689.00
City of Schenectady	105 Jay St	Schenectady	NY	12305	3,406,500.46
City of Lancaster	105 E. Main Street	Lancaster	OH	43130	1,400,000.00
City of Greensboro	300 Washington Street, Room 315	Greensboro	NC	27402	2,698,441.00
Total .....	.....	.....	.....	.....	164,155,145.90

Appendix K

FY2020 Healthy Homes Technical Studies Grant (FR-6400-N-15)

Contact: Dr. Peter J. Ashley (202) 402-7595.

Organization name	Address	City	State	Zip	Award
The Ohio State University	1960 Kenny Road	Columbus	OH	43210	\$999,884
Silent Spring Institute, Inc	320 Nevada Street, Suite 302	Newton	MA	02460	927,069
Johns Hopkins University	733 North Broadway, Suite 117	Baltimore	MD	21205	999,871
Rutgers, The State University of New Jersey ...	33 Knightsbridge Road, 2nd Floor, East Wing	Piscataway	NJ	08854	641,756

Organization name	Address	City	State	Zip	Award
The Administrators of the Tulane Educational Fund.	1430 Tulane Avenue, MB Code 8915	New Orleans	LA	70112	999,019
Sonora Environmental Research Institute, Inc ..	3202 E. Grant Road	Tucson	AZ	85716	624,250
University of Kentucky Research Foundation ...	500 South Limestone	Lexington	KY	40506	400,000
Total .....	.....	.....	.....	.....	5,591,849

Appendix L

FY2020 Lead Technical Studies Grant (FR-6400-N-15)

Contact: Dr. Peter J. Ashley (202) 402-7595.

Organization name	Address	City	State	Zip	Award
Franklin & Marshall College	415 Harrisburg Ave., P.O. Box 3003	Lancaster	PA	17604	699,139
Board of Regents, NSHE, obo University of Nevada, Las Vegas.	4505 S. Maryland Parkway	Las Vegas	NV	89154	530,891
Trustees of Indiana University	509 E 3rd St	Bloomington	IN	47401	449,995
University of Notre Dame	940 Grace Hall	Notre Dame	IN	46556	700,000
Wayne State University	5057 Woodward, 13th Floor, STE 13001	Detroit	MI	48202	700,000
Curators, University of MO on behalf of UMKC	5100 Rockhill Road	Kansas City	MO	64110	699,997
Total .....	.....	.....	.....	.....	3,780,022

Appendix M

FY2020 Healthy Homes Production Grant Program for Tribal Housing (FR-6400-N-44)

Contact: Al Salkoski (202) 402-4424.

Organization name	Organization address	City	State	Zip	HHP amount (tribal)
Native Village of Ruby	P.O. Box 68210	Ruby	AK	99768	\$537,946.00
Tagiugmiullu Nunamiullu Housing Authority	1634 Okpik Street/P.O. Box 409	Utqiagvik (Barrow)	AK	99723	999,942.00
Native Village of Unalakleet	P.O. Box 270	Unalakleet	AK	99684	845,006.00
Native Village of Gakona	P.O. Box 102	Gakona	AK	99586	638,682.00
Koyukuk Village	P.O. Box 109	Koyukuk	AK	99754	789,274.00
Dry Creek Rancheria Band of Pomo Indians	P.O. Box 607	Geyserville	CA	95441	1,000,000.00
Shoshone-Bannock Tribes	P.O. Box 306	Fort Hall	ID	83203	719,544.70
White Earth Reservation Housing Authority	3303 US Hwy 59	Waubun	MN	56589	750,000.00
Santo Domingo Tribal Housing Authority	P.O. Box 10	Santo Domingo Pueblo.	NM	87052	999,947.41
Kaw Nation	P.O. Box 50	Kaw City	OK	74641	700,000.00
Sauk-Suaitle Indian Tribe	5318 Chief Brown Lane	Darrington	WA	98241	1,000,000.00
Sokaogon Chippewa Community	3051 Sand Lake Road	Crandon	WI	54520	959,656.00
Total .....	.....	.....	.....	.....	9,939,998.11

Appendix N

FY2019 and FY2020 Cooperative Research in Housing Technologies (FR-6400-FA-56)

Contact: Carol Gilliam (202) 402-4354.

State	Recipient	Address	City	Zip code	Amount
CA	The Regents of California—University of California.	1608 Fourth Street, Suite 220	Berkeley	94710-1749	\$400,000.00
TX	Texas A&M Engineering Experiment Station.	400 Harvey Mitchell Parkway, Suite 500.	College Station	77845	357,118.00
NY	System Building Research Alliance	1776 Broadway, Suite 1250	New York	10019-2002	399,996.00
MD	Home Innovation Research Labs, Inc	400 Prince George's Blvd	Upper Marlboro	20774-8731	399,913.00
LA	Louisiana State University	202 Himes Hall	Baton Rouge	70803-0001	353,542.00
OK	Oklahoma State University	203 Whitehurst Hall	Stillwater	74078-6007	89,431.00
Total .....	.....	.....	.....	.....	2,000,000.00

Appendix O**FY2019 and FY2020 Examining Long-Term Outcomes Following Exit From HUD Assisted Housing (FR-6400-FA-58)***Contact:* Carol Gilliam (202) 402-4354.

State	Recipient	Address	City	Zip code	Amount
WA	Seattle-King County Department of Public Health.	401 5th Avenue, Suite 1300	Seattle	98104-1823	\$195,305.00
CA	The Regents of the University of California ...	1608 Fourth St, Suite 220	Berkeley	94710-1749	123,108.00
Total	.....	.....	.....	.....	318,413.00

Appendix P**FY2019 and FY2020 Estimating the Prevalence and Probability of Homeless Youth (FR-6400-FA-59)***Contact:* Carol Gilliam (202) 402-4354.

State	Recipient	Address	City	Zip code	Amount
IL	Chapin Hall Center for Children	1313 East 60th Street	Chicago	60637	\$680,677.00
CO	Center for Policy Research	1570 Emerson Street	Denver	80218	680,677.00
OH	Case Western Reserve University	10900 Euclid Avenue	Cleveland	44106	638,646.00
Total .....	.....	.....	.....	.....	2,000,000.00

Appendix Q**FY2019 and FY2020 Impact of Rental Assistance Demonstration (RAD) on Children in HUD Assisted Households (FR-6400-FA-66)***Contact:* Carol Gilliam (202) 402-4354.

State	Recipient	Address	City	Zip code	Amount
NC	University of North Carolina at Chapel Hill.	104 Airport Drive, Ste. 2200 CB#1350 ...	Chapel Hill	27599-1350	\$390,000
NY	New York University Furman Center	665 Broadway, Suite 801	New York	10012-0000	360,000
Total .....	.....	.....	.....	.....	750,000

[FR Doc. 2021-06459 Filed 3-29-21; 8:45 am]

BILLING CODE P**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****[Docket No. FWS-R4-ES-2021-0018; FXES11140400000-212-FF04EF4000]****Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink, Lake County, FL; Categorical Exclusion****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of availability; request for comment and information.**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from VK Avalon Groves LLC (applicant) for an incidental take permit (ITP) under the Endangered

Species Act. The applicant requests the ITP to take the federally listed sand skink incidental to construction in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that this HCP qualifies as "low-effect," categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before April 29, 2021.**ADDRESSES:**

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS-R4-ES-2021-0018 at <http://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the

documents, you may do so in writing by any of the following methods:

- *Online:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2021-0018.

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R4-ES-2021-0018; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, by telephone at (904) 731-3121 or via email at erin_gawera@fws.gov. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from VK Avalon Groves LLC for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant

requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) incidental to the construction of a multi-family housing development (Serenoa Village 4) (project) in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this HCP qualifies as "low-effect," categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Project

The applicant requests a 5-year ITP to take sand skinks through the conversion of approximately 1 acre (ac) of occupied sand skink foraging and sheltering habitat incidental to the construction of a multi-family housing development located on a 20-ac parcel in Section 24, Township 24 South, Range 26 East, Lake County, Florida, identified by Parcel ID number 24-24-26-0001-000-01800. The applicant proposes to mitigate for take of the sand skinks by the purchase of 2 credits from Lake Wales Ridge Conservation Bank or another Service-approved Conservation Bank. The Service would require the applicant to purchase the credits prior to engaging in activities associated with the project on the parcel.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project, including land clearing, infrastructure building, landscaping, and the proposed mitigation measures, would individually and cumulatively have a minor or negligible effect on sand skinks and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and that the HCP is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and

candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and (3) impacts that, when considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not over time result in significant cumulative effects to environmental values or resources.

Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0002632 to VK Avalon Groves LLC.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Jay Herrington,

Field Supervisor, Jacksonville Field Office.

[FR Doc. 2021-06456 Filed 3-29-21; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2021-0024]

Notice of Intent To Prepare an Environmental Impact Statement for Ocean Wind, LLC's Proposed Wind Energy Facility Offshore New Jersey

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) announces its intent to prepare an Environmental Impact Statement (EIS) for the review of a construction and operations plan (COP) submitted by Ocean Wind, LLC, (Ocean Wind). The COP proposes the construction and operation of a wind energy facility offshore New Jersey with export cables connecting to the onshore electric grid in Ocean and Cape May Counties, New

Jersey. This notice of intent (NOI) announces the EIS scoping process for the Ocean Wind COP. Additionally, this NOI seeks public comment and input under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) and its implementing regulations (36 CFR part 800). Detailed information about the proposed wind energy facility, including the COP, can be found on BOEM's website at: <https://www.boem.gov/Ocean-Wind/>.

DATES: Comments should be submitted no later than April 29, 2021.

BOEM will hold virtual public scoping meetings for the Ocean Wind EIS at the following dates and times (Eastern):

- Tuesday, April 13, 2021; 1:00 p.m.;
 - Thursday, April 15, 2021; 5:30 p.m.;
- and
- Tuesday, April 20, 2021; 5:30 p.m.

ADDRESSES: Comments can be submitted in any of the following ways:

- In written form, delivered by hand or by mail, enclosed in an envelope labeled, "Ocean Wind COP EIS" and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or
- Through the [regulations.gov](https://www.regulations.gov) web portal: Navigate to <http://www.regulations.gov> and search for Docket No. BOEM-2021-0024. Click on the "Comment Now!" button to the right of the document link. Enter your information and comment, then click "Submit."

FOR FURTHER INFORMATION CONTACT:

Michelle Morin, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787-1340 or michelle.morin@boem.gov.

SUPPLEMENTARY INFORMATION:

Purpose and Need for the Proposed Action

In Executive Order 14008 President Biden stated that it is the policy of the United States "to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure."

Through a competitive leasing process under 30 CFR 585.211, Ocean Wind was

awarded Commercial Lease OCS-A 0498 (the Lease Area) offshore New Jersey. Ocean Wind has the exclusive right to submit a COP for activities within the Lease Area, and it has submitted a COP to BOEM proposing the construction and installation, operations and maintenance, and conceptual decommissioning of an offshore wind energy facility in the Lease Area (the Project).

The goal of Ocean Wind is to develop a commercial-scale, offshore wind energy facility in the Lease Area with up to 98 wind turbine generators, inter-array cables, up to three offshore substations, two onshore substations, and two transmission cables making landfall in Ocean County, NJ, and Cape May County, NJ. The Project would contribute to New Jersey's goal of 7.5 gigawatts (GW) of offshore wind energy generation by 2035 as outlined in New Jersey Governor's Executive Order No. 92, issued on November 19, 2019. Furthermore, Ocean Wind's goal to construct and operate a commercial-scale offshore wind energy facility in the Lease Area is intended to fulfill the New Jersey's Board of Public Utilities (BPU) September 20, 2018, solicitation for 1,100 megawatts (MW) of offshore wind that was awarded to Ocean Wind, via the New Jersey BPU on June 21, 2019 (BPU Docket No. QQ18121289).

Based on the goals of the applicant and BOEM's authority, the purpose of BOEM's action is to respond to Ocean Wind's COP proposal and determine whether to approve, approve with modifications, or disapprove Ocean Wind's COP to construct and install, operate and maintain, and decommission a commercial-scale offshore wind energy facility within the Lease Area (the Proposed Action). BOEM's action is needed to further the United States policy to make Outer Continental Shelf energy resources available for expeditious and orderly development, subject to environmental safeguards (43 U.S.C. 1332(3)), including consideration of natural resources, safety of navigation, and existing ocean uses.

In addition, the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) anticipates receipt of one or more requests for authorization to take marine mammals incidental to activities related to the Project pursuant to the Marine Mammal Protection Act (MMPA). NMFS's issuance of an MMPA incidental take authorization is a major Federal action and, in relation to BOEM's action, is considered a connected action (40 CFR 1501.9(e)(1)). The purpose of the NMFS action—

which is a direct outcome of Ocean Wind's request for authorization to take marine mammals incidental to the Project (specifically pile driving)—is to evaluate the information in Ocean Wind's application pursuant to the MMPA and 50 CFR part 216 and to issue the requested incidental take authorizations, if appropriate. The need for the NMFS action is to consider the impacts of authorizing the requested take on marine mammals and their habitat. NMFS responsibilities under the MMPA (16 U.S.C. 1371(a)(5)(D)) and its implementing regulations establish and frame the need for NMFS action. NMFS intends to adopt this EIS to support its decision on any requested MMPA incidental take authorizations.

Preliminary Proposed Action and Alternatives

The Proposed Action is the construction and operation of a wind energy facility as described in the COP submitted by Ocean Wind on Lease Area OCS-A 0498. In its COP, Ocean Wind is proposing the construction and operation of up to 98 wind turbine generators, up to three offshore substations, inter-array cables linking the individual turbines to the offshore substations, substation interconnector cables linking the substations to each other, and two offshore export cables that connect to onshore export cable systems and two onshore substations, providing connection to the existing electrical grid in New Jersey. Foundations of wind turbine generators would be monopiles. The wind turbine generators, offshore substations, array cables, and substation interconnector cables would be located on the Outer Continental Shelf (OCS) approximately 13 nautical miles (15 statute miles) southeast of Atlantic City. The offshore export cables would be buried below the seabed of both the OCS and New Jersey State waters. The onshore export cables, substations, and grid connections would be located in Ocean and Cape May Counties, New Jersey.

If any other reasonable alternatives are identified during the scoping period, BOEM will evaluate those alternatives in the draft EIS, which will also include a no action alternative. Under the no action alternative, BOEM would disapprove the COP, and Ocean Wind's wind energy facility described in the COP would not be built in the Lease Area.

Once BOEM completes the EIS and associated consultations, BOEM will decide whether to approve, approve with modification, or disapprove the Ocean Wind COP. If BOEM approves the COP and the Project is constructed,

the lessee must submit a plan to decommission the facilities before the end of the lease term.

Summary of Expected Impacts

The draft EIS will identify and describe the effects of the Proposed Action on the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the Proposed Action. This includes such effects that occur at the same time and place as the Proposed Action or alternatives and such effects that are later in time or not at the same place. Expected impacts include, but are not limited to, impacts (both beneficial and adverse) to air quality, water quality, bats, benthic habitat, essential fish habitat, invertebrates, finfish, birds, marine mammals, terrestrial and coastal habitats and fauna, sea turtles, wetlands and other waters of the United States, commercial fisheries and for-hire recreational fishing, cultural resources, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other marine uses, recreation and tourism, and visual resources. The effects of these expected impacts will be analyzed in the draft and final EIS.

Based on a preliminary evaluation of these resources, BOEM expects impacts to sea turtles and marine mammals from underwater noise caused by construction as well as collision risks from vessel traffic. Structures installed by the Project could permanently change benthic habitat and other fish habitat. Commercial fisheries and for-hire recreational fishing may be impacted. Infrastructure above the water may affect the visual character that defines historic properties as well as contributes to recreation and tourism. Project structures also would pose an allision and height hazard to vessels passing close by, and vessels would in turn pose a hazard to the structures. Additionally, the Project may adversely impact any future mineral extraction, military use, air traffic, land-based radar services, cables and pipelines, and scientific surveys. Beneficial impacts are also expected by facilitating achievement of state renewable energy goals, increased job opportunities, improving air quality, and reduced carbon emissions. The EIS will analyze measures that would avoid, minimize, or mitigate environmental effects.

