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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 21–06]

RIN 1515–AE62

Imposition of Import Restrictions on Categories of Archaeological Material of Costa Rica

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Customs and Border Protection (CBP) regulations to reflect the imposition of import restrictions on certain archaeological material from the Republic of Costa Rica (Costa Rica). These restrictions are being imposed pursuant to an agreement between the United States and Costa Rica that has been entered into under the authority of the Convention on Cultural Property Implementation Act. The final rule amends the CBP regulations by adding Costa Rica to the list of countries which have a bilateral agreement with the United States that imposes cultural property import restrictions. The final rule also contains the Designated List that describes the types of archaeological material to which the import restrictions apply.

DATES: Effective on March 31, 2021.

FOR FURTHER INFORMATION CONTACT: For legal aspects, Lisa L. Burley, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0300, *ot-otrrculturalproperty@cbp.dhs.gov.* For operational aspects, Pinky Khan, Branch Chief, Commercial Targeting and Analysis Center, Trade Policy and Programs, Office of Trade, (202) 427–2018, *CTAC@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 *et seq.* (hereinafter, ''the Cultural Property Implementation Act''), implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter, ''the Convention'' (823 U.N.T.S. 231 (1972)). Pursuant to the Cultural Property Implementation Act, the United States entered into a bilateral agreement with Costa Rica to impose import restrictions on certain archaeological material from Costa Rica. This rule announces that the United States is now imposing import restrictions on certain archaeological material from Costa Rica.

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On September 3, 2020, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological material originating in Costa Rica that is described in the Designated List set forth below in this document.

These determinations include the following: (1) That the cultural patrimony of Costa Rica is in jeopardy from the pillage of archaeological material representing Costa Rica's cultural heritage dating from approximately 12,000 B.C. to A.D. 1550 (19 U.S.C. 2601(a)(1)(A)); (2) that the Costa Rican government has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the material described in the determinations meets the statutory definition of ''archaeological or ethnological material of the State Party'' (19 U.S.C. 2601(2)).

The Agreement

On January 15, 2021, the United States and Costa Rica signed a bilateral agreement, ''Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Costa Rica Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Costa Rica'' (''the Agreement''), pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force upon signature, and enables the promulgation of import restrictions on categories of archaeological material representing Costa Rica's cultural heritage ranging in date from approximately 12,000 B.C. to A.D. 1550. A list of the categories of archaeological material subject to the import restrictions is set forth later in this document.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, importation of material designated below is subject to the restrictions of 19 U.S.C. 2606 and § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a)) and will be restricted from entry into the United States unless the conditions set forth in 19 U.S.C. 2606 and § 12.104c of the CBP Regulations (19 CFR 12.104c) are met. CBP is amending § 12.104g(a) of the CBP Regulations (19 CFR 12.104g(a)) to indicate that these import restrictions have been imposed.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which the Agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the Agreement still pertain and no cause for suspension of the

Agreement exists. The import restrictions will expire on January 15, 2026, unless extended.

Designated List of Archaeological Material of Costa Rica

The Agreement between the United States and Costa Rica includes, but is not limited to, the categories of objects described in the Designated List set forth below. Importation of material on this list is restricted unless the material is accompanied by documentation certifying that the material left Costa Rica legally and not in violation of the export laws of Costa Rica.

The Designated List includes archaeological materials in jade, gold and other metal, ceramics, stone, bone, resin, and shell ranging in date from approximately 12,000 B.C. to A.D. 1550.

Categories of Archaeological Material

I. Jade
II. Gold and Other Metal
III. Ceramic
IV. Stone
V. Bone, Resin, and Shell

Archaeological Material

Approximate chronology of well-known archaeological sites, traditions, and cultures: Archaeological material covered by the Agreement is associated with indigenous groups living in Costa Rica. The three main archaeological zones of Costa Rica are: Guanacaste (also referred to as Greater Nicoya), Central Highlands-Atlantic (or Caribbean) Watershed, and the Southern Zone (also referred to as Greater Chiriquí or Diquís). The following standardized periodization for lower Central America [1] is commonly used in the archaeology of Costa Rica:

(a) Period I (?–8000 B.C.)
(b) Period II (8000–4000 B.C.)
(c) Period III (4000–1000 B.C.)
(d) Period IV (1000 B.C.–A.D. 500)
(e) Period V (A.D. 500–1000)
(f) Period VI (A.D. 1000–1550)
(g) European contact and Colonial period (A.D. 1500–1821) [2]

I. Jade

Archaeological jade objects may be made from several types of stone such as jadeite, jadeitite, serpentine, omphacite, agate, chalcedony, jasper, slate, opal, and quartz. These stones are various shades of green, as well as white, beige, brown, and black. Most jade objects were used for personal adornment. Examples of archaeological jade objects covered in the bilateral agreement include, but are not limited to, the following objects:

A. *Pendants*—Celtiform pendants (sometimes called Axe-gods) may have human, avian, or composite human and avian figures carved on the upper portion and perforations for suspension. Some feature bats, and rare examples have Olmecoid faces and features. Celtiform pendants can be made from whole-, half-, and even sixth-celt blanks. Figure pendants may be carved into the shape of ''beak-birds,'' ''curly-tailed animals,'' humans, frogs, monkeys, crocodiles, saurians, or bats. Some human pendants wear masks or headdresses. Staff-bearer pendants depict a human wearing a mask or headdress carrying a vertical staff topped with a zoomorphic effigy. Horizontal zoomorphic pendants may be double-ended, and horizontal bat pendants often emphasize wings that terminate in crocodile heads. Some pendants, imported to Costa Rica in antiquity, have incised Epi-Olmec or Maya carvings and hieroglyphic inscriptions.

B. *Beads*—Most jade beads are tubular in shape and vary in size. Large tubular beads may be up to approximately 50 cm long and have low-relief geometric or zoomorphic carving. Disc-shaped beads are also common.

C. *Ear ornaments*—Spool-shaped ear flares may have openwork decoration in the center.

D. *Vessels*—Miniature jade jars, often measuring about 6 cm tall, may be round with little decoration or have two zoomorphic or anthropomorphic heads on opposite sides. They often have perforations for strings to keep lids in place.

E. *Mace heads*—Jade mace heads, which may be carved into avian, bat, feline, or anthropomorphic effigies, have large holes drilled in the center for mounting on staffs.

II. Gold and Other Metal

Most archaeological metal objects from Costa Rica are personal ornaments made from gold or a gold-copper alloy known as tumbaga or guanín. Objects were produced by lost-wax casting or cold hammering and annealing. Examples of archaeological gold and other metal objects covered in the bilateral agreement include, but are not limited to, the following objects:

A. *Zoomorphic pendants*—Zoomorphic pendants most commonly depict avians, crocodilians, saurians, and snakes. Bats, butterflies, spiders, frogs, felines, turtles, lobsters, crabs, fish, armadillos, and deer are also represented. Many pendants combine features of more than one creature. Dual figures depict a single body with two heads and two tails. Some zoomorphic pendants hold human bodies or limbs in the mouth.

B. *Anthropomorphic pendants*—Elaborate human figures may be depicted wearing zoomorphic masks or display a mix of human and animal or supernatural traits. Some human figures play musical instruments such as flutes or drums, are surrounded by attendant figures, have square or round frames, or have dangling pendants.

C. *Bells*—Bells may be undecorated or decorated with zoomorphic figures such as monkeys or spiders. Complete bells may have loose ceramic or stone clappers.

D. *Hammered ornaments*—Hammered gold discs, chest plates, cuffs, diadems, ear spools, and beads may have embossed geometric, anthropomorphic, or zoomorphic motifs.

E. *Tools*—Needles, fish hooks, tweezers, and punches may be made of metal.

III. Ceramic

Archaeological ceramics in Costa Rica are low-fired terracotta, typically coil- and slab-built, but sometimes produced using molds. Hollow mammiform, rattle, figural, and slab tripod vessel supports are common. Decorations can be monochrome, bichrome, trichrome, or polychrome made with slip, paint, negative (or resist) paint, burnishing, and polishing. The most common colors are brown, black, and red, but can include white, orange, and purple. Decorations, in addition to slips and paints, include impressions, incisions, engraving, appliqué, and modeling. Most designs are geometric, linear, and/or divided into zones. Common zoomorphic designs include felines, birds, crocodilians, saurians, marine animals, deer, monkeys, tapirs, and peccaries. Humans may be depicted wearing zoomorphic masks or as composite figures with combined anthropomorphic and zoomorphic features. Some female figures hold infants. Other figures may be dressed in ostentatious clothing and/or show decapitated heads.

Archaeological cultures in the three cultural zones of Costa Rica produced distinctly different styles, especially after about A.D. 500. For example, well-known ceramics from the Guanacaste zone have white- and salmon-colored slip with polychrome decoration, which may include distinctive blue-gray or orange paints. Well-known ceramics from the Central and Atlantic (or Caribbean) Watershed zone are

[1] Lange, Frederick W., and Doris Stone. 1984. The Archaeology of Lower Central America. Albuquerque: University of New Mexico Press.

[2] Import restrictions concerning European contact period archaeological material apply only to those objects dating to A.D. 1550 and earlier.

monochrome or bichrome with incised and molded decorations. The best-known ceramics from the Southern Zone are polychrome vessels with white slips decorated with geometric painting in black and red and fine-walled beige or natural-colored ''biscuit'' ware with small molded decorations.

Examples of archaeological ceramic objects covered in the bilateral agreement include, but are not limited to, the following objects:

A. *Vessels*—Ceramic vessels include plates, bowls, jars, effigy vessels, and incense burners. Plates have flat or slightly convex bases, sometimes with tripod supports. Bowls sometimes have tripod supports or annular supports. Bowls may have decorated exteriors, interiors, and rims with modeled decoration. Some bowls have anthropomorphic or zoomorphic forms. Jars, often called ollas, are globular vessels with short necks that may have tripod or annular supports. Some jars are shoe-shaped or gourd-shaped, neckless vessels called tecomates. Jars may be decorated on the exterior with zoned paint, modeled decoration, or linear paint depicting geometric designs or have human faces on the neck or body. Effigy vessels are containers sculpted in human or animal forms, sometimes with bridge-and-spout forms. Incense burners, or incensarios, may have hemispherical bases and a ventilated lid decorated with a modeled crocodilian or saurian effigy. Skillet-like incense burners may have zoomorphic handles.

B. *Pot stands, stools, and griddles*—Pot stands are flared, cylindrical objects that may have bases made from rings of human figures and/or modeled birds. Thick buff-colored pottery stools have bases with modeled zoomorphic or anthropomorphic figures. Griddles, known as budares, have flat surfaces for cooking.

C. *Figurines*—Anthropomorphic figurines include both solid and hollow forms, the latter of which can include rattles. Common forms include figures with flattened headdresses sometimes seated on benches, female figurines holding infants, and hunchbacks.

D. *Musical instruments*—Musical instruments include maracas, rattles, ring-rattles, ocarinas, whistles, flutes, and drums. Ocarinas can be in the shape of humans, birds, turtles, and other animals.

E. *Stamps*—Stamps may be roller stamps or have one flat surface with a design for stamping or sealing. Surfaces typically have deep, geometric decorations that would transfer with pigment to cloth or skin.

F. *Inhalers and pipes*—Inhalers and pipes may be single-tubed pipes or double-tubed nasal snuffers.

G. *Beads*—Beads typically are small, round, perforated objects intended to be strung on cords.

IV. Stone

Early chipped-stone tools mark the appearance of the first people to inhabit the region and continued to be used throughout history. Highly skilled stoneworkers created elaborately carved stone sculpture from basalt and andesite, volcanic stones common in Costa Rica. The most common material is grey vesicular andesite, distinguished by its rough surface. Examples of archaeological stone objects covered in the bilateral agreement include, but are not limited to, the following objects:

A. *Metates* (grinding tables)—Both simple and elaborately carved flying-panel metates and special-purpose lithic platforms are typically made from porous basalt. Forms may be rectangular, oval, or circular. Tripod metates with curved rimless plates may have elaborately carved low-relief decoration on the underside of the plate featuring abstract designs, deities, and animals; elaborately carved legs; and/or zoomorphic heads extending from the plate, especially felines, jaguars, monkeys, crocodiles, saurians, avians, and canines. Metates with flat plates and raised rims may have decorated rims and have three cylindrical supports connected by ''flying panels'' with open-carving depicting multiple human and/or animal figures, decapitated human heads, and an anthropomorphic central figure wearing a saurian or avian mask. Tetrapod metates may have a border of stylized human heads and supports that may be in the form of human figures or human heads. Feline-effigy metates typically have a head extending from one end of the plate, a tail from the opposite end, and four supports representing legs that may be connected by open-carving depicting monkeys or other animals. Circular pedestal tables may have a single base with vertical slots and small feline figures or heads pendant from the table surface. Plain, rimless metates typically have tripod supports.

B. *Manos* (handstones) and pestles—A mano or pestle can be a round, loaf-shaped, or cylindrical hand-held stone used with a metate or mortar to pulverize grains, tubers, spices, and medicinal plants. Manos and pestles may have low-relief, zoomorphic or geometric carving at one or both ends. Flared-head manos may have a finely abraded working surface. Stirrup-shaped manos may have carved anthropomorphic forms incorporated into the upper part. More delicate manos may have a thin, flat grinding surface with a zoomorphic figure serving as a handle.

C. *Biconical effigy seats*—Hourglass-shaped seats may be decorated with modeling and relief carving depicting an abstract crocodilian or saurian head and geometric designs.

D. *Bowls or receptacles*—Stone bowls may be supported by anthropomorphic or zoomorphic figures. Reclining figures with a shallow bowl in the belly, sometimes called chacmools, can combine feline, raptorial, and snake features.

E. *Figural sculpture*—Free-standing sculpture depicts a variety of figures in various sizes. Anthropomorphic figures typically about 30 cm tall wear crocodilian masks, tubular bead pendants, and multi-tiered headdresses. Stylized anthropomorphic peg-base figures, typically about 25–35 cm tall, often have a bifurcated tongue, hair ending in snakes, and N-shaped feline incisors. Some carry trophy heads. Large, realistic anthropomorphic figures, typically ranging in size from 50 cm to 1 m, may be female figures holding the breasts with brief girdles and plastered-down coiffures; bound, naked male prisoners; or males displaying an axe and trophy head. Small female and male figurines, typically about 12 cm tall, may grasp cylindrical shaped objects in each hand. Seated human figures, known as sukias, typically measure about 25 cm tall and rest their elbows on their knees while holding a tube to their mouths. Independent human heads, known as trophy heads, may measure about 15 cm tall and have varied facial features and hair or hat motifs. Independent feline heads may be decorated in low relief. Rounded zoomorphic effigy figures of varied size usually depict felines, though other animals like armadillos are also known.

F. *Figure-decorated mortuary slabs*—Thin, decorated slabs that probably stood vertically as grave markers may have a row of figures in low relief along each side and openwork figures at the top.

G. *Petroglyphs*—Petroglyphs typically display carved motifs on one rock face or on multiple sides of a stone. Most motifs are abstract geometric motifs, often with spirals or rounded designs. Some petroglyphs include zoomorphic engravings such as crocodilians, saurians, human faces, and human figures.

H. *Mace heads*—Stone mace heads may be spherical or carved in the shape of human heads, human skulls, owls,

bats, avians, canines, felines, or saurians.

I. *Stone spheres*—Stone spheres are typically made of gabbro or granodiorite but can also be made from limestone. Stone spheres range from less than 10 cm up to about 2.6 m in diameter.

J. *Polished stone tools*—Polished stone tools may include celts, chisels, and hoes, typically ranging in size from 3 to 20 cm. Figure-decorated celts may be made from various jades (discussed above) and volcanic stone. Bark beaters are oval plaques scored with deep incisions on one face.

K. *Chipped-stone tools*—Chipped-stone tools may include projectile points, waisted axes, and other tools for scraping, cutting, or perforating. Early, extremely rare Paleoindian and Archaic projectile points include Clovis and Fluted Fishtail points.

V. Bone, Resin, and Shell

Examples of archaeological bone, resin, and shell objects covered in the bilateral agreement include, but are not limited to, the following objects.

A. *Personal ornaments*—Pendants, ear spools, and beads typically are made from shell or bone.

B. *Figurines*—Figurines made from resin may have gold sheathing.

C. *Tools*—Tools may include bone points and awls, burnishers, needles, spatulas, and fishhooks.

References

National Museum of Costa Rica, Archaeological Collections: *https://www.museocostarica.go.cr/nuestro-trabajo/colecciones/arqueologia/*

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, Reporting and recordkeeping requirements.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, the table in paragraph (a) is amended by adding Costa Rica to the list in alphabetical order to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
*	*	*
Costa Rica	Archaeological material representing Costa Rica's cultural heritage from approximately 12,000 B.C. to A.D. 1550.	CBP Dec. 21–06.
*	*	*

* * * * *

Troy A. Miller, the Senior Official Performing the Duties of the Commissioner, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved: March 26, 2021.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2021–06701 Filed 3–31–21; 8:45 am]

BILLING CODE 9114–14–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 361

[Docket No. 210326–0072]

RIN 0625–AB18

Aluminum Import Monitoring and Analysis System: Stay and Delay of Compliance Date

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

ACTION: Final rule; stay.

SUMMARY: The U.S. Department of Commerce (Commerce) is delaying

compliance with the final rule, entitled ''Aluminum Import Monitoring and Analysis System,'' by staying the regulations from March 29, 2021, until June 28, 2021. Commerce will release the public Aluminum Import Monitoring and Analysis (AIM) monitor on the AIM system website on March 29, 2021.

DATES: As of March 29, 2021, compliance with the final rule published December 23, 2020 at 85 FR 83804 and amended January 27, 2021 at 86 FR 7237 is delayed and 19 CFR part 361 is stayed until June 28, 2021. The public AIM monitor will be released on the AIM system website on March 29, 2021.

ADDRESSES: The AIM system website is *https://www.trade.gov/aluminum.* Commerce will release the public AIM monitor using publicly available data through this website on March 29, 2021. More information can be found in the *Final Rule* and at *https://www.trade.gov/updates-aluminum-import-licensing.* Commerce is offering virtual demonstrations of the public AIM monitor, which are available to the general public. Although the demonstrations will be completely virtual, Commerce will have a limited number of spots available for participation in the demonstrations. For specific dates and times of the demonstrations, and to participate in the demonstrations, please visit *https://www.trade.gov/updates-aluminum-import-licensing.*

FOR FURTHER INFORMATION CONTACT: Julie Al-Saadawi at (202) 482–1930 or Jessica Link at (202) 482–1411.

SUPPLEMENTARY INFORMATION: On December 23, 2020, Commerce published ''Aluminum Import Monitoring and Analysis System,'' (*Final Rule*) establishing the AIM system in part 361 that would be comprised of an aluminum import licensing program and a public AIM monitor, available through the AIM system website.[1] On January 4, 2021, Commerce launched the AIM system website (*https://www.trade.gov/aluminum*). The original effective date for part 361 was January 25, 2021, meaning that licenses would be required for all covered aluminum imports on or after this date.

On January 27, 2021, Commerce published a notification delaying the effective date of the AIM system until March 29, 2021, and opening a 30-day comment period to solicit public comment, on the January 27 notification, that closed on February 26, 2021, on all aspects of the *Final Rule* and the AIM system.[2]

Upon receipt and consideration of the public comment,[3] Commerce has determined that it is appropriate to delay compliance with most aspects of part 361 and the AIM system by an additional ninety days, by staying part 361. This delay will allow Commerce time to finalize the license application system and to provide both the public and U.S. Customs and Border Protection (CBP) with sufficient advance notice of the new compliance date. In addition, the delay will allow Commerce to consider and respond, as appropriate, to the comments; Commerce intends to issue another notification addressing these comments prior to June 28, 2021.

Therefore, unless otherwise announced, compliance for the majority of part 361 and the AIM system will be effective on June 28, 2021, meaning that licenses will be required for all covered aluminum imports on or after this date. Additionally, the remaining portions of the regulations concerning the removal of the option to state ''unknown'' for certain fields on the aluminum license form will be effective on December 24, 2021, as stated in the relevant sections of part 361, unless otherwise announced. For further background and information, see the *Final Rule.* Further guidance on licenses already issued and the issuance of new licenses in the intervening period before June 28, 2021 will be provided on the AIM system website.

Although Commerce is delaying compliance with the majority of part 361 and the AIM system as described above, Commerce is moving forward with one aspect of the AIM system on March 29, 2021. Specifically, Commerce will release the public AIM monitor on the AIM system website on March 29, 2021. When released, the public AIM monitor will provide information on U.S. imports of aluminum from all countries by broad product categories in both value and volume measures. The public AIM monitor will initially only include publicly available import data, as the license information will not be available. Once the license collection begins, and Commerce has had sufficient time to review the license data, the public AIM monitor will report certain aggregate information on imports of aluminum product categories using both publicly available import data and data obtained from the aluminum licenses.

Releasing the public AIM monitor, while delaying compliance with the license application system, is consistent with the historical release of the early Steel Import Monitor and Analysis (SIMA) monitor. When SIMA was first launched in early 2003, an early version of the SIMA monitor was released with only public data.[4] This provided the public some details about what the monitor may look like and created public interest in SIMA before the implementation of the license application system. Commerce finds it appropriate to adopt a similar approach in this instance for the AIM system.

This is a significant rulemaking under Executive Order 12866 but it is not economically significant.

List of subjects in 19 CFR Part 361

Administrative practice and procedure, Business and industry, Imports, Reporting and recordkeeping requirements, Aluminum.

For the reasons stated in the preamble and under the authority of 13 U.S.C. 301(a) and 302, the Department of Commerce stays 19 CFR part 361 until June 28, 2021.

Dated: March 29, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–06744 Filed 3–29–21; 4:15 pm]

BILLING CODE 3510–DS–P

[1] *Aluminum Import Monitoring and Analysis System,* 85 FR at 83804 (December 23, 2020) (*Final Rule*).

[2] *Aluminum Import Monitoring and Analysis System: Delay of Effective Date,* 86 FR 7237 (January 27, 2021).

[3] These comments can be found by searching for the *Final Rule* (Docket No. ITA–2021–0001) on the Federal eRulemaking portal at *http://www.regulations.gov.*

[4] *Steel Import Licensing and Surge Monitoring,* 67 FR 79845 (Dec. 31, 2002).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2016–N–1487]

Electronic Import Entries; Technical Amendments

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is amending its electronic import entries regulation to correct the statutory citation in the sections of that regulation requiring submission of the

Drug Registration Number for human drugs and for animal drugs. The present revisions are necessary to correct editorial errors and to ensure that the codified cites the correct section of the Federal Food, Drug, and Cosmetic Act (FD&C Act). The electronic import entries regulation provides that the Drug Registration Number, which must be submitted at the time of entry in the Automated Commercial Environment (ACE) or any other electronic data interchange (EDI) system authorized by the U.S. Customs and Border Protection Agency (CBP), is the unique facility identifier specified in the FD&C Act. This rule does not impose any new regulatory requirements on affected parties. This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective April 1, 2021.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Ann Metayer, Office of Regulatory Affairs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4375, Silver Spring, MD 20903–0002, 301–796–3324, *Ann.Metayer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 29, 2016 (81 FR 85854), FDA published a final rule that established requirements for the electronic filing of entries for FDA-regulated products in the ACE or any other EDI system authorized by the CBP. The rule requires the submission of the Drug Registration Number for human and animal drugs in ACE at the time of entry. The Drug Registration Number that must be submitted at the time of entry in ACE is the unique facility identifier of the foreign establishment where the human or animal drug was manufactured, prepared, propagated, compounded, or processed before being imported or offered for import into the United States. The unique facility identifier is the identifier submitted by a registrant in accordance with the system specified under section 510 of the FD&C Act (21 U.S.C. 360).