The draft EIS is being prepared in compliance with the recently revised Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500–1508) and DOI's existing regulations (43 CFR part 46). The

revised CEQ NEPA regulations eliminate any explicit requirement to analyze cumulative impacts; however, the description of the affected environment in the EIS will include reasonably foreseeable environmental trends and planned actions other than the Project.

Anticipated Permits and Authorizations

In addition to the requested COP approval, various other Federal, State, and local authorizations will be required for the Ocean Wind Project. These include authorizations under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Rivers and Harbors Act, Clean Water Act, Coastal Zone Management Act, and other laws and regulations determined to be applicable to the Project. BOEM will also conduct government-to-government tribal consultations. For a full listing of regulatory requirements applicable to the Ocean Wind Project, please see the COP, volume I available at <https://www.boem.gov/Ocean-Wind/>.

BOEM has chosen to utilize the NEPA substitution process to fulfill its obligations under NHPA. While BOEM's obligations under NHPA and NEPA are independent, the regulations implementing NHPA allow for the use of NEPA review to substitute for various aspects of NHPA's section 106 (16 U.S.C. 470f) review to improve efficiency, promote transparency and accountability, and support a broadened discussion of potential effects that a project may have on the human environment. As provided in 36 CFR 800.8(c), the NEPA process and documentation required for the preparation of an EIS and record of decision (ROD) can be used to fulfill a lead Federal agency's NHPA section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. During preparation of the EIS, BOEM will ensure that the NEPA substitution process will meet its NHPA obligations in a manner that successfully utilizes this alternative process.

Schedule for the Decision-Making Process

After the draft EIS is completed, BOEM will publish a notice of availability (NOA) and request public comments on the draft EIS. BOEM expects to issue the NOA in May 2022. After the public comment period ends, BOEM will review and respond to comments received and will develop the final EIS. BOEM expects to make the final EIS available to the public in

February 2023. A ROD will be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

Scoping Process: This NOI commences the public scoping process for identifying issues and potential alternatives for consideration in the Ocean Wind EIS. Throughout the scoping process, Federal agencies; State, tribal, and local governments; and the general public have the opportunity to help BOEM determine significant resources and issues, impact-producing factors, reasonable alternatives (e.g., size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS as well as provide additional information. In the interests of efficiency, completeness, and facilitating public involvement, BOEM will use the NEPA process to fulfill NHPA's public involvement requirements established in 36 CFR 800.2(d). BOEM will involve the public, local governments, Indian tribes, and Ocean Wind and will identify other consulting parties, including consideration of all written requests by individuals and organizations to participate as consulting parties. BOEM will hold virtual public scoping meetings for the Ocean Wind EIS at the following dates and times (Eastern):

- Tuesday, April 13, 2021; 1:00 p.m.;
- Thursday, April 15, 2021; 5:30 p.m.;

and

- Tuesday, April 20, 2021; 5:30 p.m.
- Registration for the virtual public meetings may be completed here: <https://www.boem.gov/Ocean-Wind-Scoping-Virtual-Meetings> or by calling (703) 787-1346.

NEPA Cooperating Agencies: BOEM invites other Federal agencies and State, tribal, and local governments to consider becoming cooperating agencies in the preparation of this EIS. CEQ NEPA regulations specify that qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and should be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process.

Upon request, BOEM will provide potential cooperating agencies with a written summary of expectations for cooperating agencies, including time schedules, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability

of pre-decisional information. BOEM anticipates this summary will form the basis for a memorandum of agreement between BOEM and any non-Interior Department cooperating agency. Agencies also should consider the factors for determining cooperating agency status in CEQ's memorandum entitled "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act" of January 30, 2002. This document is available on the internet at: http://energy.gov/sites/prod/files/nepapub/nepa_documents/G-CEQ-CoopAgenciesImplem.pdf. BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. Even if a governmental entity is not a cooperating agency, it will have opportunities to provide information and comments to BOEM during the public input stages of the NEPA process.

NHPA Consulting Parties: Certain individuals and organizations with a demonstrated interest in the Project may request to participate as NHPA consulting parties under 36 CFR 800.2(c)(5)) based on their legal or economic stake in historic properties affected by the Project. Additionally, the same provision allows those with concerns about the Project's effect on historic properties to request to be consulting parties. Before issuing this NOI, BOEM compiled a list of potential consulting parties and, in writing, invited these potential participants to become consulting parties. In order to become a consulting party, those invited must respond in writing, preferably by the requested response date. Interested individuals or organizations that did not receive an invitation may request to be consulting parties by writing to the appropriate staff at ICF, which is supporting BOEM in its administration of this review. ICF's contact for this Project is January Tavel at OceanWindSection106@icf.com or (415) 677-7107. BOEM will determine which interested parties should be consulting parties.

Comments: Federal agencies; tribal, State, and local governments; and other interested parties are requested to comment on the scope of this EIS, significant issues that should be addressed, and alternatives that should be considered. For information on how to submit comments, see the **ADDRESSES** section above.

BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including the names, addresses, and other personally identifiable information

included in the comment, available for public review online and during regular business hours. Individuals may request that BOEM withhold their names or addresses from the public record; however, BOEM cannot guarantee that it will be able to do so. In order for BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your privacy. You also must briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

BOEM requests data, comments, views, information, analysis, alternatives, or suggestions from the public; affected Federal, State, tribal, and local governments, agencies, and offices; the scientific community; industry; or any other interested party on the Proposed Action. Specifically:

1. Potential effects that the Proposed Action could have on biological resources, including bats, birds, coastal fauna, finfish, invertebrates, essential fish habitat, marine mammals, and sea turtles.
2. Potential effects that the Proposed Action could have on physical resources including air quality, water quality, and wetlands and other waters of the United States.
3. Potential effects that the Proposed Action could have on socioeconomic and cultural resources, including commercial fisheries and for-hire recreational fishing, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other uses (marine minerals, military use, aviation), recreation and tourism, and scenic and visual resources.
4. Other possible reasonable alternatives to the Proposed Action that BOEM should consider, including additional or alternative avoidance, minimization, and mitigation measures.
5. As part of its compliance with NHPA section 106 and its implementing regulations (36 CFR part 800), BOEM seeks public comment and input regarding the identification of historic

properties or potential effects to historic properties from the activities proposed under the COP. BOEM requests feedback from the public and consulting parties on the aforementioned information and any information that supports identification of historic properties under the NHPA. BOEM also solicits proposed measures to avoid, minimize, or mitigate any adverse effects on historic properties. BOEM will, consistent with confidentiality requirements, present available information regarding known historic properties during the public scoping period and current summary information regarding historic properties identified will be available at <https://www.boem.gov/Ocean-Wind/>. BOEM's effects analysis for historic properties will be available for public and consulting party comment in the draft EIS.

6. Information on other current or planned activities in, or in the vicinity of, the Proposed Action and their possible impacts on the Project or the Project's impacts on those activities.

7. Other information relevant to the Proposed Action and its impacts on the human environment.

To promote informed decision making, comments should be as specific as possible and should provide as much detail as necessary to meaningfully participate and fully inform BOEM of the commenter's position. Comments should explain why the issues raised are important to the consideration of potential environmental impacts and alternatives to the Proposed Action as well as economic, employment, and other impacts affecting the quality of the human environment.

The draft EIS will include a summary that identifies all alternatives, information, and analyses submitted by State, tribal, and local governments and other public commenters during the scoping process for consideration by BOEM and the cooperating agencies.

Authority: This NOI is published pursuant to NEPA, 42 U.S.C. 4321 *et seq.*, and 40 CFR 1501.9.

William Yancey Brown,

Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2021-06520 Filed 3-29-21; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 212R5065C6,
RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of contract actions.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225-0007; mkelly@usbr.gov; telephone 303-445-2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939, and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either

of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the "Final Revised Public Participation Procedures" for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised

contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
XM Extraordinary maintenance
EXM Emergency Extraordinary Maintenance
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
OM&R Operation, Maintenance, and Replacement
P-SMBP Pick-Sloan Missouri Basin Program
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

**MISSOURI BASIN—INTERIOR
REGION 5:** Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406-247-7752.

1. Irrigation, M&I, and miscellaneous water users; Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Water service contracts for the sale, conveyance, storage, and exchange of surplus project water and non-project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term of up to 1 year, or up to 1,000 acre-feet of water annually for a term of up to 40 years.

2. Water user entities responsible for payment of O&M costs for Reclamation projects in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Contracts for XM and replacement funded pursuant to Title IX, Subtitle G of Public Law 111-11.

3. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contracts for the sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

4. Garrison Diversion Conservancy District; Garrison Diversion Unit, P-SMBP; North Dakota: Intent to modify long-term water service contract to add additional irrigated acres.

5. Fryingpan-Arkansas Project, Colorado: Consideration of excess

capacity contracting in the Fryingpan-Arkansas Project.

6. Colorado-Big Thompson Project, Colorado: Consideration of excess capacity contracting in the Colorado-Big Thompson Project.

7. Milk River Project, Montana: Proposed amendments to contracts to reflect current landownership.

8. Fresno Dam, Milk River Project, Montana: Consideration of contract(s) for repayment of SOD costs.

9. City of Casper; Kendrick Project, Wyoming: Consideration for renewal of long-term water service contract No. 2-07-70-W0534.

10. Lucerne Water and Sewer District, P-SMBP, Wyoming: Consideration for renewal of contract No. 1-07-60-WS091.

11. Lugert-Altus ID, W.C. Austin Project, Oklahoma: Consideration for amendment to contract No. 11r-1375.

12. State of Kansas Department of Wildlife and Parks; Glen Elder Unit, P-SMBP; Kansas: Intent to enter into a contract for the remaining conservation storage in Waconda Lake for recreation and fish and wildlife purposes.

13. Arkansas Valley Conduit, Fryingpan-Arkansas Project, Colorado: Consideration of a repayment contract for the Arkansas Valley Conduit and signing a contract to use infrastructure owned by the Pueblo Board of Water Works.

14. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Consideration of a potential contract(s) for use of excess capacity by individual landowner(s) for irrigation purposes.

15. Canyon Ferry Water Users Association; Canyon Ferry Unit, P-SMBP; Montana: Consideration for a new long-term repayment contract.

16. Garrison Diversion Conservancy District; Garrison Diversion Unit, P-SMBP; North Dakota: Consideration of a contract for 165 cubic-feet-per-second of water for rural and M&I purposes.

17. Southeastern Colorado Water Conservancy District, Fryingpan-Arkansas Project, Colorado: Consideration for conversion of long-term water service contract No. 5-07-70-W0086.

18. Pueblo Board of Water Works, Fryingpan-Arkansas Project, Colorado: Consideration for renewal of contract No. 00XX6C0049.

19. Southeastern Colorado Water Conservancy District, Fryingpan-Arkansas Project, Colorado: Consideration of a repayment contract for the North Outlet Works—South Outlet Works Interconnect at Pueblo Reservoir.

20. Kansas Bostwick ID No. 2; Bostwick Division, P-SMBP; Kansas: Consideration of a contract for repayment of SOD costs.

21. Bostwick ID in Nebraska; Bostwick Division, P-SMBP; Nebraska: Consideration of a contract for repayment of SOD costs.

22. Midvale ID; Riverton Unit, P-SMBP; Wyoming: Consideration of a request for a new contract for the District to continue the O&M of the transferred works of the Riverton Unit.

23. Webster ID No. 4; Solomon Division, P-SMBP; Kansas: Consideration of a repayment contract for XM and replacement funded pursuant to Title IX, Subtitle G of Public Law 111-11.

24. P-SMBP; Montana, North Dakota, South Dakota, Wyoming, Nebraska, and Kansas: Renewal of contracts for the sale of Project Use Power to authorized entities.

25. Midvale ID; Riverton Unit, P-SMBP; Wyoming: Consideration of a new M&I water service contract.

26. XTO Energy, Inc.; Ruedi Reservoir, Fryingpan-Arkansas Project; Colorado: Consideration to amend Ruedi Round I contract No. 2-07-70-W055 for additional places of use, including the Piceance Creek Basin.

27. Pitkin County, Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Consideration of excess capacity contract at Ruedi Reservoir.

28. Gering-Fort Laramie ID, North Platte Project, Wyoming and Nebraska: Consideration of a repayment contract for XM and replacement funded pursuant to Title IX, Subtitle G of Public Law 111-11.

29. Huntley ID, Huntley Project, Montana: Consideration of a repayment contract for XM and replacement funded pursuant to Title IX, Subtitle G of Public Law 111-11.

30. Griensman L/S, LLC; Boysen Unit, P-SMBP; Wyoming: Consideration for renewal of water service contract No. 009E6A0012.

31. Glen Elder ID; Glen Elder Unit, P-SMBP; Kansas: Consideration of a repayment contract for XM funded pursuant to Title X, Subtitle G of Public Law 111-11.

32. H&RW ID; Frenchman-Cambridge Division, P-SMBP; Nebraska: Consideration for renewal of water service contract No. 5-07-70-W0738.

33. Buford-Trenton ID; Buford-Trenton Project, P-SMBP; North Dakota: Consideration to amend long-term irrigation power repayment contract and project-use power contract to include additional acres.

34. Mid-Dakota Rural Water System, Inc., South Dakota: Consideration to

amend agreement No. 5-07-60-W0223 to reflect the payoff of loans.

35. Central Oklahoma Master Conservancy District, Norman Project, Oklahoma: Consideration for renewal of water service contract No. 169E640075.

36. Bluff ID; Boysen Unit, P-SMBP; Wyoming: Consideration of a new long-term water service contract for irrigation purposes.

37. Christine and Andrew Armstrong, Shoshone Project, Wyoming: Consideration for renewal of water service contract No. 19E6A0227B.

38. Ptarmigan Partners, LLC, Shoshone Project, Wyoming: Consideration for renewal of water service contract No. 19E6A0227A.

39. Garrison Diversion Conservancy District; Garrison Diversion Unit, P-SMBP; North Dakota: Consideration for conversion of irrigation water service contract No. 129E620001 to a repayment contract.

40. Sidney Water Users ID, P-SMBP, Montana: Consideration of contract for the sale of Project Use Power authorized under Section 2 of the Act of October 30, 2020 (Pub. L. 116-191).

41. Kinsey Irrigation Company, P-SMBP, Montana: Consideration of contract for the sale of Project Use Power authorized under Section 2 of the Act of October 30, 2020 (Pub. L. 116-191).

42. Triview Metropolitan District; Pueblo Reservoir, Fryingpan-Arkansas Project; Colorado: Consideration of a 40-year contract for excess capacity.

43. Title transfer agreements; Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Potential title transfers agreements pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019 (Pub. L. 116-9).

Completed Contract Actions

1. (12) Canyon Limited Liability; Boysen Unit, P-SMBP; Wyoming: Consideration for renewal of contract No. 009E6A0035. Contract executed on October 7, 2020.

2. (24) Dickey-Sargent ID; Garrison Diversion Unit, P-SMBP; North Dakota: Consideration of a repayment contract for irrigation storage in Jamestown Reservoir. Contract executed on December 4, 2020.

3. (36) Denise J. Evans, Shoshone Project, Wyoming: Consideration for renewal of contract 009E6A0045. Contract executed on November 19, 2020.

UPPER COLORADO BASIN—
INTERIOR REGION 7: Bureau of Reclamation, 125 South State Street,

Room 8100, Salt Lake City, Utah 84138-1102, telephone 801-524-3864.

1. Individual irrigators, M&I, and miscellaneous water users; Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Contracts with various water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming: Contracts for extraordinary maintenance and replacement funded pursuant to Title IX, Subtitle G of Public Law 111-11 to be executed as project progresses.