II. Description of the Technical Amendments

We are amending the electronic import entries regulation to revise the statutory citation in the sections of that rule requiring submission of the Drug Registration Number for human drugs regulated by FDA's Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research, and for animal drugs regulated by FDA's Center for Veterinary Medicine. The sections of the regulation specified in this rule, specifically 21 CFR 1.74(a)(1), 1.75(a), and 1.78(d), have been revised to change the reference from section 510(b) of the FD&C Act to section 510 of the FD&C Act, which is the correct statutory citation. The rule does not impose any new regulatory requirements on affected parties. The amendments are editorial in nature and should not be construed as modifying any substantive standards or requirements.

III. Notice and Public Comment

Publication of this document constitutes final action of these changes under the Administrative Procedures Act (APA) (5 U.S.C. 553). Section 553 of the APA exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking) (5 U.S.C. 553(b)(3)(A)). Rules are also exempt when an Agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(3)(B).)

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make technical or nonsubstantive changes that pertain solely to ensuring that the regulations accurately cite the FD&C Act. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects in 21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 1 is amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

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

Authority: 15 U.S.C. 1333, 1453, 1454, 1455, 4402; 19 U.S.C. 1490, 1491; 21 U.S.C. 321, 331, 332, 333, 334, 335a, 342, 343, 350c, 350d, 350e, 350j, 350k, 352, 355, 360b, 360ccc, 360ccc–1, 360ccc–2, 362, 371, 373, 374, 379j–31, 381, 382, 384, 384a, 384b, 384d, 387, 387a, 387c, 393; 42 U.S.C. 216, 241, 243, 262, 264, 271; Pub. L. 107–188, 116 Stat. 594, 668–69; Pub. L. 111–353, 124 Stat. 3885, 3889.

■ 2. Revise the third sentence of § 1.74(a)(1) to read as follows:

§ 1.74 Human drugs.

* * * * *

(a) * * *

(1) * * * The unique facility identifier is the identifier submitted by a registrant in accordance with the system specified under section 510 of the Federal Food, Drug, and Cosmetic Act. * * *

* * * * *

■ 3. Revise the third sentence of § 1.75(a) to read as follows.

§ 1.75 Animal drugs.

* * * * *

(a) * * * The Unique Facility Identifier is the identifier submitted by a registrant in accordance with the system specified under section 510 of the Federal Food, Drug, and Cosmetic Act. * * *

* * * * *

■ 4. Revise the last sentence of § 1.78(d) to read as follows.

§ 1.78 Biological products, HCT/Ps, and related drugs and medical devices.

* * * * *

(d) * * * The unique facility identifier is the identifier submitted by a registrant in accordance with the system specified under section 510 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Dated: March 25, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–06679 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 207

[Docket No. FDA–2005–N–0464]

RIN 0910–AA49

Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs; Corrections

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; correcting amendments.

SUMMARY: On August 31, 2016, the Food and Drug Administration (FDA or Agency) published an amended final rule that listed inaccurate cross-references to FDA's drug establishment registration and drug listing regulations. This document corrects the inaccurate cross-references used in the final regulations.

DATES: This rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Florine Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6248, Silver Spring, MD 20993–0002, 301–796–3521.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 31, 2016 (81 FR 60170), FDA published the final rule entitled ''Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs.'' That final rule amended current regulations in part 207 (21 CFR part 207) concerning who must register establishments and list human drugs, human drugs that are also biological products, and animal drugs.

II. Description of the Technical Amendments

FDA is amending its regulations in part 207 to correct inaccurate cross-references used in the August 31, 2016, final rule. This document amends the Agency's regulations in part 207 through minor technical amendments to update references in §§ 207.1, 207.3, 207.13, 207.49, and 207.53 (21 CFR 207.1, 207.3, 207.13, 207.49, and 207.53) by replacing all cross-references to ''§ 207.1(b)'' with ''§ 207.1''.

III. Notice and Public Comment

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (APA) (5 U.S.C. 553). Section 553 of the APA exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking) (5 U.S.C. 553(b)(3)(A)). Rules are also exempt when an Agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(3)(B).)

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make only technical changes to correct inaccurate cross-references. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects in 21 CFR Part 207

Drugs, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 207 is amended as follows:

PART 207—REQUIREMENTS FOR FOREIGN AND DOMESTIC ESTABLISHMENT REGISTRATION AND LISTING FOR HUMAN DRUGS, INCLUDING DRUGS THAT ARE REGULATED UNDER A BIOLOGICS LICENSE APPLICATION, AND ANIMAL DRUGS, AND THE NATIONAL DRUG CODE

■ 1. The authority citation for part 207 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 360b, 371, 374, 381, 393; 42 U.S.C. 262, 264, 271.

§ 207.1 [Amended]

■ 2. Amend § 207.1 in the definition of *Bulk drug substance* by removing ''§ 207.1(b)'' and adding in its place ''this section''.

§ 207.3 [Amended]

■ 3. Amend § 207.3 by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.13 [Amended]

■ 4. Amend § 207.13(l)(1) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.49 [Amended]

■ 5. Amend § 207.49(a)(15)(i), (a)(15)(ii)(A) and (B), and (a)(15)(iii)(A) and (B) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

§ 207.53 [Amended]

■ 6. Amend § 207.53(d)(1), (d)(2)(i) and (ii), and (d)(3)(i) and (ii) by removing ''§ 207.1(b)'' and adding in its place ''§ 207.1''.

Dated: March 25, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–06677 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, 528, and 558

[Docket No. FDA–2020–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, Department of Health and Human Services.

ACTION: Final rule; technical amendments.

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

DATES: This rule is effective April 1, 2021.

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

SUPPLEMENTARY INFORMATION:

I. Approvals

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

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2020

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
October 16, 2020	141–536	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	ELURA (capromorelin oral solution).	Dogs and cats	Original approval for management of weight loss in cats with chronic kidney disease.	FOI Summary.
October 29, 2020	200–692	Virbac AH, Inc., P.O. Box 162059, Fort Worth, TX 76161.	CYCLAVANCE (cyclosporine oral solution) USP MODIFIED.	Dogs	Original approval as a generic copy of NADA 141–218.	FOI Summary.
November 16, 2020	141–541	QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia.	STELFONTA (tigilanol tiglate injection).	Dogs	Original approval for the treatment of non-metastatic cutaneous mast cell tumors and non-metastatic subcutaneous mast cell tumors located at or distal to the elbow or the hock in dogs.	FOI Summary.
November 25, 2020	200–557	Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211.	TZED (tiletamine and zolazepam for injection).	Dogs	Supplemental approval for an intravenous route.	FOI Summary.
December 14, 2020	141–542	Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060.	pPL657 rDNA construct in domestic pigs.	Swine	Original approval for an intentional genomic alteration in domestic pigs.	FOI Summary.
December 16, 2020	200–696	Bimeda Animal Health Ltd., 1B The Herbert Building, The Park, Carrickmines, Dublin 18, Ireland.	SELASPOT (selamectin) Topical Solution.	Dogs and cats	Original approval as a generic copy of NADA 141–152.	FOI Summary.

As provided in the regulatory text, the animal drug regulations are amended to reflect these approval actions. As they are now the sponsor of an approved application, QBiotics Group Ltd. and Revivicor, Inc. will be added to the list of sponsors of approved applications in 21 CFR 510.600(c).

II. Technical Amendments

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

- 21 CFR 558.128 is amended to reflect the sponsors of approved conditions of use for chlortetracycline in beef cattle.
- 21 CFR 558.342 is amended to reformat special considerations for labeling and manufacture of melengestrol medicated feeds.
- Typographical errors are being corrected wherever they have been found.

III. Legal Authority

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

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

List of Subjects

21 CFR Part 510

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

21 CFR Parts 520, 522, 524, and 528

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 528, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

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

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

■ 2. In § 510.600:

■ a. In the table in paragraph (c)(1), add entries for ''QBiotics Group Ltd.'' and ''Revivicor, Inc.'' in alphabetical order; and

■ b. In the table in paragraph (c)(2), add entries for ''086132'' and ''086134'' in numerical order.

The additions read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia	086132
* * * * * * *	
Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060	086134
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
086132	QBiotics Group Ltd., Suite 3A, Level 1, 165 Moggill Rd., Taringa, Queensland 4068, Australia
086134	Revivicor, Inc., a wholly owned subsidiary of United Therapeutics Corp., 1700 Kraft Dr., Suite 2400, Blacksburg, VA 24060
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

■ 4. In § 520.292, revise paragraphs (a) and (c) to read as follows:

§ 520.292 Capromorelin.

(a) *Specifications.* Each milliliter of solution contains:

(1) 30 milligrams (mg) capromorelin; or

(2) 20 mg capromorelin.

* * * * *

(c) *Conditions of use*—(1) *Dogs.* Use product described in paragraph (a)(1) of this section as follows:

(i) *Amount.* Administer 3 mg/kg once daily by mouth.

(ii) *Indications for use.* For appetite stimulation in dogs.

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

(2) *Cats.* Use product described in paragraph (a)(2) of this section as follows:

(i) *Amount.* Administer 2 mg/kg once daily by mouth.

(ii) *Indications for use.* For management of weight loss in cats with chronic kidney disease.

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

■ 5. In § 520.522, add paragraph (b)(3) to read as follows:

§ 520.522 Cyclosporine.

* * * * *

(b) * * *

(3) No. 051311 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(1) of this section.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

■ 7. Add § 522.2450 to read as follows:

§ 522.2450 Tigilanol.

(a) *Specifications.* Each milliliter (mL) of solution contains 1 milligram tigilanol tiglate.

(b) *Sponsor.* See No. 086132 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* Administer as an intratumoral injection at a dose of 0.5 mL per cubic centimeter of tumor volume.

(2) *Indications for use.* For the treatment of non-metastatic cutaneous mast cell tumors and non-metastatic subcutaneous mast cell tumors located at or distal to the elbow or the hock in dogs.

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

■ 8. In § 522.2470, revise paragraphs (b)(1) and (2) to read as follows:

§ 522.2470 Tiletamine and zolazepam for injection.

* * * * *

(b) * * *

(1) Nos. 026637 and 054771 for use as in paragraph (c) of this section.

(2) No. 051311 for use as in paragraphs (c)(1)(i)(A), (c)(1)(ii)(A), (c)(1)(iii), and (c)(2) of this section.

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

■ 10. In § 524.2098:

■ a. Revise paragraphs (a) and (b);

■ b. Remove paragraph (c) and redesignate paragraph (d) as paragraph (c); and

■ c. Revise newly redesignated paragraph (c)(1).

The revisions read as follows:

§ 524.2098 Selamectin.

(a) *Specifications.* Each milliliter contains 60 or 120 milligrams (mg) of selamectin.

(b) *Sponsors.* See Nos. 054771, 055529, 061133, and 061651 in § 510.600(c) of this chapter.

(c) * * *

(1) *Amount.* Administer topically 2.7 mg of selamectin per pound (6 mg per kilogram) of body weight.

* * * * *

PART 528—NEW ANIMAL DRUGS IN GENETICALLY ENGINEERED ANIMALS

■ 11. The authority citation for part 528 continues to read as follows:

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

■ 12 Add § 528.2001 to read as follows:

§ 528.2001 *pPL657* recombinant deoxyribonucleic acid construct.

(a) *Specifications. pPL657* in the *glycoprotein galactosyltransferase alpha-1,3* (*GGTA1*) gene in domestic pigs.

(b) *Sponsor.* See No. 086134 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Intended use. pPL657* rDNA construct in the *glycoprotein galactosyltransferase alpha-1,3* gene (*GGTA1*) in the lineage of domestic pigs (*Sus scrofa domesticus*) hemizygous and homozygous for the intentional genomic alteration resulting in undetectable endogenous galactose alpha-1,3-galactose sugar residues on biological derivatives of domestic pigs homozygous for the intentional genomic alteration lineage that are intended to be used as sources of food or human therapeutics including excipients, devices, drugs, or biological products.

(2) *Limitations.* Pigs of this lineage (possessing the intentional genomic alteration (*pPL657* rDNA construct)) should not be treated with aminoglycoside drugs and must only be housed in physically contained facilities specified in the approved application.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 13. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc-1, 371.

■ 14. In § 558.128, revise paragraph (e)(4)(xv) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(4) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(xv) 350 mg/head/day.		1. Beef cattle: For control of bacterial pneumonia associated with shipping fever complex caused by *Pasteurella* spp. susceptible to chlortetracycline.	Withdrawal periods: To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: Withdraw 48 hours prior to slaughter. To sponsor No. 069254 under NADA 138–935 and ANADA 200–510: Zero withdrawal period.	054771 066104 069254
.....		2. Beef cattle (under 700 lb): For control of active infection of anaplasmosis caused by *A. marginale* susceptible to chlortetracycline.	Withdrawal periods: To sponsor No. 054771 under NADAs 046–699 and 049–287, No. 066104 under NADA 092–286, and No. 069254 under NADA 048–480: Withdraw 48 hours prior to slaughter. To sponsor No. 054771 under NADA 048–761 and No. 069254 under NADA 138–935 and ANADA 200–510: Zero withdrawal period.	054771 066104 069254
*	*	*	*	*

* * * * *

■ 15. In § 558.342:

■ a. Revise paragraphs (d)(3) through (6); and

■ b. Remove paragraphs (d)(7) and (8).

The revisions read as follows:

§ 558.342 Melengestrol.

* * * * *

(d) * * *

(3) Liquid or dry combination Type B or C medicated feeds containing melengestrol acetate and lasalocid must be labeled in accordance with § 558.311(d).

(4) Liquid or dry combination Type B or C medicated feeds containing melengestrol acetate and monensin must be labeled in accordance with § 558.355(d).

(5) Liquid combination Type B or C medicated feeds containing melengestrol acetate and tylosin must be manufactured in accordance with § 558.625(d).

(6) Liquid melengestrol acetate may not be mixed with oxytetracycline in a common liquid feed supplement.

* * * * *

Dated: March 19, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06704 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 821

[Docket No. FDA–2021–N–0246]

Medical Devices; Technical Amendments

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is amending its medical device regulations to make an editorial nonsubstantive change and replace a reference to an obsolete office with updated information. The rule does not impose any new regulatory requirements on affected parties. This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Madhusoodana Nambiar, Office of Policy, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 5519, Silver Spring, MD 20993–0002, 301–796–5837.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's Center for Devices and Radiological Health (CDRH) has reorganized to create an agile infrastructure that can adapt to future organizational, regulatory, and scientific needs (84 FR 22854, May 20, 2019; 85 FR 18439, April 2, 2020). The newly formed Office of Product Evaluation and Quality (OPEQ) combined the former Office of Compliance, the Office of Device Evaluation, the Office of Surveillance and Biometrics, and the Office of In Vitro Diagnostics and Radiological Health, with a focus on a Total Product Lifecycle (TPLC) approach to medical device oversight. Within OPEQ there are Offices of Health Technology that focus on the TPLC review of specific types of medical devices as well as cross-cutting offices focusing on specific policy and programmatic needs including the Office of Regulatory Programs and the Office of Clinical Evidence and Analysis. As part of this technical amendment, we are making changes to correct a reference to an obsolete office and to correctly identify the positions with authority to make decisions on exemptions and variances from tracking orders. This change is nonsubstantive and editorial in nature.

II. Description of the Technical Amendments

The regulations specified in this rule have been revised to make a non-substantive editorial change to correct ''Director of the Office of Regulatory Program'' to ''Director or Principal Deputy Director of the Office of Product Evaluation and Quality'' and replace a reference to ''Director, Office of Compliance'' with ''Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality.'' The rule does not impose any new regulatory requirements on affected parties. The amendments are editorial in nature and should not be construed as modifying any substantive standards or requirements.

III. Notice and Public Comment

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (5 U.S.C. 553). Section 553 of the Administrative Procedure Act (APA) exempts ''rules of agency organization, procedure, or practice'' from proposed rulemaking (*i.e.,* notice and comment rulemaking) (5 U.S.C. 553(b)(3)(A)). Rules are also exempt when an Agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(3)(B)).

FDA has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). FDA's revisions make technical or non-substantive changes that pertain solely to the CDRH reorganization and do not alter any substantive standard. FDA does not believe public comment is necessary for these minor revisions.

The APA allows an effective date less than 30 days after publication as ''provided by the agency for good cause found and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendments do not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for the amendments to become effective on the date of publication of this action.

List of Subjects in 21 CFR Part 821

Imports, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 821 is amended as follows.

PART 821—MEDICAL DEVICE TRACKING REQUIREMENTS

■ 1. The authority citation for part 821 continues to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 360, 360e, 360h, 360i, 371, 374.

■ 2. In § 821.2, revise paragraphs (b) introductory text and (c) to read as follows:

§ 821.2 Exemptions and variances.

* * * * *

(b) A request for an exemption or variance shall be submitted in the form of a petition under § 10.30 of this chapter and shall comply with the requirements set out therein, except that a response shall be issued in 90 days. The Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality, CDRH, shall issue responses to requests under this section. The petition shall also contain the following:

* * * * *

(c) An exemption or variance is not effective until the Director or Deputy Directors, CDRH, or the Director or Principal Deputy Director of the Office of Product Evaluation and Quality,

CDRH, approves the request under § 10.30(e)(2)(i) of this chapter.

Dated: March 25, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–06681 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4908

RIN 1212–AB52

Rescission of Pension Benefit Guaranty Corporation Rule on Guidance

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; rescission of regulations.

SUMMARY: On August 26, 2020, the Pension Benefit Guaranty Corporation (PBGC) published a final rule on guidance implementing an Executive order entitled ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' and providing policy and requirements for issuing, modifying, withdrawing, and using guidance; making guidance available to the public; a notice and comment process for significant guidance; and taking and responding to petitions about guidance. In accordance with the ''Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation,'' issued by President Biden on January 20, 2021, this final rule rescinds PBGC's rule on guidance.

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

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–229–3839. (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–229–3839.)

SUPPLEMENTARY INFORMATION:

I. Discussion

On August 26, 2020, the Pension Benefit Guaranty Corporation (PBGC) published a final rule on procedures for PBGC guidance documents implementing E.O. 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' signed by President Trump on October 9, 2019. As required by the E.O., this rule contained policy and requirements for issuing, modifying, withdrawing, and using guidance; making guidance available to the public; a notice and comment process for significant guidance; and taking and responding to petitions about guidance (85 FR 52481).

On January 20, 2021, President Biden issued E.O. 13992, ''Revocation of Certain Executive Orders Concerning Federal Regulation'' which, among other things, revoked E.O. 13891 and directed agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Executive orders. In accordance with E.O. 13992, PBGC is issuing this final rule, which rescinds the rule on procedures for PBGC guidance documents published at 85 FR 52481.

II. Final Rule

PBGC has determined that this rule is suitable for final rulemaking. The revisions to PBGC's policies and requirements surrounding guidance are purely internal matters of agency management, as well as the agency's organization, procedure, and practice. Accordingly, as with the August 2020 final rule, PBGC is not required to engage in a notice and comment process to issue this rule under the Administrative Procedure Act. See 5 U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. PBGC also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

List of Subjects in 29 CFR Part 4908

Administrative practice and procedure, Employee benefit plans, Organization and functions (Government agencies), Pension insurance.

PART 4908—[REMOVED]

■ For the reasons discussed in the preamble, and under the authority of section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, and E.O. 13992, PBGC amends title 29, chapter XL, subchapter L of the Code of Federal Regulations by removing part 4908.

Issued in Washington, DC.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–06734 Filed 3–31–21; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0155]

RIN 1625–AA87

Security Zone; Cleveland Harbor, Cleveland, OH

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for navigable waters surrounding the Port of Cleveland, First Energy Stadium, The Rock and Roll Hall of Fame, and Voinovich Bicentennial Park from east of the Cuyahoga River entrance to west of the Voinovich Bicentennial Park and outward from shore, including inlets, to the navigation channel as marked by navigation buoys, but not including the channel. The security zone is needed to protect the public, participants, and spectators of the 2021 NFL Draft from terrorist and similar criminal acts, accidents, or other incidents detrimental to public safety. Entry of persons, vessels or objects into this zone when under enforcement is prohibited unless specifically authorized by the Captain of the Port Buffalo or her representative.

DATES: This rule is effective from 8 a.m. on April 29, 2021, through 11:59 p.m. on May 1, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0155 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Natalie Smith, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–6007, email *D09-SMB-MSUCleveland-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NFL National Football League
NOAA National Oceanic and Atmospheric Administration
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
VHF-FM Very High Frequency-Frequency Modulated

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be contrary to the public interest. Due to the potential impact to public safety and high visibility associated with the 2021 NFL Draft, providing a public notice and comment period would be contrary to the security zone's intended objective of protecting the public, as certain security measures cannot be shared with the public associated with enforcing the security zone. Additionally, the remaining time left to implement the zone is not sufficient to provide public notice and comment. However, failing to implement the zone would present an unacceptable risk to the public and participants involved in the NFL draft.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Buffalo has determined that potential hazards associated with the 2021 NFL Draft are a security concern for the surrounding area. This event is highly visible and expected to draw large crowds in a concentrated area. Hazards include potential security threats, violent or disruptive public disorder, delivery of a weapon of mass destruction, launch of a stand-off attack weapon, delivery of an armed assault force, or other similar criminal act or accident. This rule is needed to protect people, vessels, property, and the marine environment in the navigable waters within the security zone at various times throughout the event.

IV. Discussion of the Rule

From April 29, 2021, through May 1, 2021, the 2021 NFL Draft will be held in Cleveland, Ohio. The primary venue for the 2021 NFL Draft is First Energy Stadium, which is adjacent or proximate to Cleveland Harbor and Lake Erie. A secondary venue hosting NFL Draft-related activities includes the Rock and Roll Hall of Fame and surrounding open areas adjacent to the water. The security zone will cover all navigable waters surrounding the Port of Cleveland, First Energy Stadium, The Rock and Roll Hall of Fame and Voinovich Bicentennial Park from east of the Cuyahoga River entrance to west of the Voinovich Bicentennial Park and outward from shore to the navigation channel as marked by navigation buoys, but not including the channel. The zone will include all inlets to the shore. The duration of the zone is intended to protect people, vessels, property and the marine environment in these navigable waters while the event and related activities are taking place. No vessel, person, or object will be permitted to enter or remain in the security zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the security zone. Vessel traffic will be able to safely transit around the security zone, which will impact a small designated area and will be enforced only during the event and event-related activities. The security zone is in a location where commercial vessel traffic is expected to be minimal during enforcement and navigation channels will remain open and outside the zone; additionally, vessel traffic would be authorized to transit the security zones to the extent compatible with public safety and security; persons and vessels would be able to operate in the surrounding area adjacent to the security zone during the enforcement period; persons and vessels would be able to enter or remain within the security zone if authorized by the COTP Buffalo or a designated representative. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone that will prohibit entry within waters surrounding First Energy Stadium and The Rock and Roll Hall of Fame. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0155 to read as follows:

§ 165.T09–0155 Security Zone; 2021 NFL Draft, Cleveland Harbor, Cleveland, Ohio.

(a) *Location.* The security zone will encompass all waters of Cleveland Harbor East Basin that are within the following boundary to the shore including inlets and harbors: Starting from a point at 41°30′41.24″ North Latitude and 81°41′47.6″ West Longitude and proceeding North-Northwest until intersecting a point at position 41°30′49.222″ North Latitude and 081°41′52.375″ West Longitude (the Green East Basin Channel Lighted Buoy number 5 on NOAA chart 14839); thence proceeding Southwest until intersecting a point at 41°30′18.22″ North Latitude and 81°42′41.71″ West Longitude; thence proceeding South until intersecting a point at position 41°30′14.3″ North Latitude and 81°42′41.714″ West Longitude (Green Main Entrance Light number 5 on NOAA chart 14839) (NAD83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Buffalo. Authority to designate may be delated by the Captain of the Port Buffalo. A designation need not be in writing.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.33, entry into, transiting, remaining, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative.

(2) This security zone is closed to all traffic, except as may be permitted by the Captain of the Port Buffalo or their designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant, petty officer, or Federal, State, or local law enformcement officer who is designated by the Captain of the Port Buffalo to act on her behalf.

(d) *Enforcement period.* This section will be enforced intermittently from 8:00 a.m. on April 29, 2021, through 11:59 p.m. on May 1, 2021.