3. Middle Rio Grande Project, New Mexico: Reclamation continues annual leasing of water from various San Juan-Chama Project contractors to stabilize flows in a critical reach of the Rio Grande to meet the needs of irrigators and preserve habitat for the silvery minnow. Reclamation leased approximately 10,871 acre-feet of water from San Juan-Chama Project contractors in 2020.

4. Strawberry High Line Canal Company, Strawberry Valley Project; Utah: The Strawberry High Line Canal Company has requested to allow for the carriage of non-project water held by McMullin Orchards in the High Line Canal.

5. Eden Valley IDD, Eden Project, Wyoming: The Eden Valley IDD proposes to raise the level of Big Sandy Dam to fully perfect its water rights. An agreement will be necessary to obtain the authorization to modify Federal facilities.

6. South Cache Water Users Association, Hyrum Project, Utah: Problems with the spillway at Hyrum Dam require the construction of a new spillway under the SOD Act, as amended. A repayment contract is necessary to recover 15 percent of the construction costs in accordance with the SOD Act.

7. Pojoaque Valley ID, San Juan-Chama Project, New Mexico: An amendment to the repayment contract to reflect the changed allocations of the Aamodt Litigation Settlement Act (Title VI of the Claims Resolution Act of 2010, Public Law 111-291, December 8, 2010, and Article 7 of the Settlement Agreement dated April 19, 2012) is currently under review by the Pojoaque Valley ID board.

8. Dolores Water Conservancy District, Dolores Project, Colorado: The District has requested a water service

contract for 1,402 acre-feet of newly identified project water for irrigation. The proposed water service contract will provide 417 acre-feet of project water for irrigation of the Ute Enterprise and 985 acre-feet for use by the District's full-service irrigators.

9. State of Wyoming, Seedskaadee Project; Wyoming. The Wyoming Water Development Commission is interested in purchasing an additional 65,000 acre-feet of M&I water from Fontenelle Reservoir. Reclamation and the State of Wyoming are pursuing entering into a Contributed Funds Act agreement which allows the State to advance funds to Reclamation associated with activities involved in contracting for remaining available M&I water as specified in Section 4310 of Public Law 115–270.

10. Ute Indian Tribe of the Uinta and Ouray Reservation, CUP, Utah: The Ute Indian Tribe of the Uinta and Ouray Reservation has requested the use of excess capacity in the Strawberry Aqueduct and Collection System, as authorized in the CUP Completion Act legislation.

11. Ute Indian Tribe of the Uinta and Ouray Reservation; Flaming Gorge Unit, CRSP; Utah: As part of discussions on settlement of a potential compact, the Ute Indian Tribe of the Uinta and Ouray Reservation has indicated interest in storage of its potential water right in Flaming Gorge Reservoir.

12. State of Utah; Flaming Gorge Unit, CRSP; Utah: The State of Utah has requested contracts that will allow the full development and use of the CUP Ultimate Phase water right of 158,000 acre-feet of depletion, which was previously assigned to the State of Utah. A contract for 72,641 acre-feet was executed March 20, 2019. A contract for the remaining 86,249 acre-feet has been negotiated and is awaiting completion of NEPA activities.

13. Weber Basin Water Conservancy District, Weber Basin Project, Utah: The District has requested permission to install a low-flow hydro-electric generation plant at Causey Reservoir to take advantage of winter releases. This will likely be accomplished through a supplemental O&M contract.

14. Sanpete Water Conservancy District, Gooseberry Project, Utah: The District has requested Reclamation convey back its reversionary interest in a 1975 Water Right Assignment Contract with the District.

15. Uintah Water Conservancy District; Vernal Unit, CUP; Utah: The District has requested to amend carriage contract No. 15–WC–40–587 to include an M&I component into the 35,000 acre-feet ceiling.

16. Uintah Water Conservancy District; Vernal Unit, CUP; Utah: The District has requested to amend repayment contract No. 14–06–400–778 to convert the M&I water service provisions to repayment provisions.

17. Provo River Project, Utah: The Metropolitan Water District of Salt Lake and Sandy has requested a long-term contract with the United States and the Provo River Water Users Association to store up to 4,000 acre-feet of non-project water in Deer Creek Reservoir, on a space-available basis.

18. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado: Ute Mountain Ute Tribe has requested a water delivery contract for 16,525 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

19. Navajo-Gallup Water Supply Project, New Mexico: Reclamation continues negotiations on an OM&R transfer contract with the Navajo Tribal Utility Authority pursuant to Public Law 111–11, Section 10602(f) which transfers responsibilities to carry out the OM&R of transferred works of the Project; ensures the continuation of the intended benefits of the Project; distribution of water; and sets forth the allocation and payment of annual OM&R costs of the Project.

20. Animas-La Plata Project, Colorado-New Mexico: (a) Navajo Nation title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land outside the corporate boundaries of the City of Farmington, New Mexico; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11); (b) City of Farmington, New Mexico, title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land inside the corporate boundaries of the City of Farmington; New Mexico, contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11); and (c) Operations agreement among the United States, Navajo Nation, and City of Farmington for the Navajo Nation Municipal Pipeline pursuant to Pub. L. 111–11, Section 10605(b)(1) that sets forth any terms and conditions that secures an operations protocol for the M&I water supply.

21. Navajo Tribal Utility Authority, Navajo-Gallup Water Supply Project, New Mexico: Reclamation is entering

negotiations with the Navajo Tribal Utility Authority to provide payment for OM&R costs for use of Federal facilities pursuant to Public Law 111–11, Section 10602(g).

22. City of Page, Arizona; Glen Canyon Unit, CRSP; Arizona: Request for a long-term contract for 975 acre-feet of water for municipal purposes.

23. Middle Rio Grande Water Conservancy District; El Vado Dam; Middle Rio Grande Project; New Mexico: SOD work is anticipated to begin in 2021 involving repairs to the steel faceplate and spillways. A repayment contract with the District for their required 15 percent share of costs will be entered into for this work.

24. Bostwick Park Water Conservancy District, Bostwick Park Project, Colorado: Preliminary lease and funding agreement for development of the lease of power privilege for hydropower development on the Silver Jack Dam Bypass Pipeline. The purpose of this agreement is to receive funding from the district for Reclamation's assistance in the development of the lease of power privilege and identify timelines for the process.

25. Title transfer agreements; Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming: Potential title transfers agreements pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019 (Pub. L. 116–9).

26. Albuquerque Bernalillo County Water Utility Authority, San Juan-Chama Project, New Mexico: Enter into a contract to store up to 50,000 acre-feet of Project water in Elephant Butte Reservoir for a 30-year maximum term under the authority of the Act of December 29, 1981; Public Law 97–140; 95 Stat. 1717

Discontinued Contract Actions

1. (7) Newton Water Users Association, Newton Project; Utah: The Utah Division of Wildlife Resources desires to install a fish screen on the outlet works of Newton Dam. This requires an agreement to approve modification to Federal Reclamation facilities.

2. (20) Ogden River Water Users Association, Ogden River Project, Utah: The Ogden River Water Users Association is requesting to convert 44,175 acre-feet of irrigation water from Pine View Reservoir to be available for M&I purposes.

Completed Contract Actions

1. (6). Tri-County Water Conservancy District, Dallas Creek Project, Colorado: A contract under the Upper Colorado Recovery Program to construct and

transfer O&M of a fish barrier at Ridgway Dam. The State of Colorado, Colorado Parks and Wildlife Department will also be a party to the contract. Contract executed on December 3, 2020.

2. (26) Albuquerque Bernalillo County Water Utility Authority, San Juan-Chama Project, New Mexico: Enter into a contract to store up to 50,000 acre-feet of Project water in Elephant Butte Reservoir for a 30-year maximum term under the authority of the Act of December 29, 1981; Public Law 97-140; 95 Stat. 1717. Contract executed on October 28, 2020.

LOWER COLORADO BASIN—
INTERIOR REGION 8: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006-1470, telephone 702-293-8192.

1. Milton and Jean Phillips, BCP, Arizona: Develop a Colorado River water delivery contract for 60 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

2. Gila Project Works, Gila Project, Arizona: Perform title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

3. Ogram Boys Enterprises, Inc., BCP, Arizona: Revise Exhibit A of the contract to change the contract service area and points of diversion/delivery.

4. Gold Dome Mining Corporation and Wellton-Mohawk IDD, Gila Project, Arizona: Terminate contract No. 0-07-30-W0250 pursuant to Articles 11(d) and 11(e).

5. Estates of Anna R. Roy and Edward P. Roy, Gila Project, Arizona: Terminate contract No. 6-07-30-W0124 pursuant to Article 9(c).

6. Present Perfected Right 30 (Stephenson), BCP, California: Offer contracts for delivery of Colorado River water to holders of miscellaneous present perfected rights as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

7. Wilbur G. and Carrol D. Schroeder, BCP, California: Terminate contract No. 6-07-30-W0137 for delivery of Colorado River water under Present Perfected Right No. 38 as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

8. Sunmor Properties, Inc., BCP, California: Terminate contract No. 6-07-30-W0139 for delivery of Colorado River water under Present Perfected Right No. 38 as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

9. Ronnie and Linda Herndon, BCP, California: Terminate contract No. 6-

07-30-W0138 for delivery of Colorado River water under Present Perfected Right No. 38 as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

10. Jack D. Brown, BCP, California: Terminate contract No. 7-07-30-W0149 for delivery of Colorado River water under Present Perfected Right No. 38 as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

11. Palms River Resort, Inc., BCP, California: Offer a contract to the current landowner for delivery of Colorado River water under Present Perfected Right No. 38 as described in the 2006 Consolidated Decree in *Arizona v. California*, 547 U.S. 150.

12. Ak-Chin Indian Community and Del Webb Corporation, CAP, Arizona: Execute a First Amendment to (Restated) Option and Lease among the Ak-Chin Indian Community, the Del Webb Corporation, and United States of America.

13. Brooke Water LLC and EPCOR Water Arizona Inc., BCP, Arizona: Enter into an assignment of Brooke's Colorado River water delivery contract to EPCOR, and a new contract with EPCOR that will supersede and replace its existing Colorado River water delivery contract.

14. San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona: Execute a CAP water lease for the San Carlos Apache Tribe to lease 11,446 acre-feet of its CAP water to the Town of Gilbert during calendar year 2021.

15. San Carlos Apache Tribe and Pascua Yaqui Tribe, CAP, Arizona: Execute a CAP water lease for the San Carlos Apache Tribe to lease 1,720 acre-feet of its CAP water to Pascua Yaqui Tribe during calendar year 2021.

16. San Carlos Apache Tribe and Freeport Minerals Corporation, CAP, Arizona: Execute a CAP water lease for the San Carlos Apache Tribe to lease 11,500 acre-feet of its CAP water to Freeport Minerals Corporation during calendar year 2021.

Completed Contract Action

1. (19) City of Yuma, BCP, Arizona: Extend the term of the contract with the City for delivery of its Colorado River water entitlement to October 1, 2027, through Amendment No. 6. Contract executed on October 7, 2020.

COLUMBIA-PACIFIC NORTHWEST—
INTERIOR REGION 9: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706-1234, telephone 208-378-5344.

1. Irrigation, M&I, and Miscellaneous Water Users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim irrigation and

M&I water service, water storage, water right settlement, exchange, miscellaneous use, or water replacement contracts to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; \$8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; \$8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; Juniper Flat District Improvement Company, Wapinitia Project, Oregon; and Whitestone Reclamation District, Chief Joseph Dam Project, Washington: Amendatory repayment and water service contracts; purpose is to conform to the RRA.

5. Nine water user entities of the Arrowrock Division, Boise Project, Idaho: Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of the reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

6. Three irrigation water user entities, Rogue River Basin Project, Oregon: Long-term contracts for exchange of water service with three entities for the provision of up to 292 acre-feet of stored water from Applegate Reservoir (a USACE project) for irrigation use in exchange for the transfer of out-of-stream water rights from the Little Applegate River to instream flow rights with the State of Oregon for instream flow use.

7. Conagra Foods Lamb Weston, Inc., Columbia Basin Project, Washington: Miscellaneous purposes water service contract providing for the delivery of up to 1,500 acre-feet of water from the Scooteney Wasteway for effluent management.

8. Benton ID, Yakima Project, Washington: Replacement contract to, among other things, withdraw Benton ID from the Sunnyside Division Board of Control; provide for direct payment of Benton ID's share of total operation, maintenance, repair, and replacement costs incurred by the United States in operation of storage division; and establish Benton ID responsibility for operation, maintenance, repair, and replacement for irrigation distribution system.

9. Burley and Minidoka IDs, Minidoka Project, Idaho: Supplemental and amendatory contracts to transfer the O&M of the Main South Side Canal Headworks to Burley ID and transfer the O&M of the Main North Side Canal Headworks to Minidoka ID.

10. Clean Water Services and Tualatin Valley ID, Tualatin Project, Oregon: Long-term water service contract that provides for the District to allow Clean Water Services to beneficially use up to 6,000 acre-feet annually of stored water for water quality improvement.

11. Stanfield ID, Umatilla Basin Project, Oregon: A short-term water service contract to provide for the use of conjunctive use water, if needed, for the purposes of pre-saturation or for such use in October to extend their irrigation season.

12. Falls ID, Michaud Flats Project, Idaho: Amendment to contract No. 14-06-100-851 to authorize the District to participate in State water rental pool.

13. Roza ID, Yakima Project, Washington: Contract for use of water in dead space of Kachess Reservoir and construction of a pumping plant.

14. Quincy-Columbia Basin ID, Columbia Basin Project, Washington: Long-term contract to renew master water service contract No. 14-06-100-9166, as supplemented, to authorize the District to deliver project water to up to 10,000 First Phase Continuation Acres located within the District, and to deliver additional project water to land irrigated under the District's repayment contract during the peak period of irrigation water use annually.

15. Windy River LLC, Umatilla Project, Oregon: Contract pursuant to the Warren Act for use project facilities.

16. Water user entities responsible for repayment of reimbursable project construction costs in Idaho, Washington, Oregon, Montana, and Wyoming: Contracts for conversion or prepayment executed pursuant to the Water Infrastructure Improvements for the Nation Act, Public Law 114-322, Sec. 4011(a-d).

17. Title transfer agreements; Idaho, Washington, Oregon, Montana, and Wyoming: Potential title transfers agreements pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019 (Pub. L. 116-9).

CALIFORNIA—GREAT BASIN—INTERIOR REGION 10: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825-1898, telephone 916-978-5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users; California, Nevada, and Oregon: Short-term (up to 5 years)—Water

service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually; Warren Act contracts for use of excess capacity in project facilities for quantities that could exceed 10,000 acre-feet annually; and contracts for similar service for up to 1,000 acre-feet annually.

2. State of California, Department of Water Resources, CVP, California: Temporary or short-term conveyance agreements for various purposes.

3. Contractors from the Delta Division, Cross Valley Canal, and West San Joaquin Division; CVP; California: Renewal of 10 interim and long-term water service contracts; water quantities for these contracts total in excess of 148,000 acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102-575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

4. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100-516.

5. Sutter Extension WD, Delano-Earlimart ID, Pixley ID, the State of California Department of Water Resources, and the State of California Department of Fish and Wildlife; CVP; California: Pursuant to Public Law 102-575, agreements with non-Federal entities for the purpose of providing funding for Central Valley Project Improvement Act refuge water conveyance and/or facilities improvement construction to deliver water for certain Federal wildlife refuges, State wildlife areas, and private wetlands.

6. CVP Service Area, California: Temporary water acquisition agreements for purchase of 5,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by Public Law 102-575 for terms of up to 5 years.

7. Horsefly, Klamath, Langell Valley, and Tulalake IDs; Klamath Project; Oregon: Repayment contracts for SOD work on Clear Lake Dam. These districts will share in repayment of costs, and each district will have a separate contract.

8. Irrigation water districts, individual irrigators, M&I, and miscellaneous water users; CVP; California: Execution of long-term Warren Act contracts (up to 40 years) with various entities for conveyance of non-project water in the CVP.

9. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly a long-term contract for storage of non-project water in New Melones Reservoir.

10. Pershing County Water Conservation District, Pershing County, and Lander County; Humboldt Project; Nevada: Title transfer of lands and features of the Humboldt Project.

11. San Luis WD, CVP, California: Proposed partial assignment of 4,604 acre-feet of the District's CVP supply to Santa Nella County WD for M&I use.

12. Placer County Water Agency, CVP, California: Proposed exchange agreement under section 14 of the 1939 Act to exchange up to 71,000 acre-feet annually of the Agency's American River Middle Fork Project water for use by Reclamation, for a like amount of CVP water from the Sacramento River for use by the Agency.

13. Irrigation contractors, Klamath Project, Oregon: Amendment of repayment contracts or negotiation of new contracts to allow for recovery of additional capital costs.

14. Orland Unit Water User's Association, Orland Project, California: Repayment contract for the SOD costs assigned to the irrigation of Stony Gorge Dam.

15. City of Santa Barbara, Cachuma Project, California: Execution of a temporary contract and a long-term Warren Act contract with the City for conveyance of non-project water in Cachuma Project facilities.

16. Non-federal Operating Entities and Contractors with O&M responsibilities for transferred works; California, Nevada, and Oregon: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Public Law 111-11.

17. Cachuma Operation and Maintenance Board, Cachuma Project, California: Amendment to SOD contract No. 01-WC-20-2030 to provide for increased SOD costs associated with Bradbury Dam.

18. State of California, Department of Water Resources; Cross Valley Contractors; CVP; California: Three-party conveyance agreement for conveyance of Cross Valley Contractors' CVP water supplies available pursuant to long-term water service contracts.

19. Westlands WD, CVP, California: Negotiation and execution of a long-term repayment contract to provide reimbursement of costs related to the construction of drainage facilities. This action is being undertaken to satisfy the Federal Government's obligation to

provide drainage service to lands within the San Luis Unit of the CVP including the Westlands WD service area.

20. San Luis WD, Meyers Farms Family Trust, and Reclamation; CVP; California: Revision of an existing contract among San Luis WD, Meyers Farms Family Trust, and Reclamation providing for an increase in the exchange of water from 6,316 to 10,526 acre-feet annually and an increase in the storage capacity of the bank to 60,000 acre-feet.

21. Contra Costa WD, CVP, California: Amendment to an existing O&M agreement to transfer O&M of the Contra Costa Rock Slough Fish Screen to the Contra Costa WD. Initial construction funding provided through ARRA.

22. Irrigation water districts, individual irrigators and M&I water users, CVP, California: Temporary water service contracts for terms not to exceed 1 year for up to 100,000 acre-feet of surplus supplies of CVP water resulting from an unusually large water supply, not otherwise storable for project purposes, or from infrequent and otherwise unmanaged flood flows of short duration.

23. City of Redding, CVP, California: Proposed partial assignment of 30 acre-feet of the City of Redding's CVP water supply to the City of Shasta Lake for M&I use.

24. Sacramento River Division, CVP, California: Administrative assignments of various Sacramento River Settlement Contracts.

25. California Department of Fish and Game, CVP, California: To extend the term of and amend the existing water service contract for the Department's San Joaquin Fish Hatchery to allow an increase from 35 to 60 cubic feet per second of continuous

26. PacifiCorp, Klamath Project, Oregon and California: Transfer of O&M of Link River Dam and associated facilities. Contract will allow for the continued O&M by PacifiCorp.

27. Tulelake ID, Klamath Project, Oregon and California: Transfer of O&M of

28. U.S. Fish and Wildlife Service and Tulelake ID; Klamath Project; Oregon and California: Water service contract for deliveries to Lower Klamath National Wildlife Refuge, including transfer of O&M responsibilities for the P Canal system.

29. Tulelake ID, Klamath Project, Oregon and California: Amendment of repayment contract to eliminate reimbursement for P Canal O&M costs.

30. Placer County Water Agency and East Bay Municipal Utility District, CVP, California: Long-term Warren Act contracts for up to 47,000 acre-feet of

water annually with the Agency for storage and conveyance in Folsom Reservoir, and a contract with the District for conveyance of non-project water through Folsom South Canal.

31. Gray Lodge Wildlife Area, CVP, California: Reimbursement agreement between the California Department of Fish and Wildlife and Reclamation for groundwater pumping costs. Groundwater will provide a portion of Gray Lodge Wildlife Area's Central Valley Improvement Act Level 4 water supplies. This action is taken pursuant to Public Law 102-575, Title 34, Section 3406(d)(1, 2 and 5), to meet full Level 4 water needs of the Gray Lodge Wildlife Area.

32. State of Nevada, Newlands Project, Nevada: Title transfer of lands and features of Carson Lake and Pasture.

33. Washoe County Water Conservation District, Truckee Storage Project, Nevada: Repayment contract for costs associated with SOD work on Boca Dam.

34. Santa Barbara County Water Agency, Cachuma Project, California: Negotiation and execution of a long-term water service contract.

35. Cachuma Operations and Maintenance Board, Cachuma Project, California: Negotiation and execution of an O&M contract.

36. State of California, Department of Water Resources; CVP; California: Negotiation of a multi-year wheeling agreement with the State of California, Department of Water Resources providing for the conveyance and delivery of CVP water through the State of California's water project facilities to Byron-Bethany ID (Musco Family Olive Company), Del Puerto WD, and the San Joaquin Valley National Cemetery.

37. Water user entities responsible for repayment of reimbursable project construction costs in California, Nevada, and Oregon: Contracts for conversion or prepayment executed pursuant to the Water Infrastructure Improvements for the Nation Act, Public Law 114-322, Sec. 4011 (a-d).

38. Contra Costa Water District, CVP, California: Title transfer of lands and features of the Contra Costa Canal System of the CVP.

39. Truckee-Carson ID, Newlands Project, Nevada: Negotiation and execution of an OM&R transfer agreement.

40. Tehama-Colusa Canal Authority, CVP, California: Renewal of OM&R contract.

41. Title transfer agreements; California, Nevada, and Oregon: Potential title transfers agreements pursuant to the John D. Dingell, Jr. Conservation, Management, and

Recreation Act of March 12, 2019 (Pub. L. 116-9).

42. Shasta County Water Agency, CVP, California: Proposed partial assignment of 50 acre-feet of the Shasta County Water Agency's CVP water supply to the City of Shasta Lake for M&I use.

43. Friant Water Authority, CVP, California: Negotiation and execution of a repayment contract for Friant Kern Canal Middle Reach Capacity Correction Project.

Completed Contract Actions

1. (9) Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the OM&R and certain financial and administrative activities related to the Madera Canal and associated works. Contract executed on January 22, 2021.

2. (29) Santa Clara Valley WD (now called Valley Water), CVP, California: Second amendment to Santa Clara Valley WD's water service contract to add CVP-wide form of contract language providing for mutually agreed upon point or points of delivery. Contract executed on December 14, 2020.

3. (32) Fresno County Waterworks No. 18; Friant Division, CVP; California: Execution of an agreement to provide for the O&M of select Federal facilities by Fresno County Waterworks No. 18. Contract executed on September 11, 2018.

5. (50) Friant Water Authority, Friant Division, CVP, California: Renewal of OM&R contract. Contract executed on October 5, 2020.

Christopher Beardsley,

Director, Policy and Programs.

[FR Doc. 2021-06512 Filed 3-29-21; 8:45 am]

BILLING CODE 4332-90-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000
211S180110; S2D2S SS08011000
SX064A000 21XS501520; OMB Control
Number 1029-0129]

Agency Information Collection Activities; Reclamation Awards

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE),

are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 1, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to mgehlhar@osmre.gov. Please reference OMB Control Number 1029–0129 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at mgehlhar@osmre.gov, or by telephone at 202–208–2716.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (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.

We are 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 agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the OSMRE 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. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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: Since 1986, OSMRE has presented awards to coal mine operators who completed exemplary active reclamation. A parallel award program for abandoned mine land reclamation began in 1992. The objective is to give public recognition to those responsible for the nation's most outstanding achievements in environmentally sound surface coal mining and reclamation and to encourage the exchange and transfer of successful reclamation technology.

Title of Collection: Reclamation Awards.

OMB Control Number: 1029–0129.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and individuals.

Total Estimated Number of Annual Respondents: 65.

Total Estimated Number of Annual Responses: 65.

Estimated Completion Time per Response: Varies from two hours to 65 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,211.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: \$2,500.

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.*).

Mark J. Gehlhar,

*Information Collection Clearance Officer,
Division of Regulatory Support.*

[FR Doc. 2021–06518 Filed 3–29–21; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1239]

Certain Gabapentin Immunoassay Kits and Test Strips, Components Thereof, and Methods Therefor; Commission Determination Not To Review an Initial Determination Granting Complainant's Motion for Leave To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to

review an initial determination (“ID”) (Order No. 8) of the presiding administrative law judge (“ALJ”) granting the complainant's motion for leave to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 25, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by ARK Diagnostics, Inc. of Fremont, California (“Complainant”). See 86 FR 6918–19. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain gabapentin immunoassay kits and test strips, components thereof, and methods therefor by reason of infringement of certain claims of U.S. Patent Nos. 8,828,665 and 10,203,345. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names fourteen respondents, including 12PanelMedical, Inc. of Sarasota, Florida (“12PanelMedical”) and AlcoPro, Inc. of Knoxville, Tennessee (“AlcoPro”). See *id.*

On February 19, 2021, Complainant filed a motion seeking leave to file a Second Amended Complaint and to amend the notice of investigation to name current respondent 12PanelMedical's affiliates: 12Panel Now, Inc. and Hospital Connect, Inc., both of Boynton Beach, Florida. Complainant's motion also seeks to update the address information for respondents 12PanelMedical and AlcoPro. No responses to the motion were filed.

On March 9, 2021, the ALJ issued the subject ID (Order No. 8) granting

Complainant's motion for leave to amend the complaint and notice of investigation to add the two 12PanelMedical affiliates and update the address information for 12PanelMedical and AlcoPro. Order No. 8 (March 9, 2021). Specifically, the ID finds that amending the Complaint and Notice of Investigation to add the 12PanelMedical affiliates will aid in the development of the Investigation and is necessary to avoid prejudicing the public interest and rights of the parties to the Investigation. The subject ID finds that Complainant's motion is supported by good cause pursuant to Commission Rule 210.14(b) (19 CFR 210.14(b)) and that there is no prejudice to any party if the motion is granted. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. 12Panel Now, Inc. and Hospital Connect, Inc. are named respondents in this investigation and the address information for respondents 12PanelMedical and AlcoPro has been updated.

The Commission vote for this determination took place on March 24, 2021.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 24, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-06465 Filed 3-29-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby

given that a proposed Consent Decree in *United States, et al. v. Chesapeake Appalachia, LLC*, Civil Action No. 4:21-00538-MWB, was lodged with the United States District Court for the Middle District of Pennsylvania on March 24, 2021.

This proposed Consent Decree concerns a complaint filed by the United States and the Commonwealth of Pennsylvania, Department of Environmental Protection, against Defendant Chesapeake Appalachia, LLC, pursuant to Sections 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) & (d), to obtain injunctive relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to restore the impacted areas and/or perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Laura J. Brown, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice, Post Office Box 7611, Washington, DC 20044-7611, pubcomment_edns.enrd@usdoj.gov, and refer to *United States, et al. v. Chesapeake Appalachia, LLC*, DJ # 90-5-1-1-20432.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Pennsylvania, Herman T. Schneebeli Federal Building and United States Courthouse, 240 West Third Street, Suite 218, Williamsport, PA 17701. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021-06533 Filed 3-29-21; 8:45 am]

BILLING CODE 4410-CW-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of three petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 29, 2021.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: S. Aromie Noe, Acting Deputy Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), noe.song-ae.a@dol.gov (email), or 202-693-9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2021–002–C.

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado (ZIP 81648).

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a) *Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements*. Specifically, the petitioner is applying to utilize the battery-powered CleanSpace Powered Respirator in the Deserado Mine in Colorado in return air outby the last open crosscut.

The petitioner states that:

(a) Blue Mountain Energy currently uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust.

(b) For more than 40 years the 3M Airstream Headgear-Mounted Powered Air Purifying Respirator (PAPR) System has been used by many mine operators to help protect their workers. Recently 3M indicated they faced multiple key component supply disruptions for the Airstream product line, which made it difficult to provide acceptable supply service levels. Because of these issues, 3M discontinued the Airstream on or before June 1, 2020. 3M further announced that February 2020 was the final date to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(c) Following that discontinuation, mines using the 3M Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(d) Currently there are no replacement of 3M PAPRs that meet MSHA standards for permissibility. Under 30 CFR, electronic equipment must be approved by MSHA to be used in underground mines with potentially explosive atmospheres.

(e) A benefit of using PAPRs is that they provide a constant flow of air inside the headtop or helmet, offering

miners both respiratory protection and comfort in hot working environments.

(f) Another manufacturer offers an alternative product for other environments and applications—the CleanSpace EX Powered Respirator. However, the CleanSpace EX Powered Respirator is not MSHA-approved as permissible, and the manufacturer is not pursuing MSHA approval.

(g) The CleanSpace EX Powered Respirator is intrinsically safe and meets International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres (IECEX) approval standards for quality assurance and protection.

(h) The product provides an equivalent level of respiratory protection in underground mining environments.

The petitioner proposes the following alternative method:

(a) The petitioner will use the CleanSpace EX Powered Respirator in return air outby the last open crosscut.

(b) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–2; the examination results shall be recorded weekly. Examination entries may be expunged after one year.

(c) The petitioner shall comply with 30 CFR 75.323.

(d) A qualified person as defined in 30 CFR 75.151 shall monitor methane for the subject area of the mine as required by the mandatory standards.

(e) All qualified persons and miners affected shall receive specific training on the terms and conditions of the Decision and Order before using the equipment in the affected area. A record of any training on this Decision and Order shall be kept and provided upon request by an Authorized Representative.

(f) Within 60 days of the Decision and Order issued by MSHA becoming final, the mine operator shall submit proposed revisions for its approved 30 CFR 75.370 mine ventilation plan and approved 30 CFR part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify how the operator will provide initial and refresher training in compliance with the terms and conditions stated in MSHA's Decision and Order. When training is conducted, a MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that the training was the use of nonpermissible testing equipment.

(g) The mine operator shall be responsible for determining that all

persons including contractors are using the equipment in accordance with MSHA's Decision and Order.

(h) The mine operator shall post this Decision and Order in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Docket Number: M–2021–003–C.

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado (ZIP 81648).

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection in the Deserado Mine in Colorado. Specifically, the petitioner is applying to use a battery powered respirable protection unit called CleanSpace EX Powered Respirator in or inby the last open crosscut.

The petitioner states that:

(a) Blue Mountain Energy currently uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust.

(b) For more than 40 years the 3M Airstream Headgear-Mounted Powered Air Purifying Respirator (PAPR) System has been used by many mine operators to help protect their workers. Recently 3M indicated they faced multiple key component supply disruptions for the Airstream product line that created issues with providing acceptable supply service levels. Because of these issues, 3M discontinued the Airstream on or before June 1, 2020. 3M further announced that February 2020 was the final date to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(c) Following that discontinuation, mines using the 3M Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(d) Currently there are no 3M replacement PAPRs that meet MSHA standards for permissibility. Under 30 CFR, electronic equipment must be approved by MSHA to be used in underground mines with potentially explosive atmospheres.

(e) A benefit of using PAPRs is that they provide a constant flow of air inside the headtop or helmet, offering miners with both respiratory protection and comfort in hot working environments.

(f) Another manufacturer offers an alternative product for other environments and applications—the CleanSpace EX Powered Respirator. However, the CleanSpace EX Powered Respirator is not MSHA-approved as permissible, and the manufacturer, CleanSpace, is not pursuing MSHA approval.

(g) The CleanSpace EX Powered Respirator is intrinsically safe and meets International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres (IECEX) approval standards for quality assurance and protection.

(h) The product provides an equivalent level of respiratory protection in underground mining environments.

The petitioner proposes the following alternative method:

(a) The petitioner is applying to use the CleanSpace EX Powered Respirator in or inby the last open crosscut.

(b) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–2; the examination results shall be recorded weekly. Examination entries may be expunged after one year.

(c) The petitioner shall comply with 30 CFR 75.323.

(d) A qualified person as defined in 30 CFR 75.151 shall monitor methane for the subject area of the mine as required by the mandatory standards.

(e) All qualified persons and miners affected shall receive specific training on the terms and conditions of the Decision and Order before using the equipment in the affected area. A record of any training on this Decision and Order shall be kept and provided upon request by an Authorized Representative.

(f) Within 60 days of the Decision and Order issued by MSHA becoming final, the mine operator shall submit proposed revisions for its approved 30 CFR 75.370 mine ventilation plan and approved 30 CFR part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the terms and conditions stated in MSHA's Decision and Order. When training is conducted, a MSHA Certificate of Training (Form 5000–23) shall be completed. Comments shall be included on the Certificate of Training indicating that it was

nonpermissible testing equipment training.

(g) The mine operator is responsible for determining that all persons including contractors are using the equipment in accordance with MSHA's Decision and Order.

(h) The mine operator shall post this Decision and Order in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Docket Number: M–2021–004–C.

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado (ZIP 81648).

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1002(a), as it relates to the use of an alternative method of respirable dust protection in the Deserado Mine in Colorado. Specifically, the petitioner is applying to use a battery powered respirable protection unit called CleanSpace EX Powered Respirator within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) Blue Mountain Energy currently uses the 3M Airstream helmet to provide additional protection for its miners against exposure to respirable coal mine dust.

(b) For more than 40 years the 3M Airstream Headgear-Mounted Powered Air Purifying Respirator (PAPR) System has been used by many mine operators to help protect their workers. Recently 3M indicated they faced multiple key component supply disruptions for the Airstream product line that created issues with providing acceptable supply service levels. Because of these issues, 3M discontinued the Airstream on or before June 1, 2020. 3M further announced that February 2020 was the final date to place an order for systems and components and that June 2020 was the final date to purchase Airstream components.

(c) Following that discontinuation, mines using the 3M Airstream do not have an MSHA-approved alternative PAPR to provide to miners.

(d) Currently there are no replacement 3M PAPRs that meet MSHA standards for permissibility. Under 30 CFR, electronic equipment must be approved by MSHA to be used in underground mines with potentially explosive atmospheres.

(e) A benefit of using PAPRs is that they provide a constant flow of air inside the headtop or helmet, offering miners with both respiratory protection and comfort in hot working environments.

(f) Another manufacturer offers an alternative product for other environments and applications—the CleanSpace EX Powered Respirator. However, the CleanSpace EX Power Respirator is not MSHA-approved as permissible, and the manufacturer, CleanSpace, is not pursuing MSHA approval.

(g) The CleanSpace EX Powered Respirator is intrinsically safe and meets International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres (IECEX) approval standards for quality assurance and protection.

(h) The product provides an equivalent level of respiratory protection in underground mining environments.

The petitioner proposes the following alternative method:

(a) The petitioner is applying to use the CleanSpace EX Powered Respirator within 150 feet of pillar workings and longwall faces.

(b) The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512–2; the examination results shall be recorded weekly. Examination entries may be expunged after one year.

(c) The petitioner shall comply with 30 CFR 75.323.

(d) A qualified person as defined in 30 CFR 75.151 shall monitor methane for the subject area of the mine as required by the mandatory standards.

(e) All qualified persons and miners affected shall receive specific training on the terms and conditions of this Decision and Order before using the equipment in the affected area. A record of any training on this Decision and Order shall be kept and provided upon request by an Authorized Representative.

(f) Within 60 days of the Decision and Order issued by MSHA becoming final, the mine operator shall submit proposed revisions for its approved 30 CFR 75.370 mine ventilation plan and approved 30 CFR part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions

shall specify initial and refresher training regarding the terms and conditions stated in MSHA's Decision and Order. When training is conducted, a MSHA Certificate of Training (Form 5000-23) shall be completed. Comments shall be included on the Certificate of Training indicating that it was nonpermissible testing equipment training.

(g) The mine operator is responsible for determining that all persons including contractors are using the equipment in accordance with MSHA's Decision and Order.

(h) The mine operator shall post this Decision and Order in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted for a period of not less than 60 consecutive days.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Acting Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021-06484 Filed 3-29-21; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 29, 2021.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: S.

Aromie Noe, Acting Deputy Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), noe.song-ae.a@dol.gov (email), or 202-693-9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M-2021-005-C.

Petitioner: Blue Diamond Mining, LLC, 1021 Tori Drive, Hazard, Kentucky, (ZIP 41701).

Mine: Calvary Mine #81, MSHA ID No. 15-12753, located in Leslie County, Kentucky.

Regulation Affected: 30 CFR 75.364 (Weekly examination). 30 CFR 75.364(b)(2) requires that at least every 7 days an examination for hazardous conditions shall be made by a certified person designated by the operator in at least one entry of each return air course, in its entirety, so that the entire air course is traveled.

Modification Request: For purposes of weekly examinations, the petitioner requests a modification of the existing standard to permit the establishment of examination points at the upwind and downwind ends of two impassable 30-inch corrugated metal pipes (CMPs), in lieu of through the pipes.

The petitioner states that:

(a) Prior to 2004, two 30-inch diameter CMPs extending approximately 300 feet from the #22 seal set location in Calvary Mine to the return air course were installed and used as ventilation control devices. Air that passed this seal location was directed through these CMPs with the quality and quantity checked during weekly examinations.

(b) The petitioner was recently notified by MSHA that the ventilation pipes were no longer acceptable control devices. Upon the notification, the petitioner stopped up the devices and instead allowed intake air to continue inby toward the working faces.

(c) However, due to overall low mining height, the newly adopted foot travel of 2,700 feet through the affected area is very difficult.

(d) It is also very difficult to construct conventional overcasts due to the immediate roof being large grain sandstone.

The petitioner proposes the following alternative method:

(a) The petitioner shall use the two existing 30-inch CMPs for ventilation controls again to allow air passing from the #22 seal set location to be directed back to the return air course and not to the working faces.

(b) The integrity of the pipe will be examined daily and the integrity of seal set #22 will be examined for hazards twice weekly.

(c) Air measurement stations shall be established at locations that will allow effective evaluation of ventilation in the affected areas. All measurements shall be made by a certified person on a weekly basis. A sign shall be posted designating the location of measuring stations.

(d) All air measurement stations and approaches to such stations shall at all times be maintained in a safe condition. The roof shall be supported by suitable means.

(e) The date, time, and results of these determinations shall be recorded in a book or on a date board that shall be provided at each measuring station. Such results shall also be recorded in a book kept on the surface and made accessible to all interested parties.

(f) Evaluations shall be conducted by a certified person at each of the monitoring stations weekly. The

evaluations shall include the quantity and quality of air entering or exiting the monitoring station. These air measurements shall be made using MSHA-approved and calibrated handheld multi-gas detectors to check the methane and oxygen gas concentrations and appropriate, calibrated anemometers to check air flow volume.

(g) The monitoring station locations shall be shown on the mine ventilation map submitted to MSHA annually. The stations shall not be moved to another location without prior approval by the District Manager as a part of the Ventilation Plan for the mine.

The petitioner asserts that the alternate method proposed will reduce injury risks to an examiner and will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Acting Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021-06481 Filed 3-29-21; 8:45 am]

BILLING CODE 4520-43-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (21-017)]

Notice of Intent To Grant an Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Issued Patent Number 9,863,148 B2 entitled “Sheath-Based Rollable Lenticular-Shaped and Low Stiction Composite Boom” to MMA Design, LLC, having its principal place of business in Louisville, CO. The fields of use may be limited to the production and supply of deployable space structures or structural components for deployable space structures. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than April 14, 2021 that establish that the grant of the license would not

be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than April 14, 2021 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of the General Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864-3221. Facsimile (757) 864-9190.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of the General Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864-3221. Facsimile (757) 864-9190.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2021-06517 Filed 3-29-21; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: April 29, 2021; 10:30 a.m.–4 p.m.; April 30, 2021; 10:30 a.m.–4 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 | Virtual.

To register for the meeting, please contact Ms. Erika Davis at 703-292-7421 or via email: edavis@nsf.gov.

Type of Meeting: Open.

Contact Person: Andrew Backe, National Science Foundation, Room W 7237, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Phone 703-292-2454.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

April 29, 2021; 10:30 a.m.–4 p.m. (Virtual)

- Office of Polar Programs Updates
- COVID 19 Impacts
- Meeting with the NSF Director & Chief Operating Officer
- Updates on NSF GEO Activities

April 30, 2021; 10:30 a.m.–4 p.m. (Virtual)

- Advisory Committee Liaison Updates
- NSF Response to the Antarctic
- NSF Response to Arctic Sciences Committee of Visitors Report
- Discussion regarding the Subcommittee on Diversity and Inclusion

The agenda and any meeting updates will be posted on the AC-OPP website at <https://www.nsf.gov/geo/opp/advisory.jsp>.

Dated: March 24, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021-06468 Filed 3-29-21; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, April 20, 2021.

PLACE: Virtual.

STATUS: The one item may be viewed by the public through webcast only.

MATTER TO BE CONSIDERED:

66857 Aircraft Accident—Midair Collision over George Inlet, de Havilland DHC-2, N952DB and de Havilland DHC-3, N959PA, near Ketchikan, Alaska, May 13, 2019

CONTACT PERSON FOR MORE INFORMATION: Candi Bing at (202) 590-8384 or by email at bingc@ntsb.gov.

Media Information Contact: Peter Knudson by email at peter.knudson@ntsb.gov or at (202) 314-6100.

This meeting will take place virtually. The public may view it through a live or archived webcast by accessing a link under "Webcast of Events" on the NTSB home page at www.ntsb.gov.

There may be changes to this event due to the evolving situation concerning the novel coronavirus (COVID-19). Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, March 26, 2021.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2021-06601 Filed 3-26-21; 11:15 am]

BILLING CODE 7533-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021-76 and CP2021-79; MC2021-77 and CP2021-80]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 1, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the

Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* MC2021-76 and CP2021-79; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 191 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 24, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* April 1, 2021.

2. *Docket No(s):* MC2021-77 and CP2021-80; *Filing Title:* USPS Request

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

to Add Priority Mail & First-Class Package Service Contract 192 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 24, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* April 1, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021-06485 Filed 3-29-21; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket No. N2021-1; Order No. 5848]

Service Standard Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission notices a filing by the Postal Service of its intent to conduct a pre-filing conference regarding its proposed changes to the service standards for First-Class Mail and end-to-end Periodicals. This document informs the public of this proceeding and the pre-filing conference, and takes other administrative steps.

DATES: *Pre-filing conference:* April 6, 2021, 1:00 p.m. to 3:00 p.m., Virtual.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION: Pursuant to 39 CFR 3020.111(d), on March 23, 2021, the Postal Service filed a notice of its intent to conduct a pre-filing conference regarding its proposed changes to the service standards for First-Class Mail and end-to-end Periodicals.¹ Due to the COVID-19 pandemic, the conference will be held virtually on April 6, 2021, from 1:00 p.m. to 3:00 p.m. Eastern Daylight Time (EDT). See Notice at 1, 4. At this conference, Postal Service representatives capable of discussing

¹ Notice of Pre-Filing Conference, March 23, 2021 (Notice).

the policy rationale for its proposal will be available to educate the public and to allow interested persons to provide feedback to the Postal Service that it can use to modify or refine its proposal before formally filing a request for an advisory opinion from the Commission. *See id.* The registration instructions, which are available at <https://about.usps.com/what/strategic-plans/delivering-for-america/#conference>, direct interested persons to a website to register to participate using Zoom, and state that “[s]pace is limited. Unless all available spaces are taken, you will have until March 30, 2021, at 5:00 p.m. EDT to register.”

The Commission establishes Docket No. N2021–1 to consider the Postal Service’s proposed changes to the service standards for First-Class Mail

and end-to-end Periodicals. In conjunction with the announcement of its 10-Year Strategic Plan,² the Postal Service proposes to amend 39 CFR part 121 to revise the existing service standards for First-Class Mail and end-to-end Periodicals, which would “generally affect service on a nationwide or substantially nationwide basis.” Notice at 1 (quoting 39 U.S.C. 3661(b)).

For First-Class Mail within the contiguous United States, the Postal Service states that its proposal would narrow the scope of the existing 2-Day

² See United States Postal Service, Delivering for America: Our Vision and Ten-Year Plan to Achieve Financial Sustainability and Service Excellence, March 23, 2021, at 52, available at https://about.usps.com/what/strategic-plans/delivering-for-america/assets/USPS_Delivering-For-America.pdf.

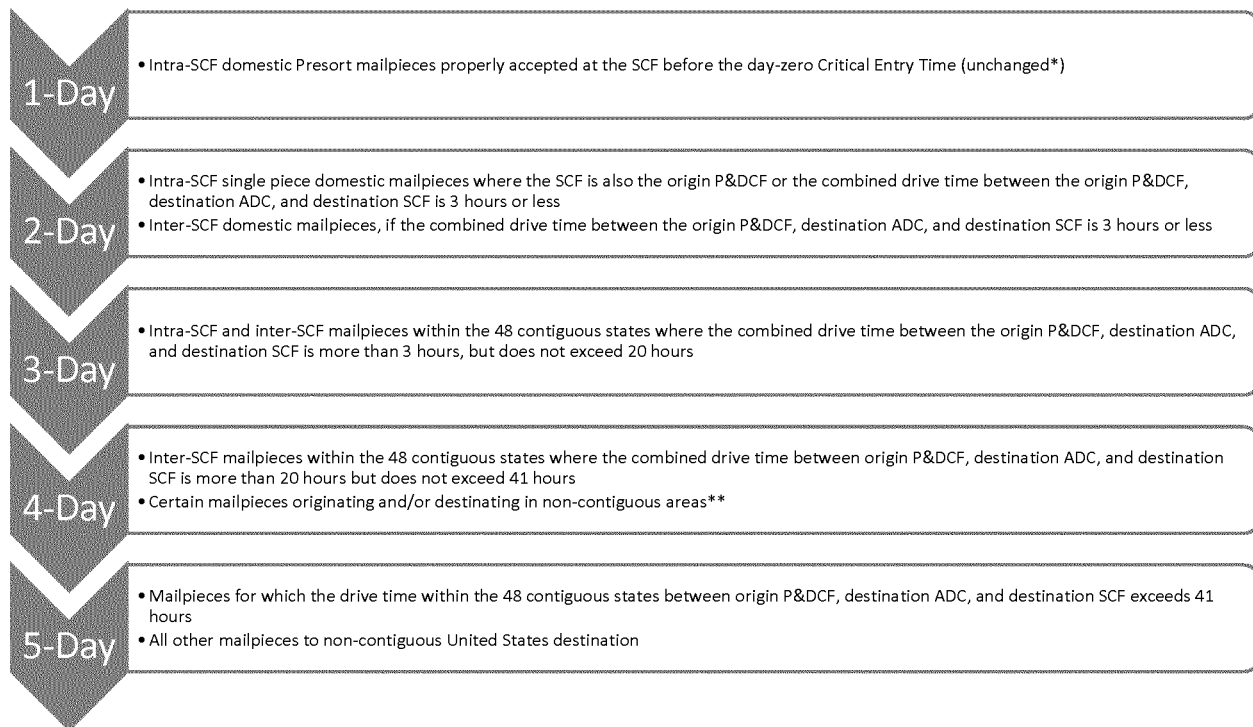
and 3-Day standards; instead 4-Day and 5-Day standards would apply to certain First-Class Mail traveling longer distances between origin and destination. Notice at 2. The Postal Service states that its proposal would not affect First-Class Mail subject to the existing 1-Day (Overnight) standard. *Id.* The Postal Service plans to apply a 3–6-Day standard to certain end-to-end Periodicals merged with First-Class Mail for surface transportation, specifying that the Periodicals standard would equal the sum of 1 day plus the applicable First-Class Mail service standard. *Id.* at 3.