Dated: March 26, 2021.

L.M. Littlejohn,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2021–06728 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0424]

RIN 1625–AA00

Safety Zones; Vieques Unexploded Ordnance Operations, East Vieques; Vieques, Puerto Rico

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

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing permanent safety zones for certain waters of Vieques, Puerto Rico. This action is necessary to provide for the safety of life on the navigable waters near the island of Vieques, Puerto Rico due to unexploded ordnances. This rulemaking will prohibit mariners from anchoring, dredging, or trawling in the designated areas. It will also prohibit persons and vessels from being in the safety zones during clearance operations, unless authorized by the Captain of the Port San Juan or a designated representative.

DATES: This rule is effective April 1, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0424 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Natallia Lopez, Sector San Juan Prevention Department, Waterways Management Division, U.S. Coast Guard; telephone 787–729–2380, email *ssjwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PR Puerto Rico
§ Section
U.S.C. United States Code
UXO Unexploded Ordnance

II. Background Information and Regulatory History

On April 30, 2020, contractors on behalf of the U.S. Navy contacted the Coast Guard requesting the establishment of permanent safety zones surrounding unexploded ordnances (UXO) in Vieques, PR. The Navy has implemented long-term plans for the deactivation and removal of the UXOs, but safety zones are needed until those operations are completed. The Captain of the Port San Juan (COTP) has determined that potential hazards associated with the UXOs would be a safety concern for anyone within the designated areas. In response, on October 19, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, ''Safety Zones; Vieques Unexploded Ordnance Operations, East Vieques; Vieques, Puerto Rico'' (85 FR 66290). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to the safety zones. During the comment period that ended Novemeber 18, 2020, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest. Delaying the effective date of this rule would be contrary to the safety zone's intended objectives of protecting persons and vessels from the potential safety hazards associated with UXOs ordnance clearing operations on the waters of East Vieques, Vieques, Puerto Rico.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP has determined that potential hazards associated with the UXOs would be a safety concern for anyone within the designated areas. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zones.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published on October 19, 2020. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes safety zones in the navigable waters east of Vieques, Puerto Rico. UXOs from past military training operations remain present in the waters of east Vieques, Puerto Rico. The U.S. Navy is currently in the process of planning, retrieving, and properly disposing of the UXOs in this area. These operations will be ongoing for the next 20 years. Accordingly, ordnance clearing operations will be held at various times on the waters of East Vieques, Vieques, Puerto Rico. UXOs will be retrieved by several divers working for the U.S. Navy.

The safety zone areas encompass the waters in East Vieques, Vieques, Puerto Rico. In areas where UXOs are present in shallow waters, mariners have been known to anchor which creates risk for the unintended detonation of UXOs. The safety zones will prohibit vessels from anchoring, dredging, or trawling in the designated areas at all times. Further, no vessel or person will be permitted to enter, transit through, or remain in the safety zones during clearance operations due to increased risk of explosion and fragmentation hazards.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the permanent safety zones by contacting the Captain of the Port San Juan by VHF–FM radio on Channels 16 and 22A, by calling Sector San Juan Command Center at (787) 289–2041, or via email to *ssjcc@uscg.mil.* If authorization to enter, transit through, or remain in the zones during ordnance clearing operations or anchor, dredge, or trawl at any time is granted, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port San Juan or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and restrictions of the safety zones. Vessels will be permitted to enter the safety zones when UXO operations are not being conducted so long as they do not anchor, dredge, or trawl.

B. Impact on Small Entities

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

on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of two safety zones. It is categorically excluded from further review under paragraph L60(a) Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.787 to read as follows:

§ 165.787 Safety Zones; Vieques Unexploded Ordnance Operations, East Vieques; Vieques, Puerto Rico.

(a) *Regulated area.* The following regulated areas are established as a safety zones:

(1) All waters of East Vieques, Vieques, Puerto Rico encompassed within the following points: starting at Point 1 in position 18°08′56.48″ N, 065°20′10.69″ W; thence north to point 2 in position 18°09′10.72″ N, 065°20′04.11″ W; thence east to Point 3 in position 18°08′50.19″ N, 065°17′05.78″ W; thence south to Point 4 in position 18°08′05.79″ N, 065°16′16.70″ W.

(2) All waters of East Vieques, Vieques, Puerto Rico encompassed within the following points: starting at Point 1 in position 18 07′38.60″ N, 065°17′45.95″ W; thence south to point 2 in position 18°07′23.73″ N, 065°17′58.34″ W; thence west to Point 3 in position 18°07′18.77″ N, 065°18′29.64″ W; thence north to Point 4 in position 18°07′34.47″ N, 065°18′31.82″ W.

(b) *Regulations.* (1) No person or vessel may anchor, dredge, or trawl in the safety zones unless authorized by the Captain of the Port (COTP), San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the designated Coast Guard commissioned, warrant, or petty officer.

(2) No person or vessel may enter, transit or remain in the safety zones during unexploded ordnance clearance operations, unless authorized by the Captain of the Port San Juan or a designated representative.

(3) Vessels encountering emergencies, which require transit through the safety zones, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zones with a Coast Guard designated escort.

(4) The Captain of the Port and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast

Guard Patrol Commander enforcing the safety zones can be contacted on VHF–FM channels 16 and 22A.

(5) Coast Guard Sector San Juan will notify the marine community of periods during which these safety zones will be in effect by providing notice to mariners in accordance with § 165.7.

(6) All persons and vessels must comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

Dated: January 11, 2021.

G.H. Magee,

Captain, U.S. Coast Guard, Captain of the Port San Juan.

[FR Doc. 2021–06750 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0712; FRL–10022–16–Region 1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

DATES: This rule is effective on May 3, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2020–0712. 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, *i.e.,* 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 at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. 617–918–1584, email *Mackintosh.David@epa.gov.*

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

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I. Background and Purpose
II. Public Comment
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I. Background and Purpose

On February 8, 2021 (86 FR 8564), EPA issued a notice of proposed rulemaking (NPRM) for Rhode Island. In the NPRM, EPA proposed approval of SIP revisions submitted by Rhode Island on January 24, 2020 and revised by Rhode Island on April 1, 2020, and December 28, 2020. The SIP revisions contain two revised air pollution control regulations 250–RICR–120–05–31, ''Control of Volatile Organic Compounds from Consumer Products'' and 250–RICR–120–05–33, ''Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings.'' These revised regulations became effective in Rhode Island on January 9, 2017 and July 21, 2020, respectively. In each regulation Rhode Island has submitted to EPA for incorporation into the SIP, its subsection 2 ''Application'' has been stricken from the rule. Rhode Island notes that this language is only relevant in Rhode Island and not incorporated into the Rhode Island SIP.

The NPRM provides the rationale for EPA's proposed approval, which will not be restated here.

II. Public Comment

EPA received four comments in response to the NPRM. The four comments support EPA's proposal to approve the Rhode Island SIP revisions.

III. Final Action

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

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Rhode Island regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the state implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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);

[1] 62 FR 27968 (May 22, 1997).

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

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

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

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

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

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

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

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

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

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).)

List of Subjects in 40 CFR Part 52

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

Dated: March 24, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Part 52 of 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 OO—Rhode Island

■ 2. Section 52.2070 is amended in the table in paragraph (c) by revising the entries for ''Air Pollution Control Regulation 31'' and ''Air Pollution Control Regulation 33'' to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	* * *
Air Pollution Control Regulation 31.	Control of VOCs from Commercial and Consumer Products.	1/9/2017	4/1/2021 [Insert **Federal Register** citation].	All of APCR No. 31 is approved with the exception of 31.2 ''Application'' which the state did not submit as part of the SIP revision.
*	*	*	*	* * *
Air Pollution Control Regulation 33.	Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings.	7/21/2020	4/1/2021 [Insert **Federal Register** citation].	All of APCR No. 33 is approved with the exception of 33.2 ''Application'' which the state did not submit as part of the SIP revision.
*	*	*	*	* * *

* * * * *

[FR Doc. 2021–06616 Filed 3–31–21; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2020–0725; FRL–10021–95–OAR]

RIN 2060–AV07

Extension of 2019 and 2020 Renewable Fuel Standard Compliance and Attest Engagement Reporting Deadlines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing modifications of certain compliance dates under the Renewable Fuel Standard (RFS) program. First, EPA is extending the RFS compliance deadline for the 2019 compliance year and the associated deadline for submission of attest engagement reports for the 2019 compliance year for small refineries. The new deadlines are November 30, 2021, and June 1, 2022, respectively. Second, EPA is extending the RFS compliance deadline for the 2020 compliance year and the associated deadline for submission of attest engagement reports for the 2020 compliance year for obligated parties. The new deadlines are January 31, 2022, and June 1, 2022, respectively. Finally, EPA is extending the deadline for submission of attest engagement reports for the 2021 compliance year for obligated parties to September 1, 2022.

DATES: This final rule is effective on March 30, 2021.

Operational dates: For operational purposes under the Clean Air Act, this final rule is effective as of March 23, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2020–0725. 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.,* CBI or other information whose disclosure is restricted by statute. Certain other material is not available on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Lauren Michaels, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4640; email address: *michaels.lauren@epa.gov.*

SUPPLEMENTARY INFORMATION: *Dates.* Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. chapter 5, generally provides that rules may not take effect until 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under CAA sec. 307(d), which states, ''The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.'' Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this final rule effective upon signature. The purpose of this APA provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). However, when an agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Thus, APA section 553(d) allows an effective date less than 30 days after publication for any rule that ''grants or recognizes an exemption or relieves a restriction'' (see 5 U.S.C. 553(d)(1)). An accelerated effective date may also be appropriate for good cause pursuant to APA section 553(d)(3) where an agency can ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' *Gavrilovic,* 551 F.2d at 1105.

EPA has determined that the regulatory amendments to 40 CFR part 80, subpart M, are operational upon signature because they relieve a restriction by extending the 2019 and 2020 compliance deadlines (and associated attest engagement report deadlines) ahead of the otherwise imminent 2020 RFS compliance deadline of March 31, 2021, thereby providing obligated parties with additional time to demonstrate compliance. There is additionally good cause for immediate implementation of these provisions because pending litigation in the Supreme Court makes it necessary for this rule to go into effect prior to March 31, 2021, to ensure regulated entities do not begin complying with removed regulatory obligations. Among other actions, EPA is today extending the regulatory deadline for small refineries to comply with their 2019 RFS obligations from March 31, 2020, to November 30, 2021, because litigation pending before the United States Supreme Court is expected to resolve legal questions regarding some small refineries' eligibility to receive annual exemptions from their 2019 regulatory obligations. EPA is also extending the regulatory deadline for all obligated parties to comply with their 2020 RFS obligations, from March 31, 2021, to January 31, 2022, which is required because of agency delay in promulgating future RFS compliance obligations and the corresponding impact on compliance decisions. These actions mean any delay in the effectiveness of this final rule past March 31, 2021, would result in confusion among regulated entities regarding their compliance obligations.

Does this action apply to me?

Entities potentially affected by this rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline, diesel, and renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially affected categories include:

Category	NAICS [1] code	Examples of potentially affected entities
Industry	324110	Petroleum refineries.
Industry	325193	Ethyl alcohol manufacturing.
Industry	325199	Other basic organic chemical manufacturing.
Industry	424690	Chemical and allied products merchant wholesalers.
Industry	424710	Petroleum bulk stations and terminals.
Industry	424720	Petroleum and petroleum products merchant wholesalers.
Industry	221210	Manufactured gas production and distribution.

Category	NAICS [1] code	Examples of potentially affected entities
Industry	454319	Other fuel dealers.

[1] North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Outline of this Preamble

I. Background and Extension of Deadlines
A. Extension of the 2019 RFS Compliance Deadline for Small Refineries
B. Extension of the 2020 RFS Compliance Deadline for All Obligated Parties
C. Corresponding Attest Engagement Report Deadlines
II. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act (CRA)
III. Statutory Authority

I. Background and Extension of Deadlines

In January 2021, EPA proposed amendments to the RFS regulations to extend the deadline for obligated parties to demonstrate compliance with their 2019 and 2020 RFS obligations.[1] We are finalizing the amendments as proposed to extend the deadlines for small refineries to submit reports demonstrating compliance with their 2019 RFS obligations and their corresponding attest engagement reports. We are also finalizing amendments to extend the deadlines for all obligated parties to submit reports demonstrating compliance with their 2020 RFS obligations and their corresponding attest engagement reports. Finally, in response to stakeholder feedback, we are also extending the 2021 attest engagement report deadline for all obligated parties.

For small refineries, we are extending the 2019 compliance deadline in light of the continued uncertainty surrounding small refinery exemptions (SREs) under the RFS program.[2] We are finalizing a 2019 compliance deadline for small refineries of November 30, 2021, and an attest engagement report deadline of June 1, 2022. For the 2020 compliance year, we are extending the compliance deadline for all obligated parties because we have not yet promulgated an annual rulemaking establishing the 2021 RFS standards. We are finalizing a 2020 compliance deadline for all obligated parties of January 31, 2022, and an attest engagement report deadline of June 1, 2022. Finally, for the 2021 compliance year, we are extending the attest engagement report deadline for obligated parties to September 1, 2022. These new deadlines are summarized in Table I.A–1 below.

TABLE I.A–1—ORIGINAL AND REVISED ANNUAL COMPLIANCE AND ATTEST ENGAGEMENT REPORTING DEADLINES FOR OBLIGATED PARTIES FOR THE 2019 (AS APPLICABLE), 2020, AND 2021 COMPLIANCE YEARS

Regulated party category	Original annual compliance deadline	Revised annual compliance deadline	Original attest engagement reporting deadline	Revised attest engagement reporting deadline
2019 Compliance Year				
Small refineries	March 31, 2020	November 30, 2021	June 1, 2020	June 1, 2022.
2020 Compliance Year				
Obligated parties	March 31, 2021	January 31, 2022	June 1, 2021	June 1, 2022.
2021 Compliance Year				
Obligated parties	March 31, 2022 (unchanged)		June 1, 2022	September 1, 2022.

Obligated party commenters were generally supportive of our proposal to extend the compliance deadlines, although some suggested that additional compliance deadline extensions would be helpful. In contrast, biofuels industry groups suggested extensions were either not justified or excessive in length. We also received comments from stakeholders involved in the attest engagement process who provided feedback on the scope and sequencing

[1] See 86 FR 3928 (January 15, 2021).

[2] The Renewable Fuel Standard (RFS) program, established under Clean Air Act (CAA) section 211(*o*), requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil, or jet fuel used in the United States. Small refineries may petition EPA annually for exemption from their RFS obligations under CAA section 211(*o*)(9)(B). For more information about small refinery exemptions (SREs), see *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/rfs-small-refinery-exemptions.*

of attest report deadline extensions. We have considered these comments, and in some cases, adjusted our regulations in response to the comments.[3]

A. Extension of the 2019 RFS Compliance Deadline for Small Refineries

The RFS regulations establish deadlines for obligated parties with renewable volume obligations (RVOs) to submit annual compliance demonstration reports to EPA, and later deadlines for the same parties to submit associated attest engagement reports. Under existing RFS regulations, obligated parties must submit compliance demonstration reports for each calendar year by March 31 of the following year, and associated attest engagements by June 1 of the following year.[4] In this action, we are revising certain reporting deadlines applicable to the 2019, 2020, and 2021 compliance years.

On January 24, 2020, the U.S. Court of Appeals for the Tenth Circuit issued a decision in *Renewable Fuels Association (RFA)* v. *EPA* invalidating several SREs granted by EPA.[5] The small refineries whose SREs were invalidated by the court in the *RFA* case sought rehearing from the Tenth Circuit, which was denied on April 7, 2020.[6] Thus, the Tenth Circuit's decision was not final until after the 2019 compliance reporting deadline had already passed on March 31, 2020. On September 4, 2020, the small refinery intervenors in that suit filed a petition for a writ of certiorari from the U.S. Supreme Court, which was granted on January 8, 2021, in *HollyFrontier* v. *RFA.*[7] Briefing in that case is ongoing, and oral argument is scheduled for April 27, 2021. The Supreme Court's decision in *HollyFrontier* has the potential to affect the availability of SREs. Due to the resulting uncertainty, we do not believe it would be appropriate to require small refineries to demonstrate compliance with their 2019 obligations until the Supreme Court renders a decision in *HollyFrontier.*[8]

Therefore, we are finalizing our proposed extension of the 2019 compliance deadline for small refineries. We believe that it is appropriate to do so only for small refineries because it is only the compliance requirements of these parties that would be affected by the outcome of the *HollyFrontier* case.[9] All other obligated parties' compliance obligations for 2019 remain the same regardless of the *HollyFrontier* decision.

As stated in the proposed rule, EPA will allow small refineries to revisit their compliance reports in the time period between finalization of this rule and up to the new compliance date for 2019 established by this rulemaking. This means that if a small refinery carried forward a deficit to demonstrate 2019 compliance by March 31, 2020, but later receives an SRE for 2019 or retires RINs[10] in accordance with its obligation, that initial decision to carry forward a deficit will not constitute a carry-forward deficit (*i.e.,* failing to meet the requirement to retire sufficient RINs as described in 40 CFR 80.1427(a)(1)) that would make the small refinery ineligible to do the same for 2020 under 40 CFR 80.1427(b). Small refineries that did not submit a compliance report by March 31, 2020, will need to submit a compliance report to comply with the new November 30, 2021, compliance deadline, unless they receive an exemption for 100% relief of their RFS compliance obligations.

This deadline extension applies only to those parties who meet the definition of small refinery in CAA section 211(o)(1)(k) and 40 CFR 80.1441(e)(2)(iii) for the 2019 compliance year. Limiting the extension in this way is appropriate because only small refineries' compliance obligations are affected by the *HollyFrontier* case and it is consistent with our eligibility requirements regarding SREs. We recognize that in recent years we have determined that some parties who have petitioned for SREs have been deemed ineligible by EPA, often due to the refinery's throughput (*i.e.,* more than 75,000 barrels of crude oil per day) or the nature of their business (*i.e.,* not a petroleum refinery). The parties that EPA has found ineligible because they do not meet the definition of small refinery in recent years will similarly not be eligible for the compliance date extension for small refineries.

We note that all of the existing regulatory flexibilities for small refineries—including the ability to satisfy up to 20 percent of their 2019 RVOs using 2018 carryover RINs under 40 CFR 80.1427(a)(5) and the ability to carry forward a deficit from 2019 to 2020 if they did not carry forward a deficit from 2018 under 40 CFR 80.1427(b)—will continue to be available to them to demonstrate compliance for 2019 on the new November 30, 2021, compliance deadline. This means that small refineries that carried forward a deficit for 2019 in their initial 2019 compliance reports (filed in 2020) can reverse that decision in new compliance reports and retain their ability to carry forward a deficit for 2020. It also means that small refineries that did not submit a 2019 compliance report by March 31, 2020, can also carry forward a deficit for 2020. Finally, small refineries can either carry forward a deficit for 2019 (if they did not do so for 2018) or for 2020 (if they do not do so for 2019). Due to the ongoing litigation, we take no position on the availability of SREs for the 2019 compliance year, but refer stakeholders to EPA's announcement on February 24, 2021, regarding the *HollyFrontier* case.[11]

B. Extension of the 2020 RFS Compliance Deadline for All Obligated Parties

We are also finalizing the proposed modification of the 2020 compliance deadline for all obligated parties to January 31, 2022. We are doing so because EPA has not yet proposed the 2021 RFS standards, including applicable volumes, and we recognize the importance to obligated parties of planning their compliance for a given calendar year by understanding their obligations for the years before and after.[12] This is particularly true given the two-year ''lifespan'' for RINs, such that 2020 RINs can be used for compliance with either 2020 or 2021 obligations. Compliance obligations for

[3] Further discussion of the comments received, and our responses to them, can be found in the Response to Comments document, available in the docket for this action.

[4] See 40 CFR 80.1451(a) and 80.1464(d).

[5] *Renewable Fuels Ass'n* v. *EPA,* 948 F.3d 1206 (10th Cir. 2020) (*RFA).*

[6] Order, *RFA,* No. 18–9533 (10th Cir. Apr. 7, 2020).

[7] *HollyFrontier Cheyenne Refining, LLC* v. *Renewable Fuels Ass'n,* No. 20–472 (U.S.).

[8] EPA received a letter from the Small Refineries Coalition dated July 30, 2020, requesting that EPA modify the 2019, 2020, and 2021 compliance deadlines and corresponding attest engagement reporting deadlines. The letter suggests that uncertainty due to the lack of 2019 and 2020 SRE decisions and the unknown 2021 RFS standards ''make it practically impossible for small refineries to plan for compliance.'' This letter is available in the docket for this action.

[9] Most small refineries currently have pending 2019 SRE petitions before the agency. We are extending this flexibility to all small refineries because others may elect to submit petitions in the future.

[10] RINs, or renewable identification numbers, are credits generated by renewable fuel producers and used for compliance with RFS obligations. For more information about RINs, see *https://www.epa.gov/renewable-fuel-standard-program/renewable-identification-numbers-rins-under-renewable-fuel-standard.*

[11] Available at: *https://www.epa.gov/renewable-fuel-standard-program/epa-signals-new-position-small-refinery-exemptions.*

[12] For discussion of obligated parties' interest in such extensions in past actions, see 80 FR 33099, 33149 (June 10, 2015) and 78 FR 49794, 49823 (August 15, 2013).

2021 will remain unknown until EPA finalizes the 2021 standards.

We are also modifying the 2020 compliance deadline to allow small refineries who have not yet demonstrated compliance with their 2019 obligations sufficient time between each year's compliance obligation demonstration. Modifying the 2020 compliance deadline to a date after the 2019 compliance deadline for small refineries will allow for complete 2019 compliance by all obligated parties, including these small refineries, prior to having to demonstrate 2020 compliance. Requiring full compliance with the 2019 standards prior to the 2020 compliance deadline will provide all obligated parties and market participants with an accurate picture of the RIN market, including the availability of 2019 carryover RINs to comply with 2020 standards.

We are finalizing the proposed 2020 compliance date of January 31, 2022, for all obligated parties. This deadline allows several things to occur prior to that compliance date. First, it allows small refineries to complete compliance with their 2019 obligations. Second, it provides 60 days between the 2019 and 2020 compliance deadlines to allow for obligated parties to make additional RIN acquisitions, transfers, transactions, and retirements prior to the 2020 compliance deadline. Finally, this deadline provides 60 days between 2020 and 2021 compliance deadlines, allowing the 2021 compliance deadline to remain on March 31, 2022, as currently prescribed in our regulations.[13]

C. Corresponding Attest Engagement Report Deadlines

We are finalizing the proposed changes to the deadlines for attest engagement reports required under 40 CFR 80.1464(g) for small refineries for 2019 compliance demonstrations and for all obligated parties for 2020 compliance demonstrations. In addition, we are also adopting a change to the 2021 attest engagement reporting deadline for all obligated parties to ensure enough time for attest auditors to reasonably conduct the 2019, 2020, and 2021 attest engagement reports; this change is supported by stakeholder feedback on the proposed rule and consideration of the administrative complications that will accompany the attest engagement compliance and reporting deadline extensions being finalized in this rule. However, after consideration of public comments received, we are not finalizing the proposed changes to the 2020 attest engagement reporting deadline for RIN-generating renewable fuel producers, RIN-generating importers of renewable fuel, and other parties owning RINs, for the reasons explained below.

For small refineries, given the short period of time between when small refineries will have to demonstrate compliance with their 2019 and 2020 obligations, we do not believe it is feasible for them to conduct an attest engagement for 2019 between the new 2019 and 2020 compliance deadlines. Therefore, we are finalizing the requirement that small refineries conduct their 2019 attest engagement by June 1, 2022.

For all obligated parties, we are also finalizing that the 2020 attest engagement reporting deadline be June 1, 2022. We believe this will provide all obligated parties with the time necessary to conduct their attest engagements in a timely manner and on a similar schedule. Because attest engagements are based on the information in the previously submitted compliance reports, sequencing the attest engagement to occur after the compliance deadline is a reasonable approach. We believe that this sequencing of reports, and the time allowed between them, will allow obligated parties to proceed to demonstrate compliance with both their 2019 and 2020 RVOs in a logical and orderly fashion with all relevant information available and with sufficient intervening time so as not to pose an increased burden.