Specifically, the Postal Service proposes to apply the following standards to First-Class Mail.

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Figure 1

Proposed Postal Service First-Class Mail Service Standards



Notes: ¶

*. The existing First-Class Mail 1-Day service standard is codified in 39 CFR 121.1(a)(2). ¶

** Specifically, this refers to the following: ¶

- → Mailpieces originating in the contiguous 48 states destined to the city of Anchorage, Alaska, the 968-3-Digit ZIP Code area in Hawaii, or the 006, 007, or 009-3-Digit ZIP Code areas in Puerto Rico. ¶
- → Mailpieces originating in the 006, 007, or 009-3-Digit ZIP Code areas in Puerto Rico and the destination is in the contiguous 48 states. ¶
- → Mailpieces originating in Hawaii and the destination is in Guam, or vice versa. ¶
- → Mailpieces originating in Hawaii and the destination is in American Samoa, or vice versa. ¶
- → Mailpieces for which both the origin and destination are within Alaska. ¶

Notice at 3. ¶

"SCF" refers to "Sectional Center Facility." *Id.* at 1. With respect to a particular SCF, "Intra-SCF" refers to mailpieces that originate and destinate within the 3-Digit ZIP Code areas assigned to that SCF in the Domestic Mail Manual and "Inter-SCF" refers to mailpieces that originate outside those 3-Digit ZIP Code areas. Revised Service Standards for Market-Dominant Mail Products, 77 Fed. Reg. 31,190, 31,194, n.12 (May 25, 2012) (codified at 39 C.F.R. pt. 121). "P&DCF" refers to Processing & Distribution Center or Facility. Notice at 2. "ADC" refers to Area Distribution Center. *Id.* ¶

Source: Notice at 2-3. ¶

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The Postal Service must file its formal request for an advisory opinion with the Commission at least 90 days before implementing any of the proposed changes. 39 CFR 3020.112. This formal request must certify that the Postal Service has made good faith efforts to address the concerns raised at the pre-filing conference and meet other content requirements. *Id.* section 3020.113.

After the Postal Service files the formal request for an advisory opinion, the Commission will set forth a procedural schedule and provide additional information in a notice and order that will be published in the **Federal Register**. *Id.* section 3020.110. Before issuing its advisory opinion, the Commission must provide an opportunity for a formal, on-the-record hearing pursuant to 5 U.S.C. 556 and

557. 39 U.S.C. 3661(c). The procedural rules in 39 CFR part 3020 apply to Docket No. N2021-1.

Pursuant to 39 U.S.C. 3661(c) and 39 CFR 3020.111(d), the Commission appoints Samuel M. Poole to represent the interests of the general public (Public Representative) in this proceeding. Pursuant to 39 CFR 3020.111(d), the Secretary shall arrange

for publication of this Order in the **Federal Register**.

It is ordered:

1. The Commission establishes Docket No. N2021-1 to consider the Postal Service's proposed changes to the service standards for First-Class Mail and end-to-end Periodicals.

2. The Postal Service shall conduct a virtual pre-filing conference regarding its proposal on April 6, 2021, from 1:00 p.m. to 3:00 p.m. Eastern Daylight Time.

3. Pursuant to 39 U.S.C. 3661(c) and 39 CFR 3020.111(d), Samuel M. Poole is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

4. Pursuant to 39 CFR 3020.111(d), the Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2021-06457 Filed 3-29-21; 8:45 am]

BILLING CODE 7710-FW-P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of

automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: RUIA Claims Notification and Verification System; OMB 3220-0171.

Section 5(b) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C.355), requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of the claim to the claimant's base year employer(s) to provide them an opportunity to submit information relevant to the claim before making an initial determination. If the RRB determines to pay benefits to the claimant under the RUIA, the RRB shall notify the base-year employer(s).

The purpose of the RUIA Claims Notification and Verification System is to provide two notices, pre-payment Form ID-4K, Prepayment Notice of Employees' Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act, and post-payment Form ID-4E, Notice of RUIA Claim Determination. Prepayment Form ID-4K provides notice to a claimant's base-year employer(s), of each unemployment application and unemployment and sickness claim filed for benefits under the RUIA and provides the employer an opportunity to convey information relevant to the proper adjudication of the claim.

The railroad employer can elect to receive Form ID-4K by one of three options: A computer-generated paper notice, by Electronic Data Interchange (EDI), or online via the RRB's Employer Reporting System (ERS). The railroad employer can respond to the ID-4K notice by telephone, manually by mailing a completed ID-4K back to the RRB, or electronically via EDI or ERS.

Once the RRB determines to pay a claim post-payment Form Letter ID-4E, Notice of RUIA Claim Determination, is used to notify the base-year employer(s).

This gives the employer a second opportunity to challenge the claim for benefits.

The ID-4E mainframe-generated paper notice, EDI, and internet versions are transmitted on a daily basis, generally on the same day that the claims are approved for payment. Railroad employers who are mailed Form ID-4E are instructed to write if they want a reconsideration of the RRB's determination to pay. Employers who receive the ID-4E electronically, may file a reconsideration request by completing the ID-4E by either EDI or ERS. Completion is voluntary.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 7122 on January 26, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: RUIA Claims Notification and Verification System.

OMB Control Number: 3220-0171.

Form(s) submitted: ID-4K, ID-4K (INTERNET), ID-4E, ID-4E (INTERNET).

Type of request: Extension without change of a currently approved collection.

Affected public: Private Sector; Businesses or other for-profits

Abstract: Section 5(b) of the RUIA requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of such claim to the claimant's base-year employer(s) and afford such employer(s) an opportunity to submit information relevant to the claim before making an initial determination on the claim. When the RRB determines to pay benefits to a claimant under the RUIA, the RRB shall provide notice of such determination to the claimant's base year employer.

Changes proposed: The RRB proposes no changes to form ID-4K, ID-4K(internet), ID-4E, and ID-4E (internet).

The burden estimate for the ICR is as follows:

Form number	Annual responses	Time (minutes)	Burden (hours)
ID-4K (Manual)	1,250	2	42
ID-4K (FTP)	17,600	(*)	210
ID-4K (Internet)	66,800	2	2,226
ID-4E (Manual)	50	2	2
ID-4E (Internet)	120	2	4
Total	85,820	.....	2,484

*The burden for the 5 participating employers who transmit FTP responses is calculated at 10 minutes each per day, 251 workdays a year or 210 total hours of burden.

2. *Title and purpose of information collection:* Request for internet Services, OMB 3220–0198.

The RRB uses a Personal Identification Number (PIN)/Password system that allows RRB customers to conduct business with the agency electronically. As part of the system, the RRB collects information needed to establish a unique PIN/Password that allows customer access to RRB internet-based services. The information collected is matched against records of the railroad employee that are maintained by the RRB. If the information is verified, the request is approved and the RRB mails a Password Request Code (PRC) to the requestor. If the information provided cannot be verified, the requestor is advised to contact the nearest field office of the

RRB to resolve the discrepancy. Once a PRC is obtained from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor has access to RRB internet-based services.

Completion is voluntary, however, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 7123 on January 26, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Request for internet Services.

OMB Control Number: 3220–0198.
Form(s) submitted: N/A.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: The Railroad Retirement Board collects information needed to provide customers with the ability to request a Password Request Code and subsequently, to establish an individual PIN/Password, the initial steps in providing the option of conducting transactions with the RRB on a routine basis through the internet.

Changes proposed: The RRB proposes no changes to the PRC screens or the PIN/Password screens.

The burden estimate for the ICR is as follows:

Form number	Annual responses	Time (minutes)	Burden (hours)
Request PRC	12,000	5.0	1,000
Establish Pin/Password	16,000	1.5	400
Total	28,000	.....	1,400

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Kennisha Tucker at (312) 469–2591 or Kennisha.Tucker@rrb.gov. Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–1275 or Brian.Foster@rrb.gov.

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.

Brian Foster,
Clearance Officer.

[FR Doc. 2021–06531 Filed 3–29–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91398; File No. SR–CboeBZX–2021–014]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF To Strike and Publish Multiple Intra-Day Net Asset Values

March 24, 2021.

On January 22, 2021, the Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF to strike and publish multiple intra-day net asset values. The proposed rule change was published for comment in the **Federal Register** on February 10, 2021.³ The Commission has received no comment letters on the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 91064 (February 4, 2021), 86 FR 8935.

Section 19(b)(2) of the Act ⁴ provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and published its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is March 27, 2021. The Commission is extending this 45-day period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designates May 11, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change (File No. SR–CboeBZX–2021–014).

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-06466 Filed 3-29-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA-184; File No. SIPC-2021-01]

Securities Investor Protection Corporation; Order Approving the Determination of the Board of Directors of the Securities Investor Protection Corporation Not to Adjust for Inflation the Standard Maximum Cash Advance Amount and Notice of the Standard Maximum Cash Advance Amount

March 25, 2021.

I. Background

On January 5, 2021, the Securities Investor Protection Corporation (“SIPC”) filed with the Securities and Exchange Commission (“Commission”), under sections 9(e)(1) and 3(e)(2)(A) of the Securities Investor Protection Act of 1970 (“SIPA”),¹ notification that SIPC’s Board of Directors (the “SIPC Board”) had determined that the standard maximum cash advance amount available to satisfy customer claims for cash in a SIPA liquidation proceeding would remain at \$250,000 beginning January 1, 2022, and for the five-year period immediately thereafter. The Commission published for comment notice of the SIPC Board’s determination in the **Federal Register** on February 2, 2021.² The Commission did not receive any comments. The Commission today is approving, by order, the SIPC Board’s determination. The Commission is also publishing notice that the standard maximum cash advance amount will remain \$250,000 beginning January 1, 2022, and for the five-year period immediately thereafter.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”)³ amended SIPA to

raise the “standard maximum cash advance amount” from \$100,000 to \$250,000 per customer.⁴ The amendments to SIPA aligned that amount with the maximum insurance amount provided by the Federal Deposit Insurance Corporation (“FDIC”) to customers of a failed bank. The Dodd-Frank Act also amended SIPA to require the SIPC Board of Directors to determine, no later than January 1, 2011, and every five years thereafter, whether an inflation adjustment to the standard maximum cash advance amount available to satisfy customer claims in a SIPA liquidation proceeding is appropriate.⁵ Any adjustment to the standard maximum cash advance amount takes effect on January 1 of the year immediately succeeding the calendar year in which the adjustment is made.⁶ The SIPC Board’s determination on whether to make an adjustment is subject to Commission approval as provided under section 3(e)(2) of SIPA.⁷ The Commission must publish notice of the standard maximum cash advance amount in the **Federal Register** no later than April 5 of any calendar year in which SIPC is required to determine whether an inflation adjustment is appropriate.⁸

II. Determination of the SIPC Board Not to Adjust the Standard Maximum Cash Advance Amount

As described above, SIPC filed with the Commission notification that the SIPC Board had determined not to raise the standard maximum cash advance amount above \$250,000, and thereby maintain it at that level beginning January 1, 2022, and for the five-year period immediately thereafter. In its filing, SIPC stated that applying the formula prescribed by SIPA in this

instance would have increased the standard maximum cash advance amount by \$40,000 and that the SIPC Board weighed the factors it considered in making its determination against an increase of that amount. For the reasons discussed below, the SIPC Board determined not to make the inflation adjustment.

The SIPC Board is required to consider the following criteria under SIPA: (1) The overall state of the fund and the economic conditions affecting members of SIPC; (2) the potential problems affecting members of SIPC; and (3) such other factors as the SIPC Board may determine appropriate.⁹ In its filing, SIPC stated that the SIPC Board considered the projected growth of the SIPC Fund,¹⁰ including the target amount for the SIPC Fund of \$5 billion, the assessment rate imposed on SIPC members, and the potential impact of an inflation adjustment on the SIPC Fund. According to the filing, the Board also considered SIPC’s experience with respect to: (1) SIPC advances in past and present; (2) amounts generated from assessments on member broker-dealers; and (3) projected returns on SIPC investments. According to the filing, based on these factors, the SIPC Board concluded that the SIPC fund is positioned to remain on a steady growth path for the foreseeable future, barring any unforeseen catastrophic event, and that any increase in the cash limit of SIPA protection would not appreciably benefit customers.

The filing states that the SIPC Board also considered the relationship between the amount of the SIPC standard maximum cash advance amount and the standard maximum amount of protection afforded by the FDIC to customers of a failed bank, noting both the current equivalency between SIPA’s maximum cash advance amount and the “standard maximum deposit insurance amount” that fixes the limit on bank deposit insurance under the Federal Deposit Insurance Act (both at \$250,000), and that increases to the limit of protection for cash claims under SIPA historically have moved in lockstep with increases in FDIC deposit insurance. According to the filing, the SIPC Board concluded that an inflation adjustment to the SIPA maximum cash advance amount without a corresponding adjustment to the FDIC standard maximum deposit insurance amount would result in an

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78fff-3(e)(1) and 15 U.S.C. 78ccc(e)(2)(A), respectively.

² See *Securities Investor Protection Corporation*, Release No. SIPA-183 (Jan. 27, 2021), 86 FR 7900 (Feb. 2, 2021) (File No. SIPC-2021-01). The notice sets forth SIPC’s statement of the purpose and statutory basis of the determination of the SIPC Board not to adjust the standard maximum cash advance amount for inflation, which was attached to a letter from SIPC to the Commission, dated January 5, 2021.

³ Public Law 111-203, 124 Stat. 1376 (July 21, 2010).

⁴ In a liquidation of a broker-dealer performed under SIPA, a fund of customer property is established for priority distribution to customers ahead of all other creditors. Each customer is entitled to a pro rata share of the customer property to the extent of the customer’s net equity in the customer’s account. If the amount of customer property is insufficient to satisfy a customer’s net equity claim, SIPC advances money to satisfy the claim up to \$500,000 per customer, of which up to \$250,000 (*i.e.*, the standard maximum cash advance amount) can be used to satisfy a claim for cash. See 15 U.S.C. 78fff-3.

⁵ 15 U.S.C. 78fff-3(e)(1). In 2016, the Board determined to maintain the standard maximum cash advance amount at \$250,000, which was approved by the Commission. See *Securities Investor Protection Corporation*, Release No. SIPA-174 (Feb. 22, 2016), 81 FR 9561 (Feb. 25, 2016) and *Securities Investor Protection Corporation*, Release No. SIPA-176 (March 30, 2016), 81 FR 19250 (April 4, 2016).

⁶ 15 U.S.C. 78fff-3(e)(4).

⁷ See 15 U.S.C. 78ccc(e)(2); 15 U.S.C. 78fff-3(e)(1).

⁸ 15 U.S.C. 78fff-3(e)(3)(A).

⁹ 15 U.S.C. 78fff-3(e)(5).

¹⁰ SIPC is required to establish and administer a broker-dealer liquidation fund (the “SIPC Fund”) from which all expenditures by SIPC are to be made, including funds used to facilitate the liquidation of broker-dealers. See 15 U.S.C. 78ddd.

unprecedented divergence between the two.

Further, the filing avers that the SIPC Board also considered that, of the more than 770,000 allowed claims in completed or substantially completed liquidation proceedings as of year-end 2019, the unsatisfied portion of cash claims amounted to \$25 million. More than half of that amount involved only three claims. In the seven SIPA proceedings initiated since 2010, only one cash claim remains unsatisfied.

Finally, the filing notes that the SIPC Board also considered that customer free credit balances at brokerage firms have not increased over the last five years in line with inflation, as firms have increasingly utilized sweep programs¹¹ to move customer free credit balances from broker-dealers to banks. The filing also states that the SIPC Board considered views of the staffs of the Commission, the FDIC, and the Financial Industry Regulatory Authority, as reported to the SIPC staff and as further reported by the SIPC staff to the SIPC Board.

According to the filing, after considering these factors, the SIPC Board concluded that, on balance, an adjustment to the standard maximum cash advance amount was not appropriate, and determined that the standard maximum cash advance amount should remain at \$250,000 per customer.

III. Discussion and Commission Order

Section 3(e)(2)(A) of SIPA provides that the SIPC Board must file with the Commission any proposed amendment to a SIPC Rule.¹² Section 3(e)(2)(B) of SIPA provides that within thirty-five days of the date of publication of the notice of filing of a proposed rule change in the **Federal Register**, or within such longer period (1) as the Commission may designate of not more than ninety days after such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (2) as to which SIPC consents, the Commission shall: (i) By order approve such proposed rule change, or (ii) institute proceedings to determine whether such proposed rule change should be disapproved. Further, section 3(e)(2)(D) of SIPA provides that the Commission shall approve a

proposed rule change if it finds that the proposed rule change is in the public interest and is consistent with the purposes of SIPA.¹³ The SIPC Board's determination to not adjust the standard maximum cash advance amount is subject to the approval of the Commission as provided under section 3(e)(2) of SIPA.¹⁴

The Commission finds, pursuant to section 3(e)(2)(D) of SIPA, that the determination of the SIPC Board not to adjust for inflation the standard maximum cash advance amount of \$250,000 beginning January 1, 2022, and for the five-year period immediately thereafter is in the public interest and consistent with the purposes of SIPA. The Commission believes that maintaining the amount at \$250,000 at this time, which keeps it aligned with the maximum amount of insurance provided by the FDIC, is in the public interest and consistent with the purposes of SIPA. Specifically, there could be unintended consequences resulting from raising the amount to a level that is higher than the maximum FDIC insurance amount, such as incentivizing investors to move additional funds to their brokerage accounts from bank accounts. Providing a higher level of SIPA coverage for cash deposits of broker-dealer customers could incentivize customers to deposit cash at broker-dealers for the purpose of holding cash at the broker-dealer, as opposed depositing the cash there for an investment purpose. This practice could raise questions about whether such deposits would be covered under SIPA, which provides "customer" status to those cash depositors who have made the deposit with a SIPC member broker-dealer for the purpose of purchasing securities.¹⁵ By maintaining the standard maximum cash advance amount at \$250,000 and in line with the maximum FDIC insurance amount, the Commission believes that the incentive for a customer to use the broker-dealer account for the purpose of holding cash, as opposed to for the purpose of purchasing securities, will be less likely to arise, thereby minimizing the instances of such deposits not being covered under SIPA, which the Commission believes is in the public interest and consistent with the purposes of SIPA.

In addition, the Commission believes that the SIPC Board's consideration of its historical experience with advances and assessments and of the potential

effect of any inflation adjustment on the SIPC Fund was a reasonable method for the SIPC Board to project potential future obligations owed to customers with claims for cash recognized under SIPA when the SIPC Board considered whether to raise the standard maximum cash advance amount. The Commission believes that this approach does not materially affect the customers of SIPC members and should minimize the potential for unnecessary increases to assessments on members and therefore is consistent with the public interest and consistent with the purposes of SIPA. Specifically, the Commission believes that maintaining the standard maximum cash advance amount at \$250,000 is consistent with the public interest and with the purposes of SIPA in light of the statistics considered by the SIPC Board that indicated that customer claims for cash have been historically satisfied in full and the trend that customer credit balances at broker-dealers have not increased in recent years.

It is therefore ordered, pursuant to section 3(e)(2) of SIPA, that the determination by the SIPC Board that the standard maximum cash advance amount will remain at \$250,000 beginning January 1, 2022, and for the five-year period immediately thereafter, be and hereby is approved.

IV. Notice of the Standard Maximum Cash Advance Amount

Section 9(e)(3)(A) of SIPA requires that the Commission publish the standard maximum cash advance amount in the **Federal Register** no later than April 5 of any calendar year in which SIPC is required to determine whether an inflation adjustment is appropriate.¹⁶ Accordingly, pursuant to section 9(e)(3)(A) of SIPA, the Commission is hereby providing notice that the standard maximum cash advance amount is \$250,000 beginning January 1, 2022, and for the five-year period immediately thereafter.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-06493 Filed 3-29-21; 8:45 am]

BILLING CODE 8011-01-P

¹¹ A "sweep program" is a service provided by a broker-dealer where it offers to its customer the option to automatically transfer free credit balances of cash in the securities account of the customer to either a money market fund product as described in Rule 2a-7 under the Investment Company Act of 1940 or an account at a bank whose deposits are insured by the FDIC. See 17 CFR 240.15c3-3(a)(17).

¹² 15 U.S.C. 78ccc(e)(2)(A).

¹³ 15 U.S.C. 78ccc(e)(2)(D).

¹⁴ See 15 U.S.C. 78fff-3(e)(1).

¹⁵ See 15 U.S.C. 78lll(2)(B)(i) (Defining "customer" under SIPA).

¹⁶ 15 U.S.C. 78fff-3(e)(3)(A).

DEPARTMENT OF STATE**[Public Notice: 11388]****Notice of Charter Renewal for the U.S. Advisory Commission on Public Diplomacy**

The Department of State has renewed the Charter for the U.S. Advisory Commission on Public Diplomacy (ACPD).

The Commission was originally established under Section 604 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1469), and under Section 8 of Reorganization Plan Number 2 of 1977. It was most recently reauthorized pursuant to Section 168 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Div. A., Pub. L. 116–159), which amended section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553).

For more than 70 years, the ACPD has appraised U.S. government activities intended to understand, inform, and influence foreign publics and has aimed to increase the understanding of and support for these activities. The Commission conducts research and symposia that provide honest assessments and informed discourse on public diplomacy efforts across the U.S. government, and it disseminates findings through reports, white papers, and other publications. It reports to the President, Secretary of State, and Congress. The Under Secretary for Public Diplomacy and Public Affairs' Office of Policy, Planning, and Resources (R/PPR) provides administrative support for the ACPD.

The Commission consists of seven members appointed by the President, with the advice and consent of the Senate. The members of the Commission represent the public interest and are selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. No more than four members may be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. Sim Farar of California, Chair; Mr. William Hybl of Colorado, Vice-Chair; and Ms. Anne Terman Wedner of Florida. Four seats on the Commission currently are vacant.

The Charter renewal was filed on March 16, 2021.

For further information about the Commission, please contact Vivian S. Walker, the Commission's Designated

Federal Officer and Executive Director, at WalkerVS@state.gov.

Kristina K. Zamary,
Department of State.

[FR Doc. 2021–06471 Filed 3–29–21; 8:45 am]

BILLING CODE 4710–45–P

SURFACE TRANSPORTATION BOARD**[Docket No. FD 36487]****Katahdin Railcar Services LLC—Change in Operators Exemption—Ohio Terminal Railway Company**

Katahdin Railcar Services LLC (KRS), a Class III carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to assume Ohio Terminal Railway Company (OTRC)'s right and common carrier obligation to provide rail service to all customers located within the industrial park owned by Hannibal Real Estate LLC (HRE) on a 12.2-mile rail line between milepost 60.5 near Powhatan Point, Ohio, and milepost 72.7 near Hannibal, in Monroe County, Ohio (the Omal Line).¹

According to the verified notice, the proposed change in operators implements a settlement agreement among ORPS, OTRC, and HRE that resolves certain state court litigation concerning the respective rights of OTRC and ORPS to use the Omal Line. According to the verified notice, under that settlement agreement KRS is to assume the right and common carrier obligation to provide service to the HRE industrial park, replacing OTRC. On March 9, 2021, OTRC replied to the verified notice, stating that it does not object to the change in operators.

According to KRS, the change in operators transaction does not involve any provision or agreement that may limit future interchange with a third-party connecting carrier. KRS certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier and that its revenues will not exceed \$5 million.

Under 49 CFR 1150.42(b), a change in operator exemption requires that notice be given to shippers. KRS states that notice of the proposed change in operators was provided to all customers

¹ KRS states that it operates over the Omal Line pursuant to a lease with Ohio River Partners Shareholders LLC (ORPS) under which KRS assumed the exclusive right and common carrier obligation to provide freight rail service on and along the Omal Line except to industries located within the HRE industrial park. See also Verified Notice 1–2; *Fortress Inv. Group LLC—Exemption for Intra-Corporate Family Transaction—Ohio River Partners S'holder LLC*, FD 36402 (STB served May 15, 2020).

located within the HRE industrial park, to HRE, and to OTRC.

The transaction may be consummated on or after April 18, 2021, the effective date of the exemption.²

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 9, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36487, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on KRS' representative, Terence M. Hynes, Sidley Austin LLP, 1501 K St. NW, Washington, DC 20005.

According to KRS, this action is categorically excluded from historic preservation reporting requirements under 49 CFR 1105.8(b) and from environmental reporting requirements under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

Decided: March 24, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2021–06460 Filed 3–29–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. FAA–2020–1051]****Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Unmanned Aircraft Systems (UAS) BEYOND and Partnership for Safety Plan (PSP) Programs**

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 for a new information

² On March 19, 2021, KRS filed a supplement to its verified notice; as such, the verified notice is deemed to have been filed on March 19, 2021.

collection. The collection involves data and report submissions by State, local and tribal participants in the UAS BEYOND program, and by industry participants in the Partnership for Safety Plan (PSP) program. UAS BEYOND and PSP participants will also conduct qualitative, non-statistical surveys of the general public. The information to be collected will be used to inform FAA policy and decision-making regarding integrating UAS into the National Airspace System.

DATES: Written comments should be submitted by June 1, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket:

www.regulations.gov (Enter docket number into search field)

By Mail: Corbin Jones, Federal Aviation Administration, 470 L'Enfant Plaza, Washington, DC 20024

By Fax: 202-267-4193

FOR FURTHER INFORMATION CONTACT:

Corbin Jones by email at: corbin.t.jones@faa.gov; phone: 202-641-8950.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-XXXX.

Title: Unmanned Aircraft Systems (UAS) BEYOND and Partnership for Safety Plan (PSP) Programs.

Form Numbers:

- UAS Flight Anomaly Report (Pending)
- UAS Characteristics Report (Pending)
- Standard UAS Monthly Operational Flight Report (Pending)
- Part 107 UAS Monthly Operational Flight Report (Pending)
- 44807 UAS Monthly Operational Flight Report (Pending)
- 40102(a)_41025 COA UAS Monthly Operational Flight Report (Pending)
- UAS Monthly Maintenance Report (Pending)
- UAS Test Data Submission Form (Pending)

- BEYOND Semi-Annual Report (Pending)
- PSP Quarterly Report (Pending)
- BEYOND Final Report (Pending)
- PSP Final Report (Pending)
- Community Engagement Data Submission Form (Pending)
- Societal and Economic Data Submission Form (Pending)
- BEYOND Program Withdrawal Report (Pending)
- Community Engagement Tool (Pending)

Type of Review: New information collection. *Background:* The data collected during the Unmanned Aircraft Systems (UAS) BEYOND and Partnership for Safety Plan (PSP) programs is delineated as part of the Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) each Lead Participant or industry partner participant signs with the FAA, and entered into under the authority of 49 U.S.C. 106(l) and (m). There are five types of data collection.

First, participants submit narrative reports to inform the FAA of operational trends, and highlight successes and failures and their causes. The purpose of the narrative reports is to help the FAA make policy and resource decisions, especially in regards to the challenges and lessons learned in integrating UAS into the NAS. These include Semi-Annual, Final and Program Withdrawal Reports for the UAS BEYOND program and Quarterly and Final Reports for the PSP program.

Second, participants submit systems and operations data, including UAS Data, Maintenance Data, Operational Flight Data, Test Data and Anomaly Data. The purpose of these submissions is to inform policy and decision-making related to the risks associated with operations involving command and control (C2) links, DAA capabilities, anomaly detection and a host of other categories, in order to solve challenges in enabling UAS BVLOS operations and to fully integrate various operation types into the NAS.

Third, participants submit quantitative and qualitative data related to the societal and economic benefits of their UAS operations. The information will be used to inform FAA policy and decision-making toward integrating different types of operations into the NAS, and to inform discussions with the public on the benefits of using UAS.

These will be submitted with the Semi-Annual BEYOND reports or the Quarterly PSP reports.

Fourth, participants submit quantitative and qualitative data related to their community engagement activities. The information will be used to inform FAA policy and decision-making on how to best engage the public in discussions about the use of UAS in their communities, and to give insight into the public's desire or resistance toward approvals of different types of operations in various communities. These will be submitted with the Semi-Annual BEYOND reports or the Quarterly PSP reports.

Fifth, participants collect and submit data collected from the general public using questions provided in community engagement tool. The objective is to gather general information about community sentiment to be shared within FAA and with external stakeholders, and to assist in the development of artifacts such as best practices and lessons learned documents. Those artifacts can then be shared with UAS stakeholders to help inform their stakeholder engagement activities. It is not meant to be statistical in nature, nor to provide statistically significant information for policy or decision-making. This data will be submitted with the Semi-Annual BEYOND reports or the Quarterly PSP reports.

Respondents: Depending on the submission, the respondents are three groups:

1. Business or other for-profit—PSP participants only
2. State, Local or Tribal Government—BEYOND participants only
3. Individuals or Households

See the following table for details.

Frequency: The frequency depends on the report or form. See the following table for details.

Estimated Average Burden per Response: Depending on the submission, the overall estimated average burden per response varies from 5 minutes to 80 hours. See the following table for details.

Estimated Total Annual Burden: The estimated total annual burden for all submissions is 17,190.91 hours. See the following table for a breakdown by report or form.

Submission	Affected public	Frequency	Number of respondents	Total number of responses	Estimated average burden per response (hours)	Estimated total annual burden (hours)
Reports and Accompanying Submissions						
PSP Quarterly Submissions	Business or other for-profit, PSP participants only.	Quarterly	7.00	28.00	80.00	2,240.00
BEYOND Semi-Annual Submissions.	State, Local or Tribal Government, BEYOND participants only.	Semi-Annually	12.00	24.00	80.00	1,920.00
PSP and BEYOND Final Reports.	Business or other for-profit—PSP participants only, and State, Local or Tribal Government—BEYOND participants only.	One-Time Submission	19.00	6.33	40.00	253.33
BEYOND Program Withdrawal Reports.	State, Local or Tribal Government, BEYOND participants only.	Occasional	12.00	4.00	40.00	160.00
Systems and Operations Data						
UAS Monthly Operational Flight Reports and Maintenance Reports.	Business or other for-profit—PSP participants only, and State, Local or Tribal Government—BEYOND participants only.	Monthly	19.00	456.00	1.00	456.00
UAS Aircraft Characteristics Submissions.	Business or other for-profit—PSP participants only, and State, Local or Tribal Government—BEYOND participants only.	On Occasion—for each New Aircraft—Assuming average 25 annual submissions.	19.00	475.00	0.20	95.00
UAS Anomaly Reports	Business or other for-profit—PSP participants only, and State, Local or Tribal Government—BEYOND participants only.	On Occasion—Assuming 10 annually per participant.	19.00	190.00	1.00	190.00
Optional Ad Hoc Test Data Submissions.	Business or other for-profit—PSP participants only, and State, Local or Tribal Government—BEYOND participants only.	Ad hoc	19.00	19.00	0.08	1.58
Community Engagement Tool.	Individuals or Households	On Occasion	47,500.00	47,500.00	0.25	11,875.00
Totals .....	.....	.....	47,626.00	48,702.33	0.35	17,190.91

Issued in Washington, DC, on February 16, 2021.

Corbin Jones,

Support Team Manager, BEYOND Program, Unmanned Aircraft Systems Integration Office, Federal Aviation Administration.

[FR Doc. 2021-06490 Filed 3-29-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Investment Securities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget

(OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, “Investment Securities.” The OCC also is giving notice that it has submitted the collection to OMB for review.