For the 2021 compliance year, we are extending the attest engagement reporting deadline for all obligated parties to September 1, 2022. We agree with feedback received from stakeholders who prepare attest engagement reports for obligated parties that it would be useful to stagger attest engagement deadlines to accommodate the staggered nature of the annual compliance deadlines and so as not to overwhelm auditors and processes for preparing and submitting reports.[14] This stakeholder highlighted concerns regarding the proposed requirement that the 2019 (for small refineries), 2020, and 2021 attest report deadlines would fall on the same date, which would almost certainly mean that the limited number of attest auditors that perform these services for obligated parties would not have enough time to perform the audits and prepare the reports, thereby creating an administrative bottleneck.[15] Another commenter recommended that we maintain at least 90 days between respective annual compliance deadlines and annual attest engagement reporting deadlines.[16] We agree with these comments and believe providing an additional three months for 2021 attest engagements will provide auditors a reasonable amount of time to perform the audits. This change also will not impact obligated parties' plans and actions to comply with their RFS obligations, since the attest engagements are after-the-fact reports summarizing those compliance measures.

In contrast, we do not believe that requiring small refineries to submit both their 2019 and 2020 attest engagement reports by June 1, 2022, will create much additional effort for attest auditors due to the relatively low number of small refineries and the fact that all other obligated parties have already submitted their 2019 attest engagement reports, which were due on June 1, 2020.

In response to public comment, we are not finalizing the proposed changes to the deadline for 2020 attest engagement reports for RIN-generating renewable fuel producers, RIN-generating importers of renewable fuel, and other parties owning RINs. A commenter stated that such a deadline extension was unnecessary because all the records and reports needed to perform the attest audits and prepare the attest engagement reports for these parties are already available and not dependent on the compliance deadlines for obligated parties. The commenter highlighted concern that attest auditors may already be stretched to provide sufficient time and resources to complete all audits in such a short window for obligated parties, and there was no need to compound this situation by extending the attest audit deadlines for these parties and we agree with these comments. Additionally, based on our experience overseeing compliance with reporting deadlines, we believe we should maintain existing reporting deadlines when possible, as this provides regulated parties with regulatory certainty. Therefore, we are maintaining the 2020 attest engagement reporting deadline of June 1, 2021, for RIN-generating renewable fuel producers, RIN-generating importers of renewable fuel, and other parties owning RINs.[17] We also encourage

[13] See 40 CFR 80.1451.

[14] See ''External Party Meeting Log for RFS Compliance Date Extension Rule,'' available in the docket for this action.

[15] See also comments from Weaver suggesting staggered attest report dates for 2019–2021 (Docket Item No. EPA–HQ–OAR–2020–0725—0011.

[16] See comments from AFPM (Docket Item No. EPA–HQ–OAR–2020–0725–0023).

[17] See 40 CFR 80.1464(d).

parties required to submit annual attest engagement reports to submit those reports early, if possible, as this may help attest auditors better sequence their work and ensure that reports are submitted on time.

Finally, we note that we intend to provide additional reporting instructions on our fuels reporting website for the attest engagement reports prior to the revised deadlines.[18]

We commonly post helpful and detailed information that will assist parties in submitting compliance reports, including attest engagement reports, to our website and we encourage them to use our website as a resource.

II. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0725 and 2060–0723. This action only makes a one-time change in the compliance dates for certain regulated parties and adjusts the due date of their compliance reports and attest engagements to reflect this change. It does not change the information to be collected or increase the frequency of collection.

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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action extends the RFS compliance deadlines. We do not anticipate that there will be any costs associated with these changes. We have therefore concluded that this action will have no regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

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 rule only affects RFS obligated parties. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that 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 does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations 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 (NTTAA) and 1 CFR Part 51

This action does not involve technical standards.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not create disproportionately high and adverse human health or environmental effects on minority and low-income populations.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

III. Statutory Authority

Statutory authority for this action comes from section 211(o) of the Clean Air Act, 42 U.S.C. 7545(*o*).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Penalties, Petroleum, Renewable fuel, Reporting and recordkeeping requirements.

Michael Regan,

Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGISTRATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

Subpart M—Renewable Fuel Standard

■ 2. Amend § 80.1451 by adding paragraphs (a)(1)(xiv)(E) and (F) to read as follows:

§ 80.1451 What are the reporting requirements under the RFS program?

(a) * * *

(1) * * *

(xiv) * * *

(E) For obligated parties that meet the requirements for a small refinery under § 80.1441(e)(2)(iii), for the 2019 compliance year, annual compliance

[18] See *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/program-specific-instructions-attest-engagements.*

reports must be submitted no later than November 30, 2021.

(F) For obligated parties, for the 2020 compliance year, annual compliance reports must be submitted no later than January 31, 2022.

* * * * *

■ 3. Amend § 80.1464 by adding paragraphs (g)(7), (8) and (9) to read as follows:

§ 80.1464 What are the attest engagement requirements under the RFS program?

(g) * * *

(7) For obligated parties that meet the requirements for a small refinery under § 80.1441(e)(2)(iii), for the 2019 compliance year, reports required under this section must be submitted to the EPA no later than June 1, 2022.

(8) For obligated parties, for the 2020 compliance year, reports required under this section must be submitted to the EPA no later than June 1, 2022.

(9) For obligated parties, for the 2021 compliance year, reports required under this section must be submitted to the EPA no later than September 1, 2022.

* * * * *

[FR Doc. 2021–06336 Filed 3–30–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2021–0003; Internal Agency Docket No. FEMA–8673]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur. Information identifying the current participation status of a community can be obtained from FEMA's CSB available at *www.fema.gov/flood-insurance/work-with-nfip/community-status-book.* Please note that per Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program, notices such as this one for scheduled suspension will no longer be published in the **Federal Register** as of June 2021 but will be available at National Flood Insurance Community Status and Public Notification | *FEMA.gov*. Individuals without internet access will be able to contact their local floodplain management official and/or State NFIP Coordinating Office directly for assistance.

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 674–1087. Details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the CSB section at *www.fema.gov.*

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives, new and substantially improved construction, and development in general from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with NFIP regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date listed in the third column. As of that date, flood insurance will no longer be available in the community. FEMA recognizes communities may adopt and submit the required documentation after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. Their current NFIP participation status can be verified at anytime on the CSB section at *fema.gov*.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the published FIRM is indicated in the fourth column of the table. No direct federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of

Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region 6				
Oklahoma:				
Bowlegs, Town of, Seminole County ..	400468	May 20, 1980, Emerg; August 19, 1985, Reg; April 7, 2021, Susp.	April 7, 2021	April 7, 2021.
Konawa, City of, Seminole County	400190	January 21, 1976, Emerg; October 26, 1982, Reg; April 7, 2021, Susp.	.....do *	Do.
Maud, City of, Pottawatomie and Seminole Counties.	400401	May 21, 1980, Emerg; July 3, 1985, Reg; April 7, 2021, Susp.	.....do	Do.
Sasakwa, Town of, Seminole County	400191	May 5, 1976, Emerg; March 1, 1987, Reg; April 7, 2021, Susp.	.....do	Do.
Seminole, City of, Seminole County ...	400192	May 20, 1974, Emerg; November 17, 1982, Reg; April 7, 2021, Susp.	.....do	Do.
Seminole County, Unincorporated Areas.	400497	December 11, 1984, Emerg; February 16, 1990, Reg; April 7, 2021, Susp.	.....do	Do.
Wewoka, City of, Seminole County	400193	March 6, 1975, Emerg; July 16, 1980, Reg; April 7, 2021, Susp.	.....do	Do.
Region 7				
Iowa:				
Fairfield, City of, Jefferson County	190168	July 15, 1975, Emerg; February 18, 1981, Reg; April 7, 2021, Susp.	.....do	Do.

* do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Eric J. Letvin,

Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2021–06565 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 13–184; FCC 19–117; FRS 17561]

Modernizing the E-Rate Program for Schools and Libraries

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the rules for the Universal Service Schools and Libraries program contained in the Commission's *Modernizing the E-Rate Program for Schools and Libraries Report and Order (Category Two Order),* FCC 19–117. This document is consistent with the *Category Two Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the new information collection requirements.

DATES: The amendments to § 54.502(d) and (e) published at 84 FR 70026, December 20, 2019, are effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Kate Dumouchel, Wireline Competition Bureau at (202) 418–7400 or via email: *Kate.Dumouchel@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418–2991 or via email: *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission made a submission for non-substantive changes to an existing collection for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, on March 23, 2021, which were approved by the OMB on March 24, 2021. The information collection requirements are contained in the Commission's *Category Two Order,* FCC 19–117, published at 84 FR 70026, December 20, 2019. The OMB Control Number is 3060–0806. The Commission publishes this document as an announcement of the effective date of the rules published December 20, 2019. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L St. NE, Washington, DC 20554. Please include the OMB Control Number, 3060–0806, in your correspondence. We ask that requests for accommodations be made as soon as possible in order to

allow the agency to satisfy such requests whenever possible. Send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on March 24, 2021, for the information collection requirements contained in 47 CFR 54.502(d) and (e), published at 84 FR 70026, December 20, 2019. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0806.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0806.

OMB Approval Date: March 24, 2021.

OMB Expiration Date: December 31, 2021.

Title: Universal Service—Schools and Libraries Universal Service Program, FCC Forms 470 and 471.

Form No.: FCC Forms 470 and 471.

Respondents: Not-for-profit institutions, and State, Local or Tribal governments.

Number of Respondents and Responses: 43,000 respondents and 67,100 responses.

Estimated Time per Response: 3.5 hours for FCC Form 470 (3 hours for response; 0.5 hours for recordkeeping; 4.5 hours for FCC Form 471 (4 hours for response; 0.5 hours for recordkeeping).

Frequency of Response: Recordkeeping, on occasion and annually reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 47 U.S.C. 151–154, 201–205, 218–220, 254, 303(r), 403 and 405 of the Communications Act of 1934, as amended.

Total Annual Burden: 273,950 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: There is no assurance of confidentiality provided to respondents concerning this information collection. However, respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Collection of the information on FCC Forms 470 and 471 is necessary so that the Commission and USAC have sufficient information to determine if entities are eligible for funding pursuant to the schools and libraries support mechanism, to determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse. In addition, the information is necessary for the Commission to evaluate the extent to which the E-rate program is meeting the statutory objectives specified in section 254(h) of the 1996 Act, and the Commission's performance goals established in the *E-rate Modernization Order* and *Second E-rate Modernization Order.*

In December 2019, the Commission adopted the *Category Two Order,* which modified E-Rate program rules to, among other things: Make permanent the category two budget approach, which provides applicants with a set amount of category two funding for a five-year period; allow applicants to apply for category two funding on a school district-wide or library system-wide basis, rather than an entity-level basis; and decrease the administrative burden on applicants requesting funding for category two services. The Commission sought to modify the FCC Form 471 to implement these changes for funding year 2021, as set forth in the *Category Two Order.*

The submission was made for proposed non-substantive changes to an existing information collection pursuant to 44 U.S.C. 3507. The submission sought to make non-substantive changes to certain fields, instructions, and the filing process for the FCC Form 471 to implement the changes adopted by the Commission in the *Category Two Order,* FCC 19–117. The submission also sought to make non-substantive changes to the instructions and process by which applicants fill out the FCC Form 471 to improve the user experience and reduce the administrative burden. There are no proposed changes for the FCC Form 470. The FCC Form 471 is contained in an online database.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–06566 Filed 3–31–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403320–4891–02]

RTID 0648–XA938

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; 2021–2022 Recreational Fishing Season for Black Sea Bass

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

ACTION: Temporary rule; recreational season length.

SUMMARY: NMFS announces that the length of the recreational fishing season for black sea bass in the exclusive economic zone (EEZ) of the South Atlantic will extend throughout the species' 2021–2022 fishing year. Announcing the length of the recreational season for black sea bass is one of the accountability measures (AMs) for the recreational sector. This announcement allows recreational fishers to maximize their opportunity to harvest the recreational annual catch limit (ACL) for black sea bass during the fishing season while managing harvest to protect the black sea bass resource.

DATES: This rule is effective from 12:01 a.m. eastern time on April 1, 2021, through March 31, 2022, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery includes black sea bass south of 35°15.19′ N latitude and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP and the FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The recreational fishing year for black sea bass is April 1 through March 31. The recreational AM for black sea bass requires that before the April 1 start date of each recreational fishing year, NMFS projects the length of the recreational fishing season based on when NMFS

projects the recreational ACL will be met, and announces the recreational season end date in the **Federal Register** (50 CFR 622.193(e)(2)). The purpose of this AM is to have a more predictable recreational season length while still constraining harvest at the recreational ACL to protect the stock from experiencing adverse biological consequences.

The recreational ACL for the 2021–2022 black sea bass fishing year is 310,602 lb (140,887 kg), gutted weight, 366,510 lb (166,246 kg), round weight (50 CFR 622.193(e)(2)).

NMFS estimates that recreational landings of black sea bass for the 2021–2022 fishing year will be less than the 2021–2022 recreational ACL. To make this determination, NMFS compared recreational landings in the last three fishing years when data were available to the recreational ACL for the 2021–2022 black sea bass fishing year. Recreational landings in the past three recent fishing seasons with available data have been below the ACL, and NMFS expects similar landings for the 2021–2022 fishing season. Therefore, because NMFS projects that the recreational landings will be less than the 2021–2022 recreational ACL, NMFS does not expect to close the recreational sector during the fishing year and announces that the season end date for recreational fishing for black sea bass in the South Atlantic EEZ south of 35°15.19′ N latitude is March 31, 2022.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(e)(2), which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing the AM has already been subject to notice and comment. Such procedures are contrary to the public interest because of the need to immediately announce the notice of the recreational season length since the season starts April 1, 2021, and all that remains is to notify the public.

For the aforementioned reasons, the Acting Assistant Administrator for NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: March 26, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–06702 Filed 3–29–21; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 210325–0071]

RIN 0648–BK11

Fisheries of the Northeastern United States; Atlantic Herring; Framework Adjustment 8

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

ACTION: Interim final rule; request for comments.

SUMMARY: This rule approves and implements the 2021–2023 Atlantic herring fishery specifications and management measures. Framework Adjustment 8 is required to set the specifications for 2021–2023 and adjusts measures in the herring fishery to allow greater opportunity to catch Atlantic mackerel. The specifications and management measures are intended to meet conservation objectives while providing vessels with sustainable levels of access to the fishery.

DATES:

Effective date: This action is effective March 29, 2021.

Comments due date: Comments must be received on or before May 3, 2021.

ADDRESSES: Copies of the analyses supporting this rulemaking, including the Framework Adjustment 8 environmental assessment (EA) prepared by the New England Fishery Management Council (Council) are available from: Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The supporting documents are also accessible via the internet at: *https://www.nefmc.org/management-plans/herring* or *http://www.regulations.gov.*

You may submit comments, identified by NOAA–NMFS–2021–0025, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NMFS–2021–0025 in the Search box. Click the ''Comment'' icon, complete the required fields, and Enter or attach your comments.

Instructions: Comments sent by any other method or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Aly Pitts, Fishery Management Specialist, (978) 281–9352.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the Atlantic Herring Fishery Management Plan (FMP) appear at 50 CFR part 648, subpart K. The regulations at § 648.200 require the Council to recommend herring specifications for NMFS' review and publication in the **Federal Register**, including: The overfishing limit (OFL); acceptable biological catch (ABC); annual catch limit (ACL); management uncertainty; optimum yield (OY); domestic annual harvest (DAH); domestic annual processing (DAP); U.S. at-sea processing; border transfer; the sub-ACL for each management area, including seasonal periods as allowed by § 648.201(d) and modifications to sub-ACLs as allowed by § 648.201(f); and the amount to be set aside for the research set aside (RSA) (0–3 percent of the sub-ACL from any management area) for up to 3 years. These regulations also provide the Council with the discretion to recommend river herring and shad catch caps as part of the specifications in addition to modifying the incidental possession limit during a closure of a sub-ACL and modifying seasonal area closures.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) permits NMFS to approve, partially approve, or disapprove measures proposed by the Council based only on whether the measures are consistent with the fishery management plan, plan amendment, the MSA and its National Standards, and other applicable law. We intended to propose measures recommended by the Council in September 2020. However, given the greatly reduced catch limits in the

specifications, and in order to avoid potential overages that may occur at the start of the fishing year while higher specifications are in place, we are approving and implementing the 2021–2023 herring specifications and other management measures recommended by the Council through this interim final rule. We are requesting public comments on this action following the rule's publication.

The Northeast Fisheries Science Center (NEFSC) completed a management track assessment of the Atlantic herring stock in June 2020. This assessment showed that the stock is now overfished, but overfishing is not occurring. This is a change from the previous assessment in 2018 that indicated the stock was approaching an overfished condition, and overfishing was not occurring. Recruitment continues to be at historic low levels. Based on these results, NMFS officially notified the Council that the stock was declared overfished in early October 2020 following the Council's final action on Framework 8 in September 2020, and requested the Council develop rebuilding measures. The NEFSC will conduct a new herring management track assessment in 2022. This assessment will reassess projected biomass and recruitment trends and will be used to set herring specifications for 2023–2025. The specifications associated with this action estimate that overall herring biomass is expected to remain at relatively low levels in the next few years. The probability of the stock remaining overfished is relatively high under all alternatives considered for this action.

2021–2023 Atlantic Herring Specifications

Based on the findings of the June 2020 management track assessment, the Council recommended the 2021–2023 specifications for the herring fishery at its September 30, 2020, meeting. This rule implements the specifications detailed in Table 1, as recommended by the Council.

TABLE 1—2021–2023 ATLANTIC HERRING SPECIFICATIONS

[mt]

Specification	2021	2022	2023
OFL	23,423	26,292	44,600
ABC	9,483	8,767	8,767
Management Uncertainty	4,669	4,669	4,669
OY/ACL	* 4,814	* 4,098	* 4,098
DAH	4,814	4,098	4,098
Border Transfer	0	0	0
DAP	4,814	4,098	4,098
U.S. At-Sea Processing	0	0	0
Area 1A sub-ACL (28.9%)	* 1,391	* 1,184	* 1,184
Area 1B sub-ACL (4.3%)	207	176	176
Area 2 sub-ACL (27.8%)	1,338	1,139	1,139
Area 3 sub-ACL (39%)	1,877	1,598	1,598
Fixed Gear Set-Aside	30	30	30
Research Set-Aside as percentage of sub-ACL	** 0	0	*** 0

* If New Brunswick weir landings are less than 3,012 mt through October 1, then 1,000 mt will be subtracted from the management uncertainty buffer and reallocated to the Area 1A sub-ACL and ACL. Thus, the Area 1A sub-ACL would increase to 2,391 mt, and the ACL would increase to 5,814 mt in 2021.

** Because the RSA participants will not be pursing RSA, we will not deduct it from the sub-ACLs.

*** RSA will to be revisited for 2023–2025 specifications.

Several factors contributed to the Council's ABC recommendations for 2021–2023. The ABC is reduced from the OFL to account for scientific uncertainty. The Council's Scientific and Statistical Committee (SSC) and the Council determined that a conservative method of management, specifically one that accounts for scientific uncertainty, was essential due to the current status of the herring stock and the uncertainty surrounding estimates of biomass and recruitment. The SSC and the Council recommended a herring ABC of 9,483 mt for 2021 and 8,757 mt for 2022–2023 based on the control rule approved in Amendment 8 that reduces the available harvest to explicitly account for herring's role as forage in the ecosystem. The original projection for the 2023 ABC was 11,025 mt; however, the SSC and Council recommended reducing the ABC for 2023 to better address uncertainties in the projection estimates. For comparison, the proposed 2021 ABC is 51-percent lower than that currently in place for 2021.

The ACL is reduced from the ABC to account for management uncertainty. Currently, although the FMP allows for consideration of other aspects of management uncertainty (*e.g.,* uncertainty around discard estimates of herring caught in Federal and state waters), the only source for management uncertainty that is applied to the 2021–2023 ABCs are landings in the New Brunswick weir fishery. Catch in the New Brunswick weir fishery is variable but has declined in recent years. After considering a range of management uncertainty buffers, the Council recommended a buffer of 4,669 mt, consistent with average landings in the New Brunswick weir fishery over the last 10 years. The Council selected this method in Framework 6 (85 FR 26874, May 6, 2020) for setting the 2019–2021 specifications to account for variability in this fishery as well. The resulting ACLs are 4,814 mt for 2021 and 4,098 mt for 2022–2023.

The Council also recommended a provision that if weir fishery landings are less than 3,012 mt through October 1, NMFS would subtract 1,000 mt from the management uncertainty buffer and reallocate that 1,000 mt to the Area 1A sub-ACL and ACL. Currently, this provision is allowed if New Brunswick weir landings are less than 2,942 mt through October 1. The updated landings estimate is based on the most recent landings data. There is no trend in recent New Brunswick weir landings; using a 10-year average is intended to reflect the variability of the fishery. This action implements these adjustments to the weir fishery reallocation provision.

Border Transfer

Border Transfer is a processing allocation available to Canadian dealers that is included in, and does not reduce, the domestic catch limits. The MSA

provides for the issuance of permits to Canadian vessels transporting U.S. harvested herring to Canada for sardine processing. This action sets a 0-mt specification for border transfer for 2021–2023. Incentives are currently low to transfer fish to Canadian vessels and this allocation can be revisited in the future.

Research Set-Aside

During 2019–2021, the herring research set-aside (RSA) for each management area was set to 3 percent of each area's sub-ACL. Any unallocated or unused RSA is re-allocated to the sub-ACL and made available to the fleet before the end of the fishing year in accordance with the Administrative Procedure Act, provided that the RSA can be available for harvest before the end of the fishing year for which the RSA is specified. The Council recommended setting aside 3 percent of each sub-ACL for 2021 RSA, but zero percent for 2022 and 2023. Because an RSA award was granted using 2021 RSA, this set-aside recommendation would support that previously approved project. However, with recent sub-ACL reductions, it has been difficult to harvest RSA, and it may be more beneficial to have that allocation applied directly to the herring fishery while catch limits are so low. The participants in the RSA program will not continue their RSA project in 2021. Regulations at § 648.207(g) require that we reallocate any unallocated or unused RSA amount to the respective sub-ACL(s) if we determine that the RSA cannot be utilized by a project. As a result, we will not specify RSA for 2021 and instead will apply the RSA allocation directly to the sub-ACLs. The Council recently conducted a review of all RSA programs in this region and the report highlighted several modifications that could be made to the herring RSA program to improve its effectiveness. Herring specifications are currently being set every two years, and herring RSA awards have recently been granted on 3-year cycles. A pause in the program provides time to sync the RSA program with the specifications cycle and potentially address other issues with the herring RSA program. Future specifications packages can adjust these percentages up to 3 percent, and the Council will reevaluate this decision when considering revisions to the 2023 specifications and beyond following the results of the next assessment.

River Herring and Shad Catch Caps

This action maintains status quo river herring and shad catch caps for 2021–2023 (see Table 2). These catch caps were originally set for the fishery in the 2016–2018 specifications, and were maintained in 2019 and 2020. Catch is tracked against river herring and shad catch caps on trips landing more than 6,600 lb (3,000 kg) of herring. Once a catch cap is reached, the possession limit for herring vessels using that gear type and fishing in that area (or the corresponding catch cap closure area) is reduced to 2,000 lb (907 kg) of herring for the remainder of the fishing year. These caps are intended to meet the original catch cap goals to provide a strong incentive for the herring fleet to continue to reduce river herring and shad catch, while allowing the fleet to fully harvest the herring ACL.

TABLE 2—2021–2023 RIVER HERRING AND SHAD CATCH CAPS

[mt]

Catch caps	2021–2023
Midwater Trawl Gulf of Maine	76.7
Midwater Trawl Cape Cod	32.4
Midwater Trawl Southern New England and Mid-Atlantic	129.6
Bottom Trawl Southern New England and Mid-Atlantic	122.3

Carryover

Currently, regulations at § 648.201 require that up to 10 percent of the unharvested catch in a herring management area shall be carried over and added to that area's sub-ACL for the fishing year following when total catch is determined. This carryover increases the sub-ACL for that management area, but it does not increase the total ACL. Under Framework 6, NMFS temporarily suspended the carryover of unharvested catch for 2020 and 2021 because the amount of carryover was substantial relative to the reduced ACLs. Carryover of higher amounts of unharvested quota from 2018 relative to lower sub-ACLs in 2020 could have had potentially negative unintended consequences on some participants in the fishery that fish in different areas and seasons. This action maintains the automatic carryover of unharvested catch but changes the amount from up to 10 percent to up to 5 percent of each sub-ACL. The 5 percent carryover is expected to benefit the herring fleet with sub-ACL increases, while resulting in a reduced risk of potential negative consequences on the herring resource than the amounts carried over at 10 percent. Specifically, up to 5 percent of each area's sub-ACL in 2019 or 2020 would automatically rollover and be added to the sub-ACL for each herring management area in 2021 and 2022, respectively. For example, the 2021 the Area 1A sub-ACL increases by 218 mt (5 percent of the 2019 sub-ACL), which is an 18-percent increase of the 2021 sub-ACL. This benefit is broken down in Table 3 below. The overall ACL would not increase due to any carryover from a previous year. After the 2022 fishing year ends, the 5-percent automatic carryover would expire, and it would revert to up to 10 percent unless modified by a future action.

TABLE 3—SUMMARY OF 2019 SUB-ACLS AND CATCH AND CARRYOVER FOR 2021

[mt]

Area	2019 Initial sub-ACL	2019 Adjusted sub-ACLs	2019 Final catch	2019 Catch (percent of sub-ACL)	2019 Underages/ overages	Carryover for 2021 (5 percent of 2019 sub-ACL)	2021 Initial sub-ACLs	2021 Adjusted sub-ACLs
1A	4,354	5,223	4,916	94	307	218	1,391	1,609
1B	647	628	159	25	469	32	207	239
2*	4,188	4,062	4,748	117	−686	NA	1,338	652
3	5,876	5,700	3,523	57	2,117	294	1,887	2,181

* Area 2 will be reduced in 2021 due an overage in that area in 2019.

The Council recommended status quo methods to set all other herring specifications, including DAH, DAP, U.S. at-sea processing, fixed gear set-aside, and management area sub-ACLs.

Other Measures

There are two measures in this rule intended to provide more opportunities for the herring and mackerel fisheries to achieve optimum yield by providing flexibility for the herring fleet to access the Atlantic mackerel resource during a sub-ACL closure, given the reduced sub-ACLs. These measures adjust the herring incidental catch possession limit in Areas 2 and 3 and eliminate the seasonal closure of Area 1B from January through April. While the sub-ACLs are reduced with this action due to the status of the resource, increasing the incidental possession limit allows for conservation of the resource as there is management uncertainty included in the specifications to avoid an overage.

The regulations at § 648.201 currently specify a 2,000-lb (907-kg) herring incidental catch possession limit per trip or calendar day when 92 percent of the sub-ACL for a herring management area (Area 1A, 1B, 2 and 3) or 95 percent of the total ACL for the herring fishery is projected to be caught. This possession limit makes it challenging to target mackerel during a sub-ACL directed fishery closure, especially in certain areas and seasons when herring and mackerel mix. These in-season herring possession limits apply to both limited access and open access herring permit holders. Vessels with limited access herring permits are not subject to a herring possession limit unless one of these triggers is met in-season.

This action implements a two-step incidental possession limit with similar incidental possession limits as in the Atlantic mackerel fishery for herring Management Areas 2 and 3 while making no changes to the Management Area 1A and 1B possession limits or closure triggers. The measures in this rule set a higher initial possession limit of 40,000 lb (18,144 kg) per trip or calendar day that will be implemented when the fishery is projected to catch a lower closure trigger threshold of 90 percent of the Area 2 or 3 sub-ACL. The next closure trigger, setting the possession limit at 2,000 lb (907 kg) per trip or calendar day, will be implemented when the herring fishery is projected to catch 98 percent of the sub-ACL in Area 2 or 3. This two-step process is intended to slow the directed herring fishery while allowing vessels access to mackerel in the same areas. This measure will be in place until adjusted by a future Council action.

During development of Framework 8, NMFS cautioned that while this two-step process may offer herring vessels more access to herring when fishing for mackerel in the future when herring sub-ACLs are higher, the benefits may not be realized during times when sub-ACLs are low. Despite the lower sub-ACLs, the increase in the initial incidental possession limit is not expected to result in exceeding the ABC or result in overfishing. The reduced sub-ACLs in this action still take into account management uncertainty. Also, we expect our ability to monitor and project catch and implement possession limit adjustments with low sub-ACLs in a high volume fishery in a timely manner may require us to bypass implementing the 40,000-lb (18,144-kg) incidental possession limit and quickly implement the 2,000-lb (907-kg) possession limit to avoid overages and an increased risk of exceeding the ABC. Our management of Areas 1A and 1B is expected to be consistent with our past experience as this action makes no changes to the current possession limit adjustment triggers in Areas 1A and 1B and maintains the requirement to adjust to a 2,000-lb (907-kg) limit for all areas when 95 percent of the total ACL for the herring fishery is projected to be caught.

This action also removes the seasonal closure of Area 1B from January–April. The seasonal closure of Area 1B from January–April prevents vessels from targeting herring and other species. Atlantic mackerel have been known to migrate through Area 1B during this time as they leave the Mid-Atlantic and head north in the spring. Providing herring fleet access to Area 1B earlier in the year could improve access to Atlantic mackerel overall.

Regulation Clarifications

We are modifying the regulations for fisheries of the Northeastern United States under the authority of section 305(d) to the MSA which provides that the Secretary of Commerce may promulgate regulations necessary to carry out an FMP or the Magnuson-Stevens Act. Specifically, at § 648.202, this rule clarifies that the restriction on using midwater trawl gear in Management Area 1A during June through September applies to all midwater trawl gear, not just those fishing for herring. The Council is supportive of this clarification.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Acting Assistant Administrator (AA) has preliminarily determined that this rule is consistent with the Herring FMP, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

The Acting AA finds that prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), would be contrary to the public interest. The Council's recommendations for Framework 8 adopted at its September meeting and later submitted to NMFS prevented NMFS from publishing a proposed and final rule in time to implement final measures by January 1, 2021, which is the start of the fishing year. This rule sets the specifications for 2021–2023, which are greatly reduced from the current sub-ACLs. If these specifications are not set as close to the start of the fishing year as possible, there is a risk of an overage in the sub-ACLs, ACL, and ABC that will be set by this action, which would further impede conservation of the herring resource. Any overages would be required to be reduced from next year's corresponding catch limits, reducing fishing opportunities next year. This action also includes measures to mitigate adverse economic impacts from lost opportunities to fish due to the reduced sub-ACLs by revising measures that would allow for the herring fleet to access the Atlantic mackerel resource during a sub-ACL closure. Directed fishery area closures can happen quickly in this high-volume fishery when the sub-ACLs are this low. Implementing these measures as quickly as possible will provide the industry greater opportunity to realize the intended benefits of these measures. The public is anticipating these measures, since the recommendations were voted on by the Council at the September meeting. The delay required for comments on these measures prior to their implementation would undermine the resource conservation and economic benefit intended by these measures. We are still soliciting and accepting additional public comments on this rule. For these reasons, prior notice and the opportunity for public comment, pursuant to authority set forth at U.S.C. 553(b)(B), would be contrary to the public interest.

Similarly, the need to implement these measures in a timely manner to put this interim final rule in place as close to January 1, 2021, as possible constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to establish an effective date less than 30 days after date of publication. These measures promote conservation goals of the FMP and allow for flexibility to herring vessels to access the Atlantic mackerel resource during a seasonal

closure of the directed herring fishery. Delay in implementing this rule would put the herring resource at risk for further depletion in addition to preventing the herring fleet from access to mackerel in the event of a sub-ACL directed fishery area closure.

This rule has been determined to be not significant for purposes of Executive Order 12866.

This interim final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

This interim rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 29, 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 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, revise paragraph (r)(1)(ii)(B) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(r) * * *

(1) * * *

(ii) * * *

(B) Attempt or do any of the following: Fish for, possess, transfer, receive, or sell; more than the possession limits specified at § 648.201(a) during a management area closure, or from a river herring and shad catch cap closure area that has been closed to specified gear pursuant to § 648.201(a)(4)(ii), if the vessel has been issued and holds a valid herring permit.

* * * * *

■ 3. In § 648.201, revise paragraphs (a)(1)(i) and (ii), (b), (c), (d)(2), (g)(1) and (2), and (h) to read as follows:

§ 648.201 AMs and harvest controls.

(a) * * *

(1) * * *

(i) *Management area closure.* (A) *Areas 1A and 1B.* If NMFS projects that catch from Area 1A or 1B will reach 92 percent of the annual sub-ACL allocated to Area 1A or Area 1B, before the end of the fishing year, or 92 percent of the Area 1A sub-ACL allocated to the seasonal period as set forth in paragraph (d) of this section, beginning the date the catch is projected to reach 92 percent of the sub-ACL, vessels may not attempt or do any of the following: Fish for, possess, catch, transfer, or land more than 2,000 lb (907.2 kg) of Atlantic herring per trip in or from the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(B) *Areas 2 and 3. (1) Incidental Possession Limit Adjustment—Phase 1.* If NMFS projects that catch from Area 2 or Area 3 will reach 90 percent of the annual sub-ACL allocated to Area 2 or Area 3 before the end of the fishing year, beginning the date the catch is projected to reach 90 percent of the applicable sub-ACL, vessels may not attempt or do any of the following: Fish for, possess, catch, transfer, or land more than 40,000 lb (18,143.7 kg) of Atlantic herring per trip in or from the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(2) Incidental Possession Limit Adjustment—Phase 2. If NMFS projects that catch will reach 98 percent of the annual sub-ACL allocated to Area 2 or Area 3 before the end of the fishing year, beginning the date the catch is projected to reach 98 percent of the sub-ACL, vessels may not fish for, possess, catch, transfer, or land more than 2,000 lb (907.2 kg) of Atlantic herring per trip in the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(ii) *Herring fishery closure.* If NMFS projects that catch will reach 95 percent of the ACL before the end of the fishing year, beginning the date the catch is projected to reach 95 percent of the ACL, vessels may not attempt or do any of the following: Fish for, possess, catch, transfer, or land more than 2,000 lb (907.2 kg) of Atlantic herring per trip in all herring management areas, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

* * * * *

(b) A vessel may transit an area that is limited to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section with less than 2,000 lb (907.2 kg) or less than 40,000 lb (18,143.7 kg) of herring on board, provided such herring were caught in an area or areas not subject to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section, and that all fishing gear is stowed and not available for immediate use as defined in § 648.2, and provided the vessel is issued a vessel permit appropriate to the amount of herring on board and the area where the herring was harvested.

(c) A vessel may land in an area that is limited to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section with less than 2,000 lb (907.2 kg) or less than 40,000 lb (18,143.7 kg) of herring on board, provided such herring were caught in an area or areas not subject to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section, and that all fishing gear is stowed and not available for immediate use as defined in § 648.2, and provided the vessel is issued a vessel permit appropriate to the amount of herring on board and the area where the herring was harvested.

* * * * *

(d) * * *

(2) *Area 1B:* 100 percent available for harvest during January–December.

* * * * *

(g) * * *

(1) Subject to the conditions described in this paragraph (g), unharvested catch in a herring management area in a fishing year (up to 10 percent of that area's sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following the year when total catch is determined. For example, NMFS will determine total catch from Year 1 during Year 2, and will add carryover to the applicable sub-ACL(s) in Year 3. All such carryover shall be based on the herring management area's initial sub-ACL allocation for the fishing year, not the sub-ACL as increased by carryover or decreased by an overage deduction, as specified in paragraph (a)(3) of this section. All herring caught from a herring management area shall count against that area's sub-ACL, as increased by carryover. For example, if 100 mt of herring is added as carryover from Year 1 to a 5,000 mt sub-ACL in Year 3, catch in that management area would be tracked against a total sub-ACL of 5,100 mt. NMFS shall add sub-ACL carryover only if the ACL, specified consistent

with § 648.200(b)(3), for the fishing year in which there is unharvested herring, is not exceeded. The ACL, consistent with § 648.200(b)(3), shall not be increased by carryover specified in this paragraph (g).

(2) Carryover of unharvested catch to any herring management area's sub-ACL in the 2021 and 2022 herring fishing years, as described in this paragraph (g), shall be limited to 5 percent of unharvested catch in the 2019 and 2020 fishing years.

(h) If NMFS determines that the New Brunswick weir fishery landed less than 3,012 mt of herring through October 1, NMFS will subtract 1,000 mt from management uncertainty and reallocate that 1,000 mt to the ACL and Area 1A sub-ACL. NMFS will notify the Council of this adjustment and publish the adjustment in the **Federal Register**.

* * * * *

■ 4. In § 648.202, revise paragraphs (a)(1) and (2) introductory text to read as follows:

§ 648.202 Season and area restrictions.

(a) * * *

(1) *Area 1A.* Federally permitted vessels fishing may not use, deploy, or fish with midwater trawl gear in Area 1A from June 1 September 30 of each fishing year. A vessel with midwater trawl gear on board may transit Area 1A from June 1–September 30, provided such midwater trawl gear is stowed and not available for immediate use as defined in § 648.2. Vessels may use any authorized gear type to harvest herring in Area 1A from October 1–May 31.

(2) *Inshore.* Federally permitted vessels may not use, deploy, or fish with midwater trawl gear within the inshore midwater trawl restricted area. A federally permitted vessel with midwater trawl gear on board may transit the inshore midwater trawl restricted area, provided such midwater trawl gear is stowed and not available for immediate use as defined in § 648.2. Vessels on a declared research set-aside trip are permitted to use, deploy, or fish with midwater trawl gear within the inshore midwater trawl restricted areas provided the vessel is operating as authorized by an exempted fishing permit. The Inshore Midwater Trawl Restricted Area includes all state and Federal waters between the U.S. coastline and the following points, connected in the order listed by straight lines, unless otherwise noted:

* * * * *

[FR Doc. 2021–06751 Filed 3–29–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 61
Thursday, April 1, 2021

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0201; Project Identifier MCAI–2020–01346–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by a report of cracking in certain components on left and right sides of the aft wing-to-body fairing (WTBF) structure near the tie-rod attachment at a certain fuselage station; this cracking likely resulted from excessive tie-rod preload. This proposed AD would require inspecting the aft WTBF structure for any cracking or damage, adjusting the load on the two tie-rods at a certain fuselage station, and repair if necessary, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 17, 2021.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; telephone +1–888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0201.

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–2021–0201; 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: Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@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–2021–0201; Project Identifier MCAI–2020–01346–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2020–32, dated September 25, 2020 (TCCA AD CF–2020–32) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This proposed AD was prompted by a report of cracking in the longeron, frame, and tie-rod on left and right sides of the aft WTBF structure near the tie-rod attachment at fuselage section (FS) 973. The cracking likely resulted from excessive tie-rod preload, and the cracking reportedly begins earlier on airplanes with the latest of the two aft WTBF configurations. The FAA is proposing this AD to address such cracking, which could lead to loss of aft WTBF integrity and result in damage due to parts departing the airplane, loss of the radio altimeter, and effects on airplane stability and performance. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–32 describes procedures for doing repetitive detailed visual inspections of the aft WTBF structure for any cracking or damage (including, but not limited to, cracking), adjusting the load on the two tie-rods at FS 973, reporting inspection results, and repairing any cracked or damaged WTBF structure. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2020–32 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and European Aviation Safety Agency (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, TCCA AD CF–2020–32 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2020–32 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF–2020–32 that is required for compliance with TCCA AD CF–2020–32 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0201 after the FAA final rule is published.

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 proposed AD affects 11 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
9 work-hours × $85 per hour = $765	$0	$765	$8,415

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting on U.S. operators to be $935, or $85 per product.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this proposed AD.

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 (AD):

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0201; Project Identifier MCAI–2020–01346–T.

(a) Comments Due Date

The FAA must receive comments by May 17, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracking in the longeron, frame, and tie-rod on left and right sides of the aft wing-to-body fairing (WTBF) structure near the tie-rod attachment at fuselage station (FS) 973; this cracking likely resulted from excessive tie-rod preload. The FAA is issuing this AD to address such cracking, which could lead to loss of aft WTBF integrity and result in damage due to parts departing the airplane, loss of the radio altimeter, and effects on airplane stability and performance.

(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, Transport Canada Civil Aviation (TCCA) AD CF–2020–32, dated September 25, 2020 (TCCA AD CF–2020–32).

(h) Exceptions to TCCA AD CF–2020–32

(1) Where TCCA AD CF–2020–32 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs B. and E. of TCCA AD CF–2020–32 specify to repair ''any cracks or damage'' at certain compliance times or intervals, this AD requires repairing any cracks or damage before further flight.

(3) Where TCCA AD CF 2020–32 refers to hours air time, this AD requires using flight hours.

(4) Where table 1 of TCCA AD CF 2020–32 specifies a compliance time ''for new aeroplanes with an aeroplane date of manufacture, as identified on the identification plate of the aeroplane, dated on or after the effective date of this AD'' for this AD use ''for airplanes with a date of manufacturer, as identified on the identification plate of the airplane, dated on or after the effective date of this AD.''

(5) Where TCCA AD CF 2020–32 defines the ''applicable AMP DM'' as ''Airbus Canada Limited Partnership AMP DM BD500–A–J53–82–55–04AAA–720A–A (Aft fairing strut, Wing To Body Fairing (WTBF)—Install procedure) Issue 006, dated 26 June 2020, or later revisions,'' for this AD use ''Airbus Canada Limited Partnership AMP DM BD500–A–J53–82–55–04AAA–720A–A (Aft fairing strut, Wing To Body Fairing (WTBF)—Install procedure) Issue 006, dated 26 June 2020, or later-approved revisions.''

(6) Paragraph D. of TCCA AD CF–2020–32 specifies to report inspection results to Airbus Canada Limited Partnership within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(6)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch FAA; or TCCA; or Airbus Canada's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

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

(j) Related Information

(1) For information about TCCA AD CF–2020–32, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* Internet *https://tc.canada.ca/en/aviation.* You may find this TCCA AD on the TCCA website at *https://tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0201.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

Issued on March 25, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–06550 Filed 3–31–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 96

46 CFR Parts 71, 115, and 176

[Docket No. USCG–2020–0123]

RIN 1625–AC65

Safety Management Systems for Domestic Passenger Vessels

AGENCY: Coast Guard, DHS.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Coast Guard is extending the comment period for the advance notice of proposed rulemaking published January 15, 2021, that seeks comments on the potential use of Safety Management Systems to improve safety and reduce marine casualties on board U.S.-flagged passenger vessels. We are extending the comment period an additional 45 days, to June 1, 2021.

DATES: The comment period for the advance notice of proposed rulemaking published January 15, 2021, 86 FR 3899, is extended. Comments must be received by the Coast Guard on or before June 1, 2021.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Lieutenant Kimberly Gates, Vessel and Facility Operating Standards Division (CG–OES–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593; telephone 202–372–1455, email *kimberly.m.gates@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard received a request to extend the comment period for an additional 45 days on its advance notice of proposed rulemaking (ANPRM) entitled ''Safety Management Systems for Domestic Passenger Vessels,'' that was published January 15, 2021 (86 FR 3899). The requester cited ongoing COVID–19 impacts and that vessel owners and operators of the potentially affected population are impacted operationally. In response to this request, we are extending the comment period to June 1, 2021.

The Coast Guard is evaluating the potential use of Safety Management Systems (SMSs) to improve safety and reduce marine casualties on board U.S. flagged passenger vessels. The ANPRM published January 15, 2021, seeks public input and responses to specific questions on the feasibility, applicability, and nature of Safety Management Systems for potential use on U.S.-flagged passenger vessels. The Coast Guard may use this information to develop a proposed rule.

On March 1, 2021, we published a correction (86 FR 11913) to one of the questions in the ANPRM. The corrected Question 19 now reads: ''How would the costs and benefits of expanding other existing regulations, as detailed in question 6, differ from the costs and benefits of requiring SMSs for all passenger vessels?''

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

The ANPRM and public comments in response to it are available in our online docket at *https://www.regulations.gov,* and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the ANPRM. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments or additional documents are posted. The Coast Guard will not issue a separate response to the comments received, but will carefully consider each comment and will address them in a proposed rule if one is developed.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see the Department of Homeland Security's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Dated: March 19, 2021.

M.T. Cunningham,

Chief, Office of Regulations and Administrative Law.

[FR Doc. 2021–06145 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2020–0620]

Anchorage Ground; Approaches to New York, Ambrose, Long Beach, NY

AGENCY: Coast Guard, DHS.

ACTION: Notification of inquiry; request for comments.

SUMMARY: We are requesting public comments regarding the potential establishment of an anchorage ground in an area referred to by mariners as the ''Ambrose anchorage,'' which is an offshore area that has been used by ships awaiting inshore anchorages or berths. The area is located in the approaches to New York, approximately 3 nautical miles south of Long Beach, New York, and just north of the Nantucket to Ambrose Traffic Lane. The Coast Guard is considering formally establishing an anchorage ground at this location, possibly with regulations governing its use, if doing so will improve navigation safety and enhance safe and efficient flow of vessel traffic and commerce. We are seeking your comments on the benefits and impacts of establishing a regulated anchorage ground, and if so, what types of requirements we should consider for the Coast Guard oversight of the anchorage ground.

DATES: Your comments and related material must reach the Coast Guard on or before June 1, 2021. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after midnight Eastern Daylight Time on the last day of the comment period. Although the Coast Guard prefers and highly encourages all comments and related material be submitted directly to the electronic docket, two virtual public meetings will be held via webinar and teleconference to provide an opportunity for oral comments regarding the possible establishment of an anchorage ground, often informally referred to as the ''Ambrose anchorage'' on Wednesday, April 21, 2021, beginning at 9 a.m. EST, and on Tuesday, April 27, 2021, beginning at 5 p.m. EST.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0620 using the Federal portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for

further instructions on submitting comments.

The virtual public meeting on Wednesday, April 21, 2021, beginning at 9 a.m. EST, will be held via webinar and teleconference.

The virtual public meeting on Tuesday, April 27, 2021, beginning at 5 p.m. EST, will be held via webinar and teleconference.

Access information for these virtual public meetings will be posted at *https://homeport.uscg.mil/port-directory/new-york* by Friday, April 9, 2021 under the News and Events section.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of inquiry, call or email Mr. Craig Lapiejko, First Coast Guard District (dpw), U.S. Coast Guard; telephone (617) 223–8351, email *craig.d.lapiejko@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
§ Section
MTS Marine Transportation System
U.S.C. United States Code

II. Background and Purpose

The Coast Guard is considering the establishment of an anchorage ground, informally referred to by mariners as the ''Ambrose anchorage,'' located in the approaches to New York, 3 nautical miles south of Long Beach, New York, and just north of the Nantucket to Ambrose Traffic Lane. Our authority to establish anchorage grounds is found in 33 U.S.C. 471. Under Title 33 Code of Federal Regulation (CFR) § 1.05–1, U.S. Coast Guard District Commanders are delegated the authority to establish anchorage grounds by the Commandant of the U.S. Coast Guard.

The Coast Guard plays a major role in the management of the nation's Marine Transportation System (MTS). The MTS is a complex system that includes ports, vessels, lock chambers, intermodal connections, marine terminals, and aids to navigation. The approaches to New York are a part of this system providing safe and predictable access to the critical ports of New York and New Jersey. The Coast Guard's role is to support access to navigable waterways for mariners, facilitate movement of commerce, and support environmental protection, all in a safe manner.

Global trends are bringing newer classes of large ships to the ports of New York and New Jersey. A recently completed harbor deepening project increased the Federal project depth to 50 feet in New York Harbor to accommodate the next generation of commercial ships. Ships going to or from the ports of New York and New Jersey anchor in unregulated areas located in the approaches to New York north of the Nantucket to Ambrose Traffic Lane. Vessels may be anchoring in this area for a broad range of purposes including waiting for available space at berths or inshore anchorage grounds, waiting on inspection, taking on stores, transferring of personnel, or other activities. Regulated anchorage grounds are available within the port of New York and New Jersey. Regulations establishing these anchorage grounds and governing their use are set out in 33 CFR 110.155. These anchorage ground regulations were last revised in January 2015 to establish and modify anchorage grounds to support port demands and enhance navigation safety. See Final Rule published in the **Federal Register** on January 15, 2015 (80 FR 2011).

In 2016, the Coast Guard requested comments on its draft report of the Atlantic Coast Port Access Route Study (ACPARS) (81 FR 13307, March 14, 2016) that analyzed the Atlantic Coast waters seaward of existing port approaches within the U.S. Exclusive Economic Zone, and announced the report as final in 2017 (82 FR 16510, April 5, 2017). This multiyear study began in 2011, included public participation, and identified key alongshore navigation routes customarily followed by ships engaged in commerce between U.S. ports from New York and New Jersey to the Florida Straits. See *https://navcen.uscg.gov/?pageName=PARSReports.*

In 2020, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) titled Shipping Safety Fairways Along the Atlantic Coast (85 FR 37034, June 19, 2020) seeking comments regarding the possible establishment of a system of shipping safety fairways (''fairways'') along the Atlantic Coast of the United States identified as navigation safety corridors in the ACPARS.

Also in 2020, the Coast Guard published a notice of study announcing the Northern New York Bight Port Access Route Study (NNYBPARS) (85 FR 38907, June 29, 2020) to obtain comments regarding the adequacy of existing vessel routing measures and to determine whether additional vessel routing measures are necessary for port approaches to New York and New Jersey and other port approaches in the First Coast Guard District area of responsibility. During a 60-day comment period, five of the 24 comments submitted discussed or at least mentioned concerns about areas where vessels anchor within the study area. Some of these comments recommended the Coast Guard identify the customary areas that vessels anchor and federally designate them as anchorage grounds. One comment specifically described an area off Long Beach, New York believed to be used for anchoring commercial ships.

Within recent years, members of the New York Harbor Safety, Navigation and Operations Committee have raised concerns of how potential wind energy leases or the routing of associated transmission cables might conflict with traditional unregulated anchorage grounds thereby preventing their continued use.

Preliminary details describing the location of this contemplated anchorage ground are provided below. The anchorage ground dimensions would be approximately 5 nautical miles by 3 nautical miles and would encompass an area of approximately 15 square nautical miles. The anchorage ground would encompass all waters within the lines connecting the following points using coordinates based on North American Datum of 1983 (NAD83).

40 28′ 24.430″ N, 073 39′ 31.644″ W,
40 29′ 19.002″ N, 073 33′ 16.321″ W,
40 31′ 06.599″ N, 073 36′ 30.493″ W,
40 31′ 27.763″ N, 073 41′ 42.667″ W,
40 29′ 14.949″ N, 073 40′ 29.677″ W,
40 29′ 14.896″ N, 073 39′ 31.361″ W,
thence to point of origin.

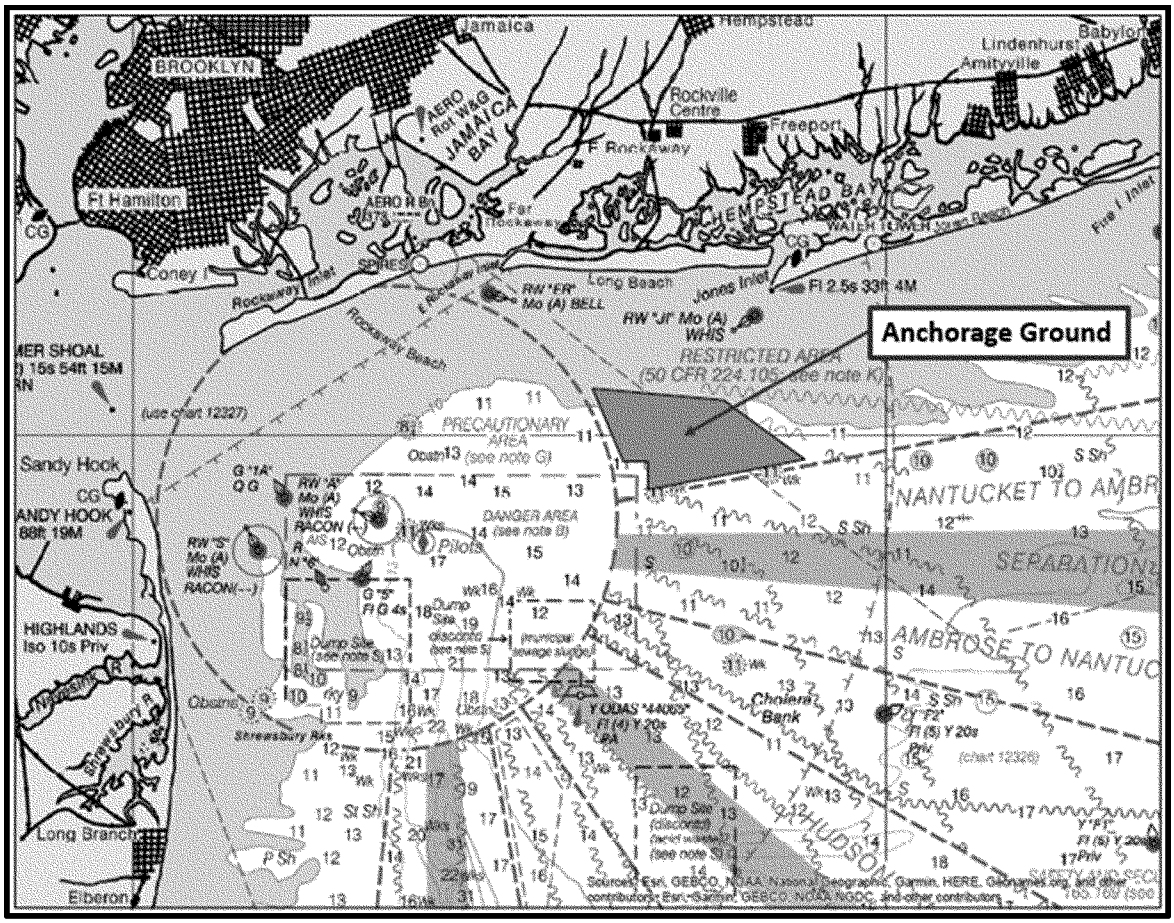

Illustration showing the location of the considered anchorage ground.

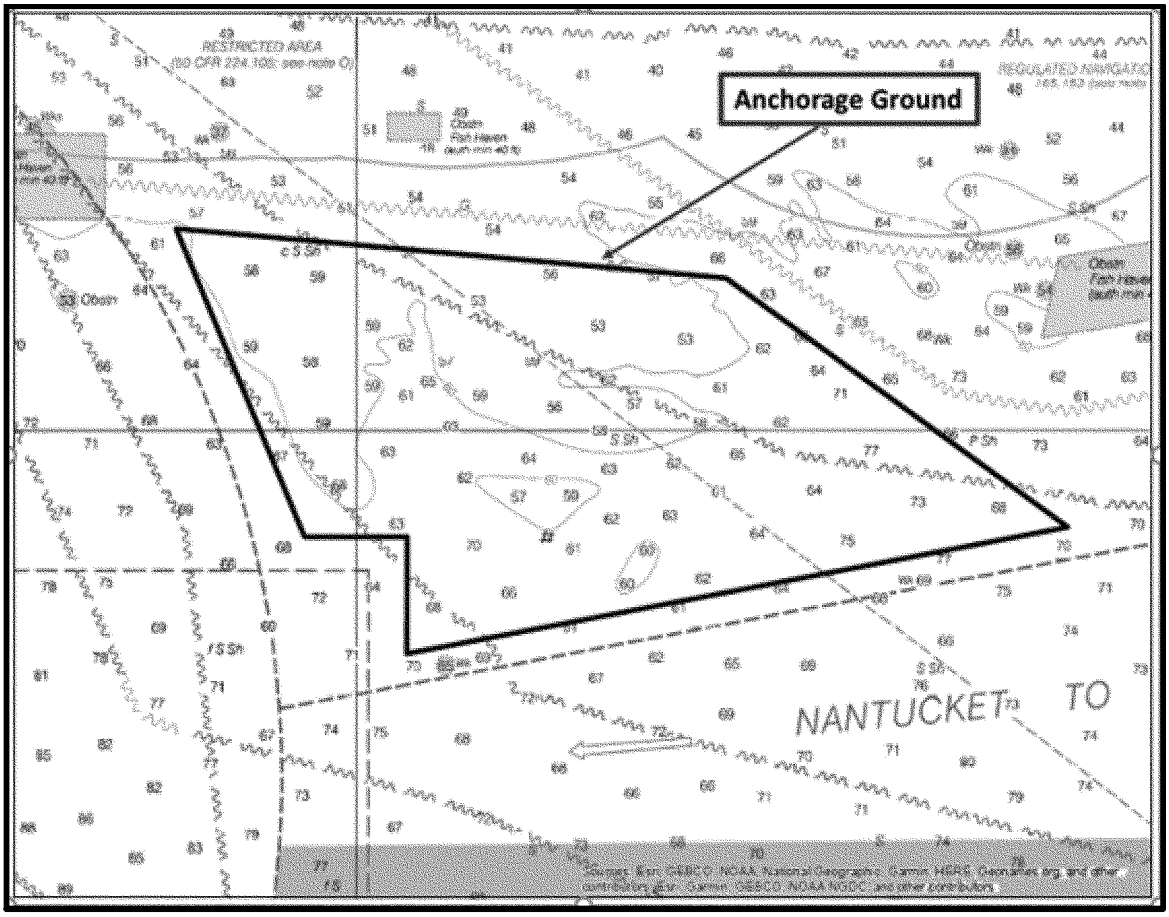

Illustration showing the location of the considered anchorage ground.

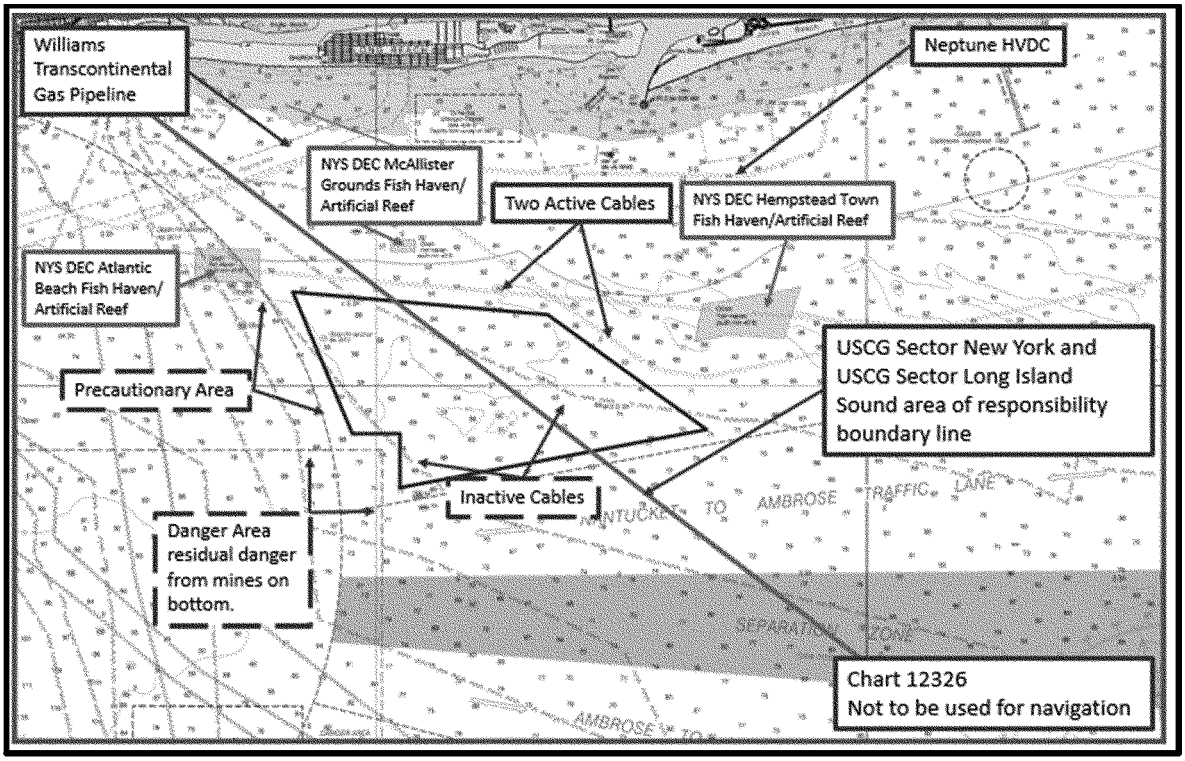

Illustration showing details near the location of the considered anchorage ground.

Additional illustrations showing the location of this considered anchorage ground are available in the docket.

III. Information Requested

Public participation will help the Coast Guard decide whether to formally establish the anchorage ground, often informally referred to as the ''Ambrose anchorage,'' located in the approaches to New York, 3 nautical miles south of Long Beach, New York, and just north of the Nantucket to Ambrose Traffic Lane. The Coast Guard seeks public comments, positive or negative, regarding the benefits and impacts a regulated anchorage ground may have on navigational safety, continued growth of the Port of New York and New Jersey, offshore renewable energy and associated economic activity, and other activities in this offshore area. In the event the Coast Guard were to proceed with an anchorage ground in this location, it would follow normal notice and comment rulemaking processes in accordance with the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

We are also specifically seeking comments on:

1. Any alterations to the specific location, size or boundary lines of how we describe the considered Ambrose anchorage area.

2. Should we establish a Federal anchorage ground, and if so, what regulations should we consider to manage it. This could include but is not limited to regulations governing capacity, size or type of vessel, usage, or duration vessels may remain at anchor.

3. Additional information or concerns regarding the two inactive submarine communication cables that lay within the contemplated anchorage ground and how they would affect the ability to anchor safely.

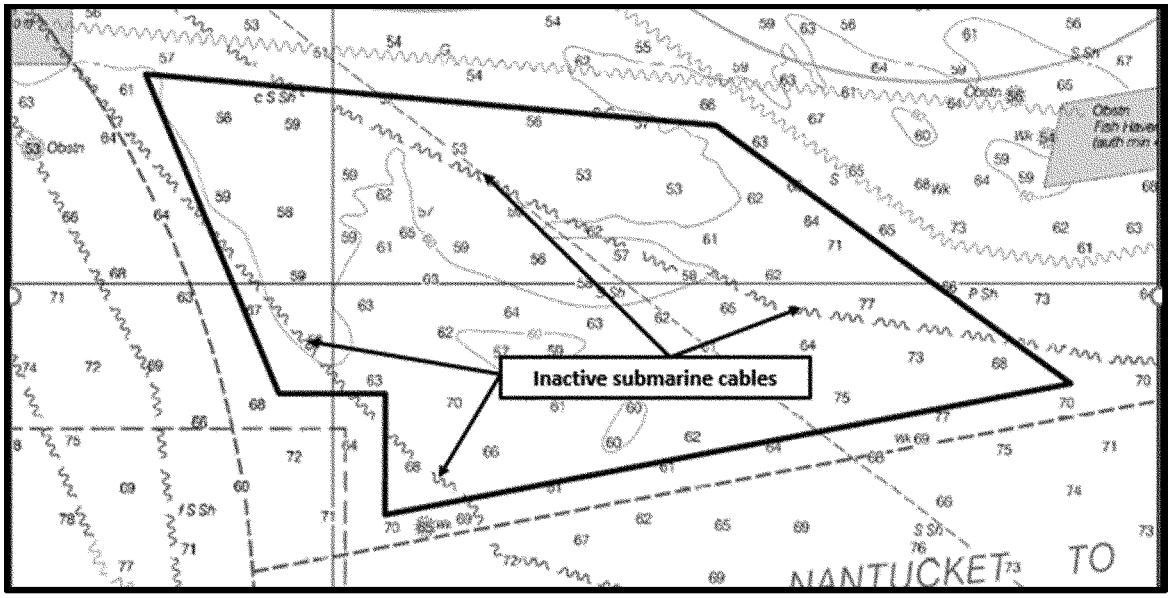

Illustration showing the two submarine cables that lay within the considered anchorage ground.

4. Additional information, concerns, or possible solutions regarding the conflict this considered anchorage ground will have with the Long Island Fairway proposed in the ANPRM titled Shipping Safety Fairways Along the Atlantic Coast (85 FR 37034, June 19, 2020).

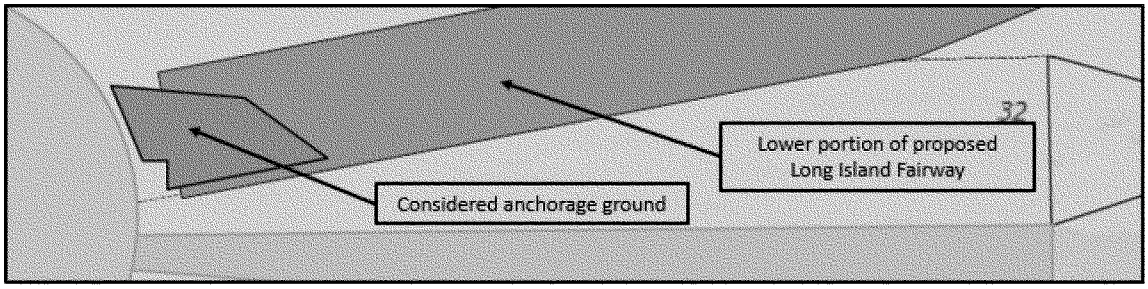

Illustration showing conflict between the considered anchorage ground and the southern end of the proposed Long Island Fairway.

IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this notice of inquiry as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions.

We plan to hold two virtual public meetings to receive oral comments on this notice. Again, as stated earlier, the Coast Guard prefers and highly encourages all comments and related material be submitted directly to the online public docket, but two virtual public meetings will be held via webinar and teleconference to provide an opportunity for oral comments regarding the possible establishment of an anchorage ground, often informally referred to as the ''Ambrose anchorage.'' If you want to provide a written version of your oral comments made at the virtual public meeting, you may submit them directly to Mr. Craig Lapiejko. These comments will be added to our online public docket. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. Attendance at the virtual public meeting is not required. We will provide a written summary of the oral comments received and will place that summary in the online public docket.

The virtual public meeting on Wednesday, April 21, 2021, beginning at 9 a.m. EST, will be held via webinar and teleconference.

The virtual public meeting on Tuesday, April 27, 2021, beginning at 5 p.m. EST, will be held via webinar and teleconference.

Access information for these virtual public meetings will be posted at *https://homeport.uscg.mil/port-directory/new-york* by Friday, April 9, 2021 under the News and Events section.

To view the comments and documents mentioned in this preamble as being available in the online public docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2020–0620'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column.

V. Future Actions

It is possible that this inquiry may conclude that no formal anchorage ground is necessary. It is also possible that this inquiry may conclude that a formal anchorage ground is needed to improve navigation safety and provide for the overall safe and efficient flow of vessel traffic and commerce which will lead to future rulemakings. If so, any substantive rulemaking effort associated with this project will follow Coast Guard public notice and comment rulemaking procedures to allow for public participation in the process and would require us by law, National Environmental Policy Act (NEPA), to undertake an assessment of the environmental effects of our proposed actions.

Dated: March 22, 2021.

T.G. Allan Jr.,

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

[FR Doc. 2021–06521 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0911]

RIN 1625–AA09

Drawbridge Operation Regulation; Mobile River, Hurricane, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating requirements for the CSX Transportation Railroad drawbridge across the Mobile River, mile 13.3 near Hurricane, Mobile County, Alabama. This proposed rule allows the bridge owner to operate the bridge remotely from the CSX remote control center in Mobile, AL.

DATES: Comments and relate material must reach the Coast Guard on or before September 28, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0911 using Federal e-Rulemaking Portal at *https://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Doug Blakemore. Eighth Coast Guard District Bridge Administration Branch Chief; telephone (504) 671–2128, email *Douglas.A.Blakemore@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The CSX Transportation Railroad drawbridge has a vertical clearance of 5.5' in the closed to navigation position and operates in accordance with 33 CFR 117.5. The CSX Railroad Company, the owner of the bridge requested to change operation of the bridge from a tended drawbridge to a remotely operated drawbridge. This proposed rule will not change the operation schedule of the bridge. A copy of the bridge owners request can be found at *https://www.regulations.gov* in the Docket USCG–2019–0911.

The waterway users include recreational vessels and commercial tows; which combined requires approximately six openings a day.

CSX has completed installation of a remote operation system at the bridge and a remote control center, located in Mobile, AL. At the bridge, CSX has installed infrared cameras, closed circuit cameras and TVs, communication systems and information technology systems on the bridge that allow an operator from Mobile to monitor and control the bridge. They have also developed an operations manual that remote operators use to control each bridge.

In the future, CSX anticipates to remotely operate an additional ten drawbridges from the CSX remote control center. As a general rule the Coast Guard will consider allowing one (1) remote operator to control up to three (3) separate bridges. This is dependent on the type of vessels that use the waterways, vessel traffic volume and environmental or geographical conditions of each bridge and waterway

On January 27, 2020 the Coast Guard published a temporary deviation from regulations; request for comments (TD) entitled Drawbridge Operation Regulation; Mobile River, Hurricane, AL in the **Federal Register** (85 FR 4587). This temporary deviation was issued to test the remote operations system for 60 days. The objective was to also to collect and analyze information on how the drawbridge operated from a remote location and the potential effect on vessel traffic in the area. This deviation ended March 27, 2020.

Given the duration of time from the end of the test period and the development of this NPRM, the Coast Guard is authorizing second deviation to re-test the remote operations of the bridge and its effect on waterway mobility in that area. However, this deviation will run for 180 days and simultaneously with this NPRM. Both under the same docket number. Both documents can be found at *https://www.regulations.gov* and comments can be made to either document.

During the 60 day test period, the Coast Guard did not identify any issues with the remote operation of the bridge or any negative impact to a vessels reasonable ability to use this waterway. The Coast Guard received four comments from the public during the test period. These comments can be viewed in the Docket and have been addressed throughout this NPRM or below. These comments have been summarized and evaluated by the Coast Guard.

One of the comments received expressed concern that remote operation systems have not been proven. Under 33 CFR 117.42 the Coast Guard has authorized a number of drawbridge to be remotely operated with successful results. Safety is a priority and the bridge must operate as if a drawtender were present at the bridge.

The same commenter had safety concerns that without drawtenders on site, maintenance, repairs, inspections and vessel assistance through the bridge would not be conducted. In accordance with CSX procedures, drawtenders are not allowed to perform these actions.

There are also concerns about unreported strikes of the bridge by vessels and potential trespassers at the bridge. CSX has cameras at the bridge and given that the bridge operating schedule is open on demand, the bridge must be monitored 24 hours a day. Also, vessels are required to report certain marine incidents and casualties and local law enforcement will be alerted if there is illegal activity at the bridge.

Another comment recommended that the bridge remain in the open to navigation position and close when a train is approaching. Coast Guard will consider this option and discuss with CSX during the comment and test period.

III. Discussion of Proposed Rule

33 CFR 117.42 sets Coast Guard drawbridge regulations. This regulation authorizes the Coast Guard District Commander to approve operations from a remote site. CSX has requested to operate the CSX Transportation Bridge across the Mobile River from the CSX remote control center in Mobile, AL. The waterway users include recreational vessels and commercial tows; which combined requires approximately six openings a day.

Presently, the bridge opens on signal for the passage of vessels in accordance with 33 CFR 117.05 and this proposed rule will not change that operating schedule. This proposed rule will also not change how a request to open the bridge will be conducted. Mariners requiring an opening may do so by contacting the CSX remote control center on Channels 13/16 or by the phone number posted at the bridge.

The Coast Guard has visited the CSX remote control center several times and has confirmed that the remote operating system is effective. This proposed rule allows CSX to control the drawbridge from their remote control center and requires CSX to have the capability, including resources and manpower to return the operator to the bridge location within 3 hours following any of the below situations:

- Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge.
- CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements.
- Anytime that CSX procedures, equipment or operators fail to safely open and close the bridge fail.
- At the direction of the District Commander.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize its analyses based on these statutes and Executive Orders and we discusses First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge with the bridge operator controlling the bridge from a remote location.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

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

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1.

■ 2. Add § 117.111 to read as follows:

§ 117.111 Mobile River.

(a) The draw of the CSX Transportation railroad bridge, mile 13.3 located near Hurricane, AL shall be remotely operated by the bridge operator at CSX's bridge remote control center in Mobile, Alabama. Closed Circuit TVs, infrared detectors, communications systems and information technology systems have been installed at the bridge. Vessels can contact the CSX bridge operator via VHF–FM channel 13 or by telephone at the number displayed on the signs posted at the bridge to request an opening of the draw.

(b) CSX will return the operator to the bridge location within 3 hours following any of the situations in this paragraph (b):

(1) Any component of the remote operations system fails and prevents the remote operator from being able to visually identify vessels, communicate with vessels, detect vessels immediately underneath the bridge or visually identify trains approaching the bridge.

(2) CSX fails to meet Federal Railway Administration (FRA) or any other government agency safety requirements.

(3) Anytime that CSX procedures, equipment or operators fail to safely open and close the bridge fail.

(4) Anytime at the direction of the District Commander.

Dated: March 16, 2021.

John P. Nadeau,

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

[FR Doc. 2021–06483 Filed 3–31–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AR13

Certification of Evidence for Proof of Service

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning the nature of evidence that VA will accept as proof of military service and character of discharge. In the past, VA only accepted original service documents, copies of service documents issued by the service department or by a public custodian of records, or photocopies of service documents if they were certified to be true copies of documents acceptable to VA by an accredited agent, attorney or service organization representative who had successfully completed VA-prescribed training on military records. This proposed change would allow VA to accept uncertified copies of service documents as evidence of military service if VA is satisfied that the documents are free from alteration. The intended effect of this amendment is to streamline and improve the timeliness of adjudication and claims processing for VA benefits—without compromising program integrity.

DATES: Comments must be received on or before June 1, 2021.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to: Pension and Fiduciary Service (21PF), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Comments should indicate that they are submitted in response to RIN 2900–AR13–Certification of Evidence for Proof of Service. Comments received will be available at *www.Regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: David Klusman, Lead Program Analyst, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC

20420, (202) 632–8863. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The cornerstone of eligibility for VA benefits is active military, naval, or air service and a discharge or release under conditions other than dishonorable. VA regulations at 38 CFR 3.203 establish the nature of the evidence VA will accept as proof of active military service and character of discharge. In general, those regulations require original service documents; VA will accept copies of those documents only if the copies are issued by the military service department or by a public custodian of records or photocopies if they are certified to be true copies of documents acceptable to VA by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records.

On November 3, 1980, VA amended 38 CFR 3.203 as a consequence of the Department of Defense's revision to its DD Form 214, (Certificate of Release or Discharge from Active Duty). 45 FR 72654 (Nov. 3, 1980). Under the revised version of § 3.203, VA would only accept a copy of a DD Form 214 or Certificate of Discharge if the copy was issued by the service department. VA's revisions precluded acceptance of a document certified by a notary public or a public record custodian without verification by the service department.

However, in June 1981, VA proposed to further amend § 3.203 to again accept a copy of a discharge document certified as a true and exact copy by a public custodian of records. 46 FR 32036 (Jun. 19, 1981). VA explained that ''[i]t now appears that failure to use certified copies of discharge documents is causing lengthy delays in claims processing because verification of service must be obtained from the service departments in many more cases than we originally believed.'' 46 FR 32036. VA noted that, ''[s]ince the process of obtaining verification is lengthy, the volume of requests is rapidly increasing. Consequently, we are proposing to amend § 3.203 so as to again accept a certified copy of a DD Form 214 or the Certificate of Discharge issued by a public custodian of records.'' *Id.* VA published a final rule adopting these proposed changes in October 1981. 46 FR 51246 (Oct. 19, 1981).

In June 2000, VA proposed further revision to § 3.203 to allow VA to accept photocopies of service documents as proof of service if an accredited agent, attorney, or service organization representative who had successfully completed VA-prescribed training on military records certified them to be true copies of documents acceptable to VA. VA explained that the proposed amendment would ''help streamline claims processing because it will reduce the number of instances where VA must seek verification of military service from the service department.'' 65 FR 39580. VA published a final rule adopting these changes in April 2001. 66 FR 19857 (Apr. 18, 2001).

Under the current process, when the Veterans Benefits Administration (VBA) receives uncertified service documents (*i.e.,* not originals or certified copies), it must seek to verify service through other means, such as data sharing with other Federal agencies. Although VA is engaged in these efforts, the available tools to rapidly request verification of service only apply to service that ended after 1994. Thus, particularly for pension and survivor benefits claims—where the population skews towards a service period prior to 1994—VA cannot utilize the more rapid service verification methods noted above, as the majority of those claimants served in (or are beneficiaries of those who served in) periods that pre-date 1994.

VA's inability to use the more rapid service verification methods in these cases often adds months to the claims process, and yet the responses received from the other Federal agencies almost always affirm the information that was already available on the uncertified service document. And in instances where the records cannot be located—such as those destroyed in the 1973 fire at the National Personnel Records Center—VA must conduct additional review and request additional service information from the claimants, which adds more time to the claims process. Lastly, specific to pension benefit claims, service verification is often the only additional piece of information needed for final adjudication—turning a claim that should be completed in one touch into a claim requiring multiple touches that almost always add no additional value.

From August 1, 2017, to September 30, 2017, the Saint Paul and Milwaukee Pension Management Centers (PMCs) conducted a service verification pilot program that accepted uncertified copies of service documents to expedite claims adjudication. The PMCs adjudicated the claims with uncertified copies of the service documents and then requested that the Records Management Center (RMC) verify said service. As of June 4, 2019, of the 2,113 total claims completed, the RMC verified as correct the service information that was initially obtained from the uncertified copy of the service document in 2,105 claims (99.6%). Of the eight remaining claims, VA is awaiting a response from the RMC because the records are fire-related or cannot be located. Thus, there is little evidence that the current regulation concerning the nature of evidence that VA will accept as proof of military service and character of discharge actually reduces fraud; rather, it only increases the time to deliver benefits and services to Veterans and beneficiaries.

Therefore, VA proposes to amend 38 CFR 3.203 to authorize VA to accept uncertified copies of service documents—submitted by claimants and/or their representatives—as evidence of military service if VA is satisfied that the documents are free from alteration. This proposed amendment would help streamline and improve the timeliness of adjudication and claims processing for VA benefits by providing VA additional flexibility regarding the nature of evidence that VA will accept as proof of military service and reducing the number of instances where VA must unnecessarily seek verification of military service from other Federal agencies. VA also proposes minor technical changes to § 3.203(a)(1) for clarity.

Finally, we note that VA's proposed revisions to § 3.203 would not alter the underlying standards for determining qualifying service, which would continue to be dependent on the information contained in the service documents. Nothing in this proposed rule would alter VA's essential policy, reflected in § 3.203, of relying on service department determinations of qualifying service, and for any disputes regarding the content of a person's service record to be raised with the appropriate service department. Rather, this proposed rulemaking would only address the circumstances under which a copy of the service document would be acceptable to VA without requiring verification from the service department.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of

quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its Regulatory Impact Analysis (RIA) are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. There are no small entities involved with the process and/or benefits associated with this rulemaking. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule 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 one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.100, Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces; 64.101, Burial Expenses Allowance for Veterans; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.105, Pension to Veterans Surviving Spouses, and Children; 64.106, Specially Adapted Housing for Disabled Veterans; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans.

Signing Authority: Denis McDonough, Secretary of Veterans Affairs, approved this document on March 12, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, VA proposes to amend 38 CFR part 3 as follows:

PART 3—ADJUDICATION

■ 1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Revise 38 CFR 3.203(a)(1) to read as follows:

§ 3.203 Service records as evidence of service and character of discharge.

(a) * * *

(1) The evidence is a document issued by the service department. A copy of an original document is acceptable if:

(i) The copy was issued by the service department; or

(ii) The copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody; or

(iii) The copy was submitted by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records, and who certifies that it is a true and exact copy of either an original document or of a copy issued by the service department or a public custodian of records; or

(iv) The Department of Veterans Affairs is satisfied that an otherwise uncertified copy submitted by the claimant or by the claimant's representative is free from alteration; and

* * * * *

(Authority: 38 U.S.C. 501(a))

[FR Doc. 2021–06535 Filed 3–31–21; 8:45 am]

BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2021–4; Order No. 5852]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Two). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 14, 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. Proposal Two
III. Notice and Comment
IV. Ordering Paragraphs

I. Introduction

On March 24, 2021, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal Two.

II. Proposal Two

Background. To estimate costs avoided by mailer presort activities for First-Class Mail letters, a workshare model is developed and filed each year as part of the Postal Service's Annual Compliance Report (ACR). Petition, Proposal Two at 1. Mail processing flow is ''modeled by rate category, and the activities involved are assigned costs based on the appropriate wage rate, productivity, and related indirect (*i.e.*

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), March 24, 2021 (Petition).

''piggyback'') costs of each operation.'' *Id.* The resulting costs are called ''directly modeled'' costs. *Id.* Mail processing costs are separately calculated as part of the Cost and Revenue Analysis (CRA) Report using In-Office Cost System (IOCS) data for the same activities at the product level, or within the same cost pools. *Id.* However, the ''directly modeled'' costs can differ from those calculated as part of the CRA Report for several reasons.[2] As a result, the ''CRA Adjustment Factor'' was developed in order to ''calibrate the model and 'true-up' the modeled costs to the costs reported in the CRA Report,'' using the following equation: [3]

$$MailProcUnitCost_i = ModelUnitCost_i * CRAAdjustmentFactor + FixedUnitCost$$

The Postal Service notes that, under the current methodology, ''cost pools that are directly modeled are treated as proportional, cost pools that are operationally determined to be unrelated to workshare are treated as fixed, and the remaining cost pools are treated as partly proportional.'' Petition, Proposal Two at 3. It further notes that, for the last group of cost pools, ''unit costs are divided into proportional and fixed components based on costs in the directly assigned cost pools.'' *Id.*

The Postal Service indicates that, in the years since the methodology described above was first established, ''the structure of cost pools has been configured to better align with operational practice, enhancing the ability to conduct operational analysis of cost pools.'' *Id.* The Postal Service further indicates that, ''[w]ith these developments in data availability, the current methodology for calibrating the [cost avoidance] models to CRA costs is in need of refinement.'' *Id.*

Proposal. With Proposal Two, the Postal Service seeks to ''revise cost pool classifications for the determination of the proportional and fixed adjustment to modeled costs'' and ''update the cost pool classification vocabulary to better reflect how the cost pools are treated in the calibration methodology.'' *Id.* at 4. The Postal Service proposes three new cost pool classifications: ''Modeled/Proportional Pools,'' ''Unrelated to Presort'' and ''Correlated with Presort.'' *Id.*

''Modeled/Proportional Pools'' include ''cost pools where the mailflow model directly characterizes the flow of mail through the pools and measures the cost of the component activities.'' *Id.* at 5. ''Unrelated to Presort'' include cost pools where the ''activities performed are incurred because of piece characteristics unrelated to presort and thus the costs are invariant to presort, and pools where the costs have spurious correlation with presort.'' *Id.* at 6. ''Correlated with Presort'' include cost pools that are generally associated with non-piece sorting allied labor and support operations. *Id.* at 8. The Postal Service notes that ''Correlated with Presort'' cost pools may include costs that are ''partly avoidable with a greater degree of presorting, but not directly proportional to modeled piece costs.'' *Id.*

Finally, the Postal Service notes that the model would be modified in one additional way. The Postal Service indicates that costs associated with the distribution of mailpieces to P.O. Boxes will no longer be included as part of the model. *Id.* at 10. It describes subsequent ''costing enhancements'' that have eliminated the need to model these costs, which it states are ''explicitly measured'' as part of the ACR. *Id.* at 10–11.

Impact. Under the Postal Service's proposed methodology, avoided costs and passthroughs associated with First-Class Mail letters would be affected. Those effects are presented in Table 3 of the proposal. *See id.* at 14.

III. Notice and Comment

The Commission establishes Docket No. RM2021–4 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Two no later than May 14, 2021. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2021–4 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), filed March 24, 2021.

2. Comments by interested persons in this proceeding are due no later than May 14, 2021.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–06633 Filed 3–31–21; 8:45 am]

BILLING CODE 7710–FW–P

[2] *Id.* The Postal Service notes that CRA costs are not only subject to sampling variation, but the data used to calculate costs for the CRA Report capture additionally incurred costs from activities that cannot be directly modeled. *Id.*

[3] *See id.* at 1–2. The CRA Adjustment Factor was initially developed in Docket No. R2006–1. *Id. at* 2–3; *see generally* Docket No. R2006–1, Opinion and Recommended Decision, Volume 1, February 26, 2007.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2021–0002; FRL–10021–88–Region 8]

Approval and Promulgation of Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules; Regional Haze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the North Dakota State Implementation Plan (SIP) submitted by the State of North Dakota on November 11, 2016 and supplemented on March 15, 2021, that addresses amendments to the regional haze provisions of the North Dakota Administrative Code (NDAC). These revisions were submitted to remove certain regional haze requirements related to Best Available Retrofit Technology (BART) in the first planning period. EPA is also proposing to approve a revision to the North Dakota SIP submitted on August 3, 2020, that addresses additional amendments to the regional haze provisions of the NDAC. The 2020 SIP revision was submitted to update the incorporation by reference date for regional haze definitions, add emission reduction requirements to make reasonable progress during the second and subsequent regional haze planning periods, and revise the regional haze monitoring, recordkeeping, and reporting requirements to be applicable under the second and subsequent planning period. EPA is taking this action pursuant to section 110 and Part C of the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 3, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2021–0002, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. 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, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

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

I. What action is EPA proposing?
II. Background
A. Requirements of the Clean Air Act and EPA's Regional Haze Rule
B. Best Available Retrofit Technology
C. Long-Term Strategy and Reasonable Progress Requirements
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IV. Clean Air Act Section 110(*l*)
V. Summary of EPA's Proposed Action
VI. Incorporation by Reference
VII. Statutory and Executive Order Reviews

I. What action is EPA proposing?

EPA is proposing to approve North Dakota's regional haze SIP revision submitted by the State of North Dakota on November 11, 2016, and supplemented on March 15, 2021, as discussed in sections III and V of this proposed rulemaking. Specifically, we are proposing to approve North Dakota's removal of NDAC section 33–15–25–02.1 (requirement pertaining to the submittal of a regional haze BART analysis) and section 33–15–25–03 (requirement that references the federal guidelines for BART determinations under the regional haze rule) from the regional haze provisions provided in NDAC section 33–15–25.[1]

EPA is also proposing to approve a portion of North Dakota's August 3, 2020, SIP revision that addresses NDAC section 33.1–15–25 of the Air Pollution Control Rules for regional haze.[2] Specifically, we are proposing to approve the following revisions to NDAC: Section 33.1–15–25–01 which updates the incorporation by reference date for regional haze definitions; section 33.1–15–25–03 which adds emission reduction requirements to make reasonable progress for the second and subsequent planning periods; and section 33.1–15–25–04 which revises the regional haze monitoring, recordkeeping, and reporting requirements to be applicable to sources under the second and subsequent planning periods.

II. Background

A. Requirements of the Clean Air Act and EPA's Regional Haze Rule

In section 169A of the CAA, Congress created a program for protecting visibility in national parks and wilderness areas. This section of the CAA establishes ''as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.''[3]

EPA promulgated a rule to address regional haze on July 1, 1999.[4] The Regional Haze Rule revised the existing visibility regulations[5] to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 40 CFR 51.309, are included in EPA's visibility protection regulations at 40 CFR 51.300 through 40 CFR 51.309.[6] EPA revised the Regional Haze Rule on January 10, 2017.[7]

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility by submitting periodic plans demonstrating how they have and will continue to make progress towards achieving their visibility improvement

[1] On August 6, 2018, North Dakota submitted a SIP to EPA that recodified the Air Pollution Control Rules, including those that address regional haze, from NDAC section 33–15 to NDAC section 33.1–15. EPA approved the recodification on February 5, 2019 (84 FR 1610). The recodification made the regional haze section of NDAC to be changed from section 33–15–25 to section 33.1–15–25. The 2018 SIP reflected the deletions of section 33.1–15–25–02.1 and section 33.1–15.25–03 (formerly referred to as section 33–15–25–02.1 and section 33–15–25–03).

[2] EPA will act on the remaining portions of the ND August 3, 2020, SIP in a future rulemaking.

[3] 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas whose visibility they consider to be an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

[4] 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

[5] EPA had previously promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* reasonably attributable visibility impairment (RAVI). 45 FR 80084, 80084 (December 2, 1980).

[6] EPA revised the Regional Haze Rule on January 10, 2017. 82 FR 3078 (January 10, 2017). Under the revised Regional Haze Rule, the requirements 40 CFR 51.308(d) and (e) apply to first implementation period SIP submissions and section 51.308(f) applies to submissions for the second and subsequent implementation periods. 82 FR 3087; see also 81 FR 26942, 26952 (May 4, 2016).

[7] 82 FR 3078 (January 10, 2017).

goals.[8] Regional haze SIPs must assure reasonable progress toward the national goal of preventing future and remedying existing manmade visibility impairment in Class I areas. A state must submit its SIP and SIP revisions to EPA for approval.[9] The first state plans were due in 2007 and covered the 2008–2018 planning period. State plans covering the second planning period, 2018–2028, are due on July 31, 2021. Once approved, a SIP is enforceable by EPA and citizens under the CAA; that is, the SIP is federally enforceable.

B. Best Available Retrofit Technology

Section 169A(b)(2) of the CAA requires SIPs to contain such measures as may be necessary to make reasonable progress toward meeting the national visibility goal. Section 169(b)(2)(A) specifies that one such requirement is for certain categories of existing major stationary sources built between 1962 and 1977 to procure, install, and operate BART as determined by the states through their SIPs. Under the Regional Haze Rule, states (or EPA, in the case of a FIP) are directed to conduct BART determinations for such ''BART-eligible'' sources—typically larger, often uncontrolled, and older stationary sources—that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.[10] Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative will achieve greater reasonable progress toward natural visibility conditions than BART.[11]

C. Long-Term Strategy and Reasonable Progress Requirements

In addition to the BART requirements, the CAA's visibility protection provisions also require that states' regional haze SIPs contain a ''long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal. . . .'' [12] The long-term strategy must address regional haze visibility impairment for each mandatory Class I area within the state and for each mandatory Class I area located outside the state that may be affected by emissions from the state. It must include the enforceable emission limitations, compliance schedules, and other measures necessary to achieve the reasonable progress goals.[13] The reasonable progress goals, in turn, are calculated for each Class I area based on the control measures states have selected by analyzing the four statutory ''reasonable progress'' factors, which are ''the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirement.'' [14] Thus, the four reasonable progress factors are considered by a state in setting the reasonable progress goal by virtue of the state having first considered them, and certain other factors listed in § 51.308(d)(3) of the Regional Haze Rule, when deciding what controls are to be included in the long-term strategy. Then, the numerical levels of the reasonable progress goals are the predicted visibility outcome of implementing the long-term strategy in addition to ongoing pollution control programs stemming from other CAA requirements.

Unlike BART determinations, which are required only for the first regional haze planning period SIPs,[15] states are required to submit updates to their long-term strategies, including updated reasonable progress analyses and reasonable progress goals, in the form of SIP revisions on July 31, 2021, and at specific intervals thereafter.[16] In addition, each state must periodically submit a report to EPA at five-year intervals beginning five years after the submission of the initial regional haze SIP, evaluating the state's progress towards meeting the reasonable progress goals for each Class I area within the state.[17]

D. Consultation With Federal Land Managers

The Regional Haze Rule requires that a state consult with Federal Land Managers (FLMs) before adopting and submitting a required SIP or SIP revision. Further, when considering a SIP revision, a state must include in its proposal a description of how it addressed any comments provided by the FLMs.[18]

E. Monitoring, Recordkeeping, and Reporting

The CAA requires that SIPs, including regional haze SIPs, contain elements sufficient to ensure emission limits are practically enforceable. CAA section 110(a)(2) states that the monitoring, recordkeeping, and reporting provisions of states' SIPs must: ''(A) include enforceable emissions limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter; . . . (C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter ;. . . (F) require, as may be prescribed by the Administrator—(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emissions limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection.'' [19]

Accordingly, 40 CFR part 51, subpart K, Source Surveillance, requires the SIP to provide for monitoring the status of compliance with the regulations in the SIP, including ''[p]eriodic testing and inspection of stationary sources,'' [20] and ''legally enforceable procedures'' for recordkeeping and reporting.[21] Furthermore, 40 CFR part 51, appendix V, Criteria for Determining the Completeness of Plan Submissions,

[8] 42 U.S.C. 7410(a), 7491, and 7492(a); CAA sections 110(a), 169A, and 169B.

[9] 42 U.S.C. 7491(b)(2) and 7410.

[10] 40 CFR 51.308(e). EPA designed the Guidelines for BART Determinations Under the Regional Haze Rule (Guidelines) 40 CFR appendix Y to part 51 ''to help States and others (1) identify those sources that must comply with the BART requirement, and (2) determine the level of control technology that represents BART for each source.'' Guidelines, section I.A. section II of the Guidelines describes the four steps to identify BART sources, and section III explains how to identify BART sources (*i.e.,* sources that are ''subject to BART'').

[11] 40 CFR 51.308(e)(2). *WildEarth Guardians* v. *EPA,* 770 F.3d 919, 934 (10th Cir. 2014).

[12] 42 U.S.C. 7491(b)(2)(B).

[13] 40 CFR 51.308(d)(3).

[14] 42 U.S.C. 7491(g)(1); 40 CFR 51.308(d)(1)(i).

[15] Under the Regional Haze Rule, SIPs are due for each regional haze planning period, or implementation period. The terms ''planning period'' and ''implementation period'' are used interchangeably in this document.

[16] 40 CFR 51.308(f). The deadline for the 2018 SIP revision was moved to 2021. 82 FR 3078 (January 10, 2017); see also 40 CFR 51.308(f). Following the 2021 SIP revision deadline, the next SIP revision is due in 2028. 40 CFR 51.308(f).

[17] Id. § 51.308(g); § 51.309(d)(10).

[18] 40 CFR 51.308(i).

[19] 42 U.S.C. 7410(a)(2)(A), (C), and (F).

[20] 40 CFR 51.212.

[21] Id. § 51.214.

states in section 2.2 that complete SIPs contain: ''(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels''; and ''(h) Compliance/enforcement strategies, including how compliance will be determined in practice.'' [22]

F. Regulatory and Legal History for North Dakota Regional Haze

On March 3, 2010, North Dakota submitted a SIP that addressed regional haze requirements under 40 CFR 51.308 for the first regional haze planning period. The State submitted a supplement to the March 3, 2010 submittal on July 27, 2010, and a SIP amendment on July 28, 2011 (collectively, the ''2010 Regional Haze SIP''). The State's 2010 Regional Haze SIP was submitted to meet the requirements of the CAA and our rules for the regional haze program. On April 6, 2012, EPA partially approved and partially disapproved North Dakota's Regional Haze SIP and issued a Federal Implementation Plan (FIP) to address the disapproved portions of North Dakota's regional haze.[23] Among other items, we approved the incorporation of North Dakota's regional haze regulatory requirements found in NDAC sections 33–15–25–01, 33–15–25–02, 33–15–25–03, and 33–15–25–04 pertaining to regional haze definitions, the analysis, installation, and operation and maintenance of BART, BART guidelines, and monitoring, recordkeeping, and reporting.

Subsequently, several petitioners challenged EPA's disapproval of North Dakota's 2010 Regional Haze SIP and issuance of the 2012 FIP in the United States Court of Appeals for the Eighth Circuit. On September 23, 2013, the Eighth Circuit concluded that EPA properly disapproved portions of the State's 2010 Regional Haze SIP and remanded and vacated portions of EPA's FIP.[24] [25]

III. EPA's Evaluation of North Dakota's Regional Haze SIP Revisions

On November 11, 2016 we received from North Dakota SIP revisions that included amendments to NDAC section 33–15–25 (also known as section 33.1–15–25) [26] addressing regional haze. On March 15, 2021, we received a supplemental submission to the 2016 SIP. On August 3, 2020, we received from North Dakota a SIP revision that addressed additional amendments to NDAC section 33.1–15–25 addressing regional haze. The following is a discussion of our evaluation.

A. November 11, 2016 Submittal and March 15, 2021 Supplement

In the November 11, 2016, SIP submittal supplemented on March 15, 2021, North Dakota removed NDAC sections 33–15–25–02.1 and 33–15–25–03 (currently referred to as NDAC sections 33.1–15–25–02.1 and 33.1–15–25–03) [27] pertaining to the submission and guidelines for BART requirements, respectively.[28] Specifically, North Dakota removed NDAC section 33.1–15–25–02.1 which required owners and operators of any existing stationary facility as defined in 40 CFR 51.301 that contributes to visibility impairment in a class I federal area to submit, within nine months after being notified by the department, a regional haze BART analysis to the State. In conjunction, North Dakota also removed section 33.1–15–25–03 which referenced the July 6, 2005, version of the federal guidelines contained in 40 CFR part 51, appendix Y for preparing BART determinations.

According to the State, these subsections were eliminated because they are no longer requisite. Indeed, we proposed to approve the remaining outstanding BART determination for NO_X at Coal Creek Station on April 26, 2018.[29] With the submission of a BART analysis and subsequent BART determination for Coal Creek Station completed and submitted to EPA, we agree with the State's determination that owners and operators of BART sources within the State of North Dakota have completed and submitted required BART analyses and determinations for the first planning period of the regional haze rule, thereby negating the need for these provisions to remain in the SIP. Of importance, the State did not remove BART provisions related to the installation (NDAC section 33.1–15–25–02.2) and operation and maintenance of BART (NDAC section 33.1–15–25–02.3) which provides for the continued compliance with the regional haze rule requirements related to the first planning period. Furthermore, the State can rely on its authorities in NDAC section 23.1–06–04(e), (h), and (j) to require an updated BART analysis for Coal Creek Station, if needed.[30] Thus, we propose to approve the removal of NDAC sections 33.1–15–25–02.1 and 33.1–15–25–03 [31] related to the submission of and guidelines for BART requirements, respectively.

B. August 3, 2020 Submittal

On August 3, 2020, North Dakota submitted amendments to NDAC section 33.1–15–25–01 updating the date of the Code of Federal Regulations (CFR) found at 40 CFR 51.301 which the State incorporated by reference to reflect the updated July 1, 2019 edition of the CFR. We are proposing to approve this revision because it incorporates by reference EPA's rule provisions.

In addition, North Dakota added NDAC section 33.1–15–25–03 to North Dakota's regional haze requirements establishing the framework for requiring emission control measures to make reasonable progress towards the State's visibility goal for second and subsequent regional haze planning periods. Under this new rule the owner or operator of an existing stationary source, or group of sources shall implement emission reduction measures to make reasonable progress, as determined in accordance with federal requirements and required in a SIP revision developed by the department. Additionally, the rule requires the measures be: (1) Implemented within a

[22] 40 CFR part 51, appendix V.

[23] 77 FR 20894 (April 6, 2012).

[24] *North Dakota* v. *United States EPA,* 730 F.3d 750 (8th Cir. 2013), *cert. denied,* 134 S. Ct. 2662 (2014).

[25] The Eighth Circuit concluded that EPA properly disapproved portions of the State's 2010 Regional Haze SIP and upheld portions of EPA's FIP. However, the court remanded and vacated EPA's FIP promulgating an emission limit of 0.13 lb/MMbtu (30-day rolling average) for Coal Creek Station.

[26] EPA approved the recodification of the Air Pollution Control Rules, including those that address regional haze, from NDAC section 33–15 to NDAC section 33.1–15. See 84 FR 1610 (February 5, 2019). The recodification changed the regional haze section of NDAC from section 33–15–25 to 33.1–15–25.

[27] In 2019, EPA approved North Dakota's recodification of NDAC section 33–15 to 33.1–15 (84 FR 1610, February 5, 2019). Hereinafter, we will refer to the current NDAC citation.

[28] SIP submittal received by EPA on November 11, 2016 with a letter dated October 27, 2016, from Governor Jack Dalrymple, State of North Dakota to Shaun McGrath, Regional Administrator, EPA Region 8. In addition, North Dakota submitted a letter dated March 15, 2021 supplementing the November 11, 2016 SIP for the NDAC section 33–15–25–02.1 and 33–15–25–03.

[29] 83 FR 18248.

[30] North Dakota Century Code (NDCC) section 23.1–06–04(e) Issues orders necessary to effectuate the purpose of this chapter and enforce the orders by all appropriate administrative and judicial procedures; NDCC section 23.1–06–04(h) Formulate and adopt emission control requirements for the prevention, abatement, and control of air pollution in this state including achievement of ambient air quality standards; NDCC section 23.1–06–04(j) Require the owner and operator of a regulated air contaminant source to establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods; sample emissions in accordance with those methods at designated locations and intervals, and using designated procedures; and provide other information as may be required.

[31] Referenced as NDAC section 33–15–25–02.1 and section 33–15–25–03 in the November 11, 2016 North Dakota SIP.

reasonable timeframe after EPA approves the SIP revision; and (2) properly operated and maintained. The rule also specifies that emission reduction measures and compliance deadlines shall be determined on a source-by-source basis and included in the State's SIP. The regional haze requirements found in NDAC section 33.1–15–25–03 are consistent with the federal requirements found at 40 CFR 51.308(f)(2), *Long-term strategy for regional haze,* which requires enforceable emission limitations, compliance schedules, and other measures as necessary to make reasonable progress. Therefore, we are proposing to approve the addition of NDAC section 33.1–15–25–03 into the State's regional haze requirements.

Finally, North Dakota's revised NDAC section 33.1–15–25–04 to broaden the applicability of this section to make monitoring, recordkeeping, and reporting requirements applicable to sources under the second and subsequent planning periods of the regional haze program. Here, the State expanded the applicability of the rule to include ''groups of sources'' and the installation of ''emission reduction measures to make reasonable progress.'' These revisions are consistent the federal regional haze regulations at 40 CFR 51.308(f)(2), *Long-term strategy for regional haze,* which recommends states consider evaluating groups of sources, in addition to other types of source, when determining what emission reduction measures are necessary to make reasonable progress. Therefore, we propose to approve these revisions.

C. Consultation With Federal Land Managers

There are two Class I areas in the State of North Dakota: Theodore Roosevelt National Park and Lostwood National Wildlife Refuge Wilderness Area. The National Park Service manages Theodore Roosevelt National Park. The United States Fish and Wildlife Service manage the Lostwood National Wildlife Refuge Wilderness Area. The Regional Haze Rule grants the FLMs a special role in the review of regional haze implementation plans, summarized in Section II.D of this preamble. Under 40 CFR 51.308(i)(2), North Dakota was obligated to provide the FLMs with an opportunity for consultation in development of the State's proposed SIP revisions. North Dakota provided the FLMs with notice and access to the proposed revisions to NDAC section 33.1–15–25 prior to the public hearings held on November 10, 2015, and February 7, 2020.[32] The FLMs did not provide any comments on the proposed revisions.

IV. Clean Air Act Section 110(l)

Under CAA section 110(*l*), EPA cannot approve a plan revision ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.''[33] The previous sections of the document explain how the proposed SIP revisions will comply with applicable regional haze requirements and general implementation plan requirements and further strengthen North Dakota's regional haze regulations in accordance with the revised regional haze rule for the second and subsequent planning periods while maintaining regional haze requirements and associated emission control measures for the first planning period. Therefore, we propose to find that these revisions satisfy section 110(*l*) by not interfering with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement under section 110 of the CAA.

V. Summary of EPA's Proposed Action

In this action, EPA is proposing to approve SIP amendments to North Dakota Air Pollution Control Rules, shown in Table 1, submitted by the State of North Dakota on November 11, 2016, and supplemented March 15, 2021, and August 3, 2020.

TABLE 1—LIST OF NORTH DAKOTA AMENDMENTS THAT EPA IS PROPOSING TO APPROVE

Amended Sections in the November 11, 2016 Submittal, Supplemented March 15, 2021, Proposed for Approval
NDAC section 33–15–25–02,[34] NDAC section 33–15–25–03.[35]

[32] The public hearing associated with the November 11, 2016, revisions was held on November 10, 2015 (refer to November 11, 2016 SIP submittal, page 8). The public hearing associated with the August 3, 2020 revisions was held on February 7, 2020 (refer to August 3, 2020 SIP submittal, page 10).

[33] Note that ''reasonable further progress'' as used in CAA section 110(*l*) is a reference to that term as defined in section 301(a) (*i.e.,* 42 U.S.C. 7501(a)), and as such means reductions required to attain the National Ambient Air Quality Standards (NAAQS) set for criteria pollutants under section 109. This term as used in section 110(*l*) (and defined in section 301(a)) is *not* synonymous with ''reasonable progress'' as that term is used in the regional haze program. Instead, section 110(*l*) provides that EPA cannot approve plan revisions that interfere with regional haze requirements (including reasonable progress requirements) insofar as they are ''other applicable requirement[s]'' of the CAA.

[34] Since North Dakota's NDAC recodification in 2018, section 33–15–25–02.1 is referred to as section 33.1–15–25–02.1.

[35] Since North Dakota's NDAC recodification in 2018, section 33–15–25–03 is referred to as section 33.1–15–25–03.

TABLE 1—LIST OF NORTH DAKOTA AMENDMENTS THAT EPA IS PROPOSING TO APPROVE—Continued

Amended Sections in the August 3, 2020 Submittal Proposed for Approval
NDAC section 33.1–15–25–01, NDAC section 33.1–15–25–03, NDAC section 33.1–15–25–04.

VI. Incorporation by Reference

In this document, EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference NDAC as described in section III. of this preamble. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* (refer to docket EPA–R08–OAR–2021–0002).

VII. 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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 23, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–06399 Filed 3–31–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2020–0646; FRL–10021–65–Region 8]

Approval and Promulgation of Implementation Plans; Utah; 2017 Base Year Inventories for the 2015 8-Hour Ozone National Ambient Air Quality Standard for the Uinta Basin, Northern Wasatch Front and Southern Wasatch Front Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Utah. The revision fulfills the base year inventory requirement for the 2015 8-hour ozone national ambient air quality standard (NAAQS) for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front nonattainment areas. Utah submitted the base year emissions inventories to meet, in part, the nonattainment requirements for Marginal ozone nonattainment areas under the 2015 8-hour ozone NAAQS. EPA is taking this action pursuant to sections 110, 172, and 182 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 3, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2020–0646, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. 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, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not

plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6709, *lang.matthew@epa.gov.*

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

I. Background

Ground-level ozone is formed when nitrogen oxides (NO_X) and volatile organic compounds (VOCs) react in the presence of sunlight. Referred to as ozone precursors, these two pollutants are emitted by many types of pollution sources, including motor vehicles, power plants, industrial facilities, and area wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects may occur following exposure to ozone pollution. These effects are more pronounced 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. In 1979, in response to this scientific evidence, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS.[1] EPA had previously promulgated a NAAQS for total photochemical oxidants.

On July 18, 1997, EPA promulgated a revised ozone NAAQS of 0.08 ppm, averaged over eight hours.[2] EPA determined this standard to be more protective of public health than the previous 1979 1-hour ozone standard. In 2008, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm.[3] On October 26, 2015, EPA again strengthened the 8-hour ozone NAAQS to 0.070 ppm, based on extensive scientific evidence about ozone's effects on public health and welfare.[4] Effective August 3, 2018, EPA designated the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front areas as Marginal nonattainment for the more stringent 2015 8-hour ozone NAAQS.[5]

The Uinta Basin Nonattainment Area (NAA) is comprised of portions of Duchesne and Uintah Counties. The Northern Wasatch Front NAA includes Salt Lake, Davis, and portions of Weber and Tooele Counties. The Southern Wasatch Front NAA is comprised of only a portion of Utah County.

Under section 172(c)(3) of the CAA, Utah is required to submit comprehensive, accurate, and current inventories of actual emissions from all sources of the relevant pollutants in its Marginal nonattainment areas, *i.e.,* the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Front NAA.[6] Specific to areas classified as Marginal ozone nonattainment, CAA section 182(a)(1) requires that a base year inventory of ozone precursors be submitted within two years of the nonattainment designation.[7]

EPA's guidance for emissions inventory development specifically calls for states to report ''ozone season day emissions'' in the base year inventory.[8] EPA's regulations define ozone season day emissions as an average day's emissions for a typical ozone season work weekday.[9] Although elevated ground-level ozone is typically a summertime issue for many areas, high ground-level ozone can occur during the winter with the presence of temperature inversions and snow cover as well as sufficient solar radiation and ozone precursors.

CAA sections 172 and 182 identify additional plan submissions and requirements for ozone nonattainment areas. Under sections 172(c)(5) and 182(a)(3)(B) of the CAA, Utah is required to implement a nonattainment new source review permit program and emission statement requirement, respectively.[10] EPA will act on SIP revisions that address these two requirements separately from the base year emissions inventories at issue in this action.

II. Summary of SIP Revision

On July 30, 2020, the Utah Division of Air Quality (UDAQ) submitted a SIP revision titled ''2017 Marginal Ozone Inventories'' to satisfy the emission inventory requirements under CAA sections 172(c)(3) and 182(a)(1).[11] On January 28, 2021, UDAQ submitted a superseding supplement to the earlier submission, which corrected and explained administrative errors in Utah's SIP revision.[12] Utah met the reasonable notice and public hearing requirements of CAA section 110(a) for the SIP revision through reasonable notice posted on June 11, 2020, and notice of a public hearing for July 16, 2020.[13]

Utah's SIP revision uses 2017 as its base year for SIP planning purposes, as recommended in EPA's implementation rule for the 2015 Ozone NAAQS.[14] The 2017 base year inventories represent NO_X and VOC emissions estimates for an average episode day (work weekday) during the peak ozone season of an area. For the Uinta Basin NAA, an average episode day during the peak ozone season is in February. For the Northern Wasatch Front NAA and Southern Wasatch Front NAA, an average episode day during the peak ozone season is in July.[15] The inventories were developed for all major source categories including point sources, area (nonpoint) sources, and mobile sources, including both nonroad mobile and on-road mobile sources.[16] Additionally, the Uinta Basin NAA inventory included a separate oil and gas source category.[17] Emissions sources in the Uinta Basin are located both in state land and in Indian country. We note that the Uinta Basin portion of Utah's SIP revision includes only emissions from sources located on state lands within the Uinta Basin NAA.[18]

Tables 1–3 of this document summarize the 2017 VOC and NO_X emission inventory by source sector for the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Front NAA. Ozone season weekday emissions are given in tons per day (tpd).

[1] Revisions to the National Ambient Air Quality Standards for Photochemical Oxidants, 44 FR 8202 (Feb. 8, 1979).

[2] National Ambient Air Quality Standards for Ozone, 62 FR 38856.

[3] National Ambient Air Quality Standards for Ozone, 73 FR 16436 (March 27, 2008).

[4] National Ambient Air Quality Standards for Ozone, 80 FR 65292.

[5] Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards, 83 FR 25776 (June 4, 2018).

[6] 42 U.S.C. 7502(c)(3).

[7] Id. 7511a(a)(1).

[8] EPA, Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, May 2017, 21, 45, 75.

[9] 40 CFR 51.1300(q).

[10] 42 U.S.C. 7502(c)(5); 7511a(a)(3)(B).

[11] Letter dated July 29, 2020, from Gary R. Herbert, Governor, State of Utah, to Gregory Sopkin, Regional Administrator, EPA, Region 8.

[12] Utah, Utah Administrative Documentation, Marginal Ozone Inventory Supplement, January 2021 (''UT SIP Revision'').

[13] Id. at 68, 86–87, 107–108.

[14] Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements, 83 FR 62998, 63004–05, 63011 n.29 (December 6, 2018).

[15] UT SIP Revision at 92, 98, 103.

[16] Id. at 93, 99, 104.

[17] Note that Utah included oil and gas emissions as area sources for the Northern and Southern Wasatch NAAs. See, *e.g.,* UDAQ, Area Source Inventories, April 2, 2020.

[18] UT SIP Revision at 95. See also 40 CFR 51.1, 51.15(b).

TABLE 1—UINTA BASIN NONATTAINMENT AREA 2017 VOC AND NO_X BASELINE EMISSIONS INVENTORY

[Tons/Day] [19]

Source type	NO_X	VOC
Point	1.07	0.73
Nonpoint	0.22	1.46
On-road Mobile	3.24	1.22
Nonroad Mobile	0.1	0.11
Oil & Gas	10.61	37.4
Total	15.24	40.93

TABLE 2—NORTHERN WASATCH FRONT NONATTAINMENT AREA 2017 VOC AND NO_X BASELINE EMISSIONS INVENTORY

[Tons/Day] [20]

Source type	NO_X	VOC
Point	18.83	5.88
Nonpoint	1.25	44.48
On-road Mobile	52.46	28.56
Nonroad Mobile	27.59	18.54
Total	100.12	97.46

TABLE 3—SOUTHERN WASATCH FRONT NONATTAINMENT AREA 2017 VOC AND NO_X BASELINE EMISSIONS INVENTORY

[Tons/Day] [21]

Source type	NO_X	VOC
Point	1.25	0.21
Nonpoint	0.56	13.1
On-road Mobile	14.93	7.07
Nonroad Mobile	5.18	3.67
Total	21.92	24.06

Point sources are large, stationary, identifiable sources of emissions that release pollutants into the atmosphere. For Utah's 2017 base year inventories, the State determined point source emissions in the three nonattainment areas from source-reported data in the UDAQ State and Local Emissions Inventory System (SLEIS) database, which includes any source that has the potential to emit greater than or equal to 100 tons per year of NO_X or VOCs. The point source actuals are reported in tons per year.[22] Utah's SIP revision uses the emissions processing software SMOKE (Sparse Matrix Operator Kernel Emissions) to distribute inventoried pollutants in time and space, including to a 24-hour period.[23] The SMOKE Emissions Processing technical support document included with Utah's SIP revision describes the processing software in greater detail.[24] A further description of the point source emissions inventory is found in the Base Year Ozone SIP Point Source Inventory technical support document included with Utah's SIP revision.[25]

Nonpoint sources, also known as area sources, are sources of pollution that are small and numerous, and that have not been inventoried as specific point or mobile sources. They include a wide range of sources including, for example, dry cleaners, residential heating and cooling, auto body painting, and consumer solvents. To inventory nonpoint sources, sources are grouped so that emissions can be estimated collectively using one methodology. For Utah's 2017 base year emissions inventories, the State determined area emissions from UDAQ's area source emissions calculation workbooks that are the foundation for data in the 2017 National Emissions Inventory (NEI).[26]

The on-road mobile source portion of the State's 2017 base year inventories includes emissions from vehicles, such as cars, trucks, trash trucks, over-the-road diesel trucks, and buses, which are operated on public roadways. These emissions were estimated using EPA's Motor Vehicle Emissions Simulator (MOVES) model version MOVES2014b. Metropolitan planning organizations (MPOs) determined on-road emissions for the urban nonattainment areas. The Utah Department of Transportation (UDOT) determined on-road emissions for rural nonattainment counties and UDAQ determined emissions in rural counties in attainment. The on-road mobile source portion of the inventories for the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Area were developed by UDOT, the Wasatch Front Regional Council (WFRC) MPO and the Mountainland Association of Governments (MAG) MPO, respectively.[27]

The On-road Mobile Sources technical support document[28] included with the State's submittal details MOVES modeling inputs including speeds, vehicle fuel properties and specifications, Vehicle Miles Traveled (VMT), inspection and maintenance profiles, VMT mix, vehicle age distributions, and meteorological conditions.[29] VMT within the NAAs is based on their respective transportation model's output data from the UDOT, MAG, and WFRC.[30] The MOVES modeling used meteorological inputs for the Uinta Basin NAA based on conditions for an ozone exceedance event from February 1–10, 2013, in Uintah, Utah, and conditions on an average July day in 2017 for both the Southern Wasatch Front NAA and Northern Wasatch Front NAA. UDOT, MAG, and WFRC developed the on-road inventories in the State's submittal using MOVES 2014b default fuel parameters for diesel and compressed natural gas. The inventories adjusted gasoline fuel parameters for gasoline sulfur levels in Utah since small volume refiners were not required to comply with federal Tier 3 gasoline (10 ppm sulfur) requirements until January 1, 2020. Utah notes in the technical support document for on-road mobile sources that the EPA Office of Transportation and Air Quality (OTAQ) provided the 2017 local gasoline sulfur value of 20.9 ppm.[31]

Nonroad mobile sources are mobile sources other than on-road vehicles, including aircraft, locomotives, construction and agricultural equipment, recreational equipment like snowmobiles, and marine vessels. The 2017 base year inventory includes emissions from nonroad mobile sources, excluding aircraft and locomotives, as estimated for the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Front NAA by EPA's Non-Road Model. EPA's Non-Road Model is incorporated into EPA's MOVES model.[32]

The State prepared aircraft emissions from data reported by the 2017 NEI, and determined emissions from airport ground support equipment using the Federal Aviation Administration's Aviation Environmental Design Tool.[33]

[19] Id. at 95; Note that the Uinta Basin inventory represents only emissions from State land in the Uinta Basin NAA.

[20] Id. at 100.

[21] Id. at 105.

[22] See, *e.g.,* id. at 95.

[23] Id. at 94, 100, 105.

[24] UDAQ, SMOKE Emissions Processing, June 10, 2020.

[25] Utah, Base Year Ozone SIP Point Source Inventory (listing point sources by NAA).

[26] UT SIP Revision at 93, 99, 104.

[27] Id. at 94, 100, 105.

[28] Utah provided a separate technical support document for each source sector in each of the three NAAs. Each technical support document contains largely the same material regarding methodology. Thus, for ease of reference, we will cite to the technical support document for the Northern Wasatch Front NAA unless otherwise specified. Please see the docket for specific technical support documents.

[29] See, *e.g.,* UDAQ, Technical Support Document for On-road Mobile Sources: Summertime 2017 Baseline Ozone Emissions Inventory for the Northern Wasatch Front, UT Nonattainment Area and Surrounding Modeling Domain in Utah, April 2020, 5.

[30] Id. at 6–7.

[31] Id. at 8.

[32] Utah SIP Revision at 94, 100, 105.

[33] UDAQ, Technical Support Document Non-Road Mobile Source: Ozone Inventory for 2017 Base Year, February and July, April 2020, 3, 5.

For rail yard emissions, associated with the operation of switcher engines, Utah used emissions reported by the 2017 NEI that are compiled by the Eastern Regional Technical Advisory Committee. Commuter rail emissions from UTA FrontRunner are also included.[34] The State processed the nonroad emissions for the inventories included in the State's submittal with SMOKE. Additional information describing the development of the inventory of the nonroad mobile source sector can be found in the Non-Road Mobile Source technical support document included with the State's submittal.

To inventory oil and gas emissions, Utah explains in the SIP revision that emissions within the Uinta