DATES: You should submit written comments by April 29, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel’s Office,

Attention: Comment Processing, 1557-0205, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include “OCC” as the agency name and “1557-0205” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any

information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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.

You may review comments and other related materials that pertain to this information collection¹ following the close of the 30-day comment period for this notice by the following method:

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Click on the “Information Collection Review” tab. Underneath the “Currently under Review” section heading, from the drop-down menu select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557-0205” or “Investment Securities.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View

¹ On January 12, 2021, the OCC published a 60-day notice for this information collection, 86 FR 2491.

Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection in this notice.

Title: Investment Securities.

OMB Control No.: 1557-0205.

Description: Under 12 CFR 1.3(h)(2), a national bank may request an OCC determination that it may invest in an entity that is exempt from registration under section 3(c)(1) of the Investment Company Act of 1940² if the portfolio of the entity consists exclusively of assets that a national bank may purchase and sell for its own account. The OCC uses the information contained in the request as a basis for ensuring that the bank’s investment is consistent with its investment authority under applicable law and does not pose unacceptable risk.

Under 12 CFR 1.7(b), a national bank may request OCC approval to extend the five-year holding period for securities held in satisfaction of debts previously contracted for up to an additional five years. In its request, the bank must provide a clearly convincing demonstration of why the additional holding period is needed. The OCC uses the information in the request to ensure, on a case-by-case basis, that the bank’s purpose in retaining the securities is not speculative and that the bank’s reasons for requesting the extension are adequate. The OCC also uses the information to evaluate the risks to the bank in extending the holding period, including potential effects on the bank’s safety and soundness.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 25.

Estimated Total Annual Burden: 460 hours.

Frequency of Response: On occasion. On January 12, 2021, the OCC published a 60-day notice for this information collection, 86 FR 2491. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC’s estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021-06469 Filed 3-29-21; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of 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: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-

2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC’s website (<https://www.treasury.gov/ofac>).

Notice of OFAC Action(s)

On March 25, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Entities:

1. MYANMAR ECONOMIC CORPORATION LIMITED (a.k.a. MYANMAR ECONOMIC CORPORATION; a.k.a. “MEC”), Corner of Ahlone Road & Kannar Road, Ahlone Township, Rangoon, Burma; Registration Number 105444192 (Burma) [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of Executive Order of February 10, 2021, “Blocking Property With Respect to the Situation in Burma” (the “Order”) for being a foreign person that is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

2. MYANMA ECONOMIC HOLDINGS PUBLIC COMPANY LIMITED (a.k.a. MYANMAR ECONOMIC HOLDING LIMITED; a.k.a. “MEHL”), 51*Mahabandoola Road 189/191, Botataung, Rangoon 11161, Burma; Registration Number 156387282 (Burma) [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person that is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

Dated: March 25, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021-06486 Filed 3-29-21; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

² 15 U.S.C. 80a-3(c)(1).

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing an update to the identifying information of one entity currently included on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Action(s)

On March 25, 2021, OFAC removed the entry on the SDN List for the following entity:

Entity

33RD LIGHT INFANTRY DIVISION OF THE BURMESE ARMY, Sagaing, Burma [BURMA-EO14014].

On March 25, 2021, OFAC updated the entry on the SDN List for the following entity, whose property and interests in property continue to be blocked pursuant to Executive Order 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption":

Entity

33RD LIGHT INFANTRY DIVISION OF THE BURMESE ARMY, Sagaing, Burma [GLOMAG].

The listing for the entity now appears as follows:

33RD LIGHT INFANTRY DIVISION OF THE BURMESE ARMY, Sagaing, Burma [GLOMAG] [BURMA-EO14014].

Dated: March 25, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021-06480 Filed 3-29-21; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Counseling for the Elderly (TCE) Program; Availability of Application Packages

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document provides notice of the availability of Application Packages for the 2022 Tax Counseling for the Elderly (TCE) Program.

DATES: Application instructions are available electronically from the IRS on May 1, 2021 by visiting: *IRS.gov* (key word search—"TCE") or through *Grants.gov* by searching the Catalog of Federal Domestic Assistance (CFDA) Number 21.006. The deadline for applying to the IRS for the Tax Counseling for the Elderly (TCE) Program is June 1, 2021. All applications must be submitted through *Grants.gov*.

ADDRESSES: Internal Revenue Service, Grant Program Office, 5000 Ellin Road, NCFB C4-110, SE:W:CAR:SPEC:FO:GPO, Lanham, Maryland 20706.

FOR FURTHER INFORMATION CONTACT: Grant Program Office via their email address at *tce.grant.office@irs.gov*.

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly (TCE) Program is contained in Section 163 of the Revenue Act of 1978, Public Law 95-600, (92 Stat. 12810), November 6, 1978. Regulations were published in the **Federal Register** at 44 FR 72113 on December 13, 1979. Section 163 gives the IRS authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year. Because applications are being solicited before the FY 2021 budget has been approved, cooperative agreements will be entered into subject to the appropriation of funds.

Carol Quiller,

Chief, Grant Program Office, IRS, Stakeholder Partnerships, Education & Communication.

[FR Doc. 2021-06494 Filed 3-29-21; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Community Volunteer Income Tax Assistance (VITA) Matching Grant Program—Availability of Application for Federal Financial Assistance

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document provides notice of the availability of the application package for the 2022 Community Volunteer Income Tax Assistance (VITA) Matching Grant Program.

DATES: Application instructions are available electronically from the IRS on May 1, 2021 by visiting: *IRS.gov* (key word search—"VITA Grant"). Application packages are available on May 1, 2021 by visiting *Grants.gov* and searching with the Catalog of Federal Domestic Assistance (CFDA) number 21.009. The deadline for applying to the IRS through *Grants.gov* for the Community VITA Matching Grant Program is June 1, 2021. All applications must be submitted through *Grants.gov*.

ADDRESSES: Internal Revenue Service, Grant Program Office, 401 West Peachtree St. NW, Stop 420-D, Atlanta, GA 30308.

FOR FURTHER INFORMATION CONTACT: Grant Program Office via their email address at *Grant.Program.Office@irs.gov*.

SUPPLEMENTARY INFORMATION: Authority for the Community Volunteer Income Tax Assistance (VITA) Matching Grant Program is contained in the Consolidated Appropriations Act, 2021, and Taxpayer First Act 2019, Public Law 116-25.

Carol Quiller,

Chief, Grant Program Office, IRS, Stakeholder Partnerships, Education & Communication.

[FR Doc. 2021-06492 Filed 3-29-21; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following

information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before April 29, 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: Copies of the submissions may be obtained from Molly Stasko by emailing PRA@treasury.gov, calling (202) 622-8922, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. *Title:* Sale of Residence From Qualified Personal Residence Trust.
OMB Control Number: 1545-1485.
Type of Review: Extension of a currently approved collection.
Description: Internal Revenue Code section 2702(a)(3) provides special favorable valuation rules for valuing the gift of a personal residence trust. Regulation section 25.2702-5(a)(2) provides that if the trust fails to comply with the requirements contained in the regulations, the trust will be treated as complying if a statement is attached to the gift tax return reporting the gift stating that a proceeding has been commenced to reform the instrument to comply with the requirements of the regulations.

Regulation Project Number: TD 8743.
Affected Public: Individuals or Households.
Estimated Number of Respondents: 300.

Frequency of Response: On occasion.
Estimated Total Number of Annual Responses: 300.
Estimated Time per Response: 3 hour, 15 minutes.
Estimated Total Annual Burden Hours: 625 hours.

2. *Title:* Continuation Sheet for Item # 16 (Additional Information)—OF-306, Declaration for Federal Employment.
OMB Control Number: 1545-1921.
Type of Review: Extension of a currently approved collection.
Description: This form is used by IRS recruitment personnel and is provided

to applicants when completing OF 306, Declaration for Federal Employment. It is used as a continuation sheet to clearly define additional information that is requested in item 15 of the OF 306. Due to lack of space on the OF 306 this form can be used in lieu of an additional sheet of paper.

Form Number: Form 12114.
Affected Public: Individuals or Households.
Estimated Number of Respondents: 24,813.

Frequency of Response: On Occasion.
Estimated Total Number of Annual Responses: 24,813.
Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 6,203 hours.

3. *Title:* IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

OMB Control Number: 1545-2081.
Type of Review: Extension of a currently approved collection.
Description: The Form 8879-EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849, will be used in the Modernized e-File program. Form 8879-EX authorizes a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

Form Number: IRS Form 8879-EX.
Affected Public: Businesses or other for-profit organizations.
Estimated Number of Respondents: 15,000.

Frequency of Response: On occasion.
Estimated Total Number of Annual Responses: 15,000.
Estimated Time per Response: 67 minutes.

Estimated Total Annual Burden Hours: 16,750 hours.

4. *Title:* IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal.
OMB Control Number: 1545-2190.

Type of Review: Revision of a currently approved collection.
Description: Paid tax return preparers are required to get a preparer tax identification number (PTIN), and to pay the fee required with the application. A third party administers the PTIN application process. Most applications are filled out online. Form W-12 is used to collect the information required by the regulations and to collect the information the third party needs to administer the PTIN application process. The revision is to add a new line to inform preparers of the fees associated with applying or renewing a PTIN.

Form Number: W-12.
Affected Public: Businesses or other for-profit organizations.
Estimated Number of Respondents: 1,200,000.
Frequency of Response: On occasion.
Estimated Total Number of Annual Responses: 1,200,000.
Estimated Time per Response: 1 hour 13 minutes.
Estimated Total Annual Burden Hours: 1,464,000 hours.
5. *Title:* Certified Professional Employer Organization (CPEO).
OMB Control Number: 1545-2266.
Type of Review: Extension of a currently approved collection.
Description: Section 206 of the Achieving a Better Life Experience (ABLE) Act passed Dec. 19, 2014) created the Certified Professional Employer Organization (CPEO) designation. The application, attestation and supporting information will be used by IRS to qualify professional employer organizations to become and remain a Certified Professional Employer Organization, which entitles them to certain tax benefits. This certification is renewed annually and the CPEO will submit annual and quarterly financial statements in addition to supporting documentation. Responsible individuals will submit annual attestation forms and fingerprint cards. Form 14737, Request for Voluntary IRS Certification of a Professional Employer Organization (Application), Form 14737-A, CPEO Responsible Individual Personal Attestation, Form 14751, Certified Professional Employer Organization Surety Bond, Form 8973, Certified Professional Employer Organization/ Customer Reporting Agreement, and TD 9860, Certified Professional Employer Organizations, will only be used by program applicants and related responsible individuals.
Form Number: IRS Form 14737, IRS Form 14737-A, IRS Form 14751, IRS Form 8973 and TD 9860.
Affected Public: Businesses or other for-profit organizations; Individuals or Households.
Estimated Number of Respondents: 42,205.
Frequency of Response: On occasion.
Estimated Total Number of Annual Responses: 42,205.
Estimated Time per Response: 1.5 hours to 145 hours.
Estimated Total Annual Burden Hours: 91,065.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 25, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021-06534 Filed 3-29-21; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Multiemployer Pension Plan Application To Reduce Benefits**

AGENCY: Department of the Treasury.
ACTION: Notice of availability; request for comments.

SUMMARY: The Board of Trustees of the Warehouse Employees Union Local No. 730 Pension Trust (Fund), a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that the application submitted by the Board of Trustees of the Fund has been published on the website of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Fund.

DATES: Comments must be received by May 14, 2021.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>, in accordance with the instructions on that site. Commenters are strongly encouraged to submit public comments electronically. Treasury expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

Comments may be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Danielle Norris. Comments sent

via facsimile, telephone, or email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as your Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on www.regulations.gov or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Fund, please contact Treasury at (202) 622-1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On February 26, 2021, the Fund's Board of Trustees submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at <https://home.treasury.gov/services/the->

multiemployer-pension-reform-act-of-2014/applications-for-benefit-suspension. Treasury is publishing this notice in the **Federal Register**, in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the Fund's application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Fund. Consideration will be given to any comments that are timely received by Treasury.

Mark J. Mazur,

Deputy Assistant Secretary for Tax Policy.

[FR Doc. 2021-06267 Filed 3-26-21; 11:15 am]

BILLING CODE 4810-25-P

DEPARTMENT OF VETERANS AFFAIRS**Advisory Committee Charter Renewals**

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Advisory Committee Charter Renewals.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (FACA) and after consultation with the General Services Administration, the Secretary of Veterans Affairs has determined that the following Federal advisory committee is vital to the mission of the Department of Veterans Affairs (VA) and renewing its charter would be in the public interest. Consequently, the charter for the following Federal advisory committee is renewed for a two-year period, beginning on the dates listed below:

Committee name	Committee description	Charter renewed on
Department of Veterans Affairs Voluntary Service National Advisory Committee.	Provides advice on the coordination and promotion of volunteer activities within VA health care facilities, and on other matters relating to volunteerism.	March 2, 2021.

The Secretary has also renewed the charter for the following statutorily authorized Federal advisory committee

for a two-year period, beginning on the date listed below:

Committee name	Committee description	Charter renewed on
Research Advisory Committee on Gulf War Veterans' Illnesses.	Provides advice on proposed research studies, plans, and strategies related understanding and treating the health consequences of military service in the Southwest Asia theater of operations during the 1990-1991 Gulf War (Operations Desert Shield and Desert Storm).	January 12, 2021.

Committee name	Committee description	Charter renewed on
Veterans' Advisory Committee on Education.	Provides advice on the administration of education and training programs for Veterans and Servicepersons, Reservists, Guard personnel, and for dependents of Veterans, including programs under chapters 30, 32, 35, and 36 of title 38, and Chapter 1606 of title 10, U.S.C.	March 12, 2021.
Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities.	Provides advice on all matters of structural safety in the construction and remodeling of VA facilities and recommends standards for use by VA in the construction and alteration of facilities.	March 16, 2021.

FOR FURTHER INFORMATION CONTACT:
Jeffrey Moragne, Committee
Management Office, Department of
Veterans Affairs, Advisory Committee
Management Office (00AC), 810
Vermont Avenue NW, Washington, DC

20420; telephone 202-266-4660 or 202-
714-1578; or via email at
Jeffrey.Moragne@va.gov. To view a copy
of a VA Federal advisory committee
charters, please visit *[http://www.va.gov/
advisory](http://www.va.gov/advisory)*.

Dated: March 25, 2021.
Jelessa M. Burney,
*Federal Advisory Committee Management
Officer.*
[FR Doc. 2021-06522 Filed 3-29-21; 8:45 am]
BILLING CODE 8320-01-P



FEDERAL REGISTER

Vol. 86

Tuesday,

No. 59

March 30, 2021

Part II

The President

Notice of March 29, 2021—Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities

Notice of March 29, 2021—Continuation of the National Emergency With Respect to South Sudan

Presidential Documents

Title 3—

Notice of March 29, 2021

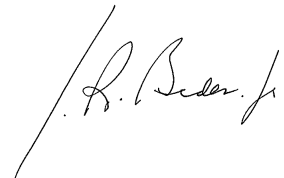
The President

Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities

On April 1, 2015, by Executive Order 13694, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the increasing prevalence and severity of malicious cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States. On December 28, 2016, the President issued Executive Order 13757 to take additional steps to address the national emergency declared in Executive Order 13694.

These significant malicious cyber-enabled activities continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on April 1, 2015, must continue in effect beyond April 1, 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 declared in Executive Order 13694.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 29, 2021.

Presidential Documents

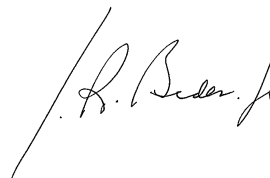
Notice of March 29, 2021

Continuation of the National Emergency With Respect to South Sudan

On April 3, 2014, by Executive Order 13664, 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 and foreign policy of the United States constituted by the situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, and obstruction of humanitarian operations.

The situation in and in relation to South Sudan continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on April 3, 2014, must continue in effect beyond April 3, 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 declared in Executive Order 13664.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 29, 2021.

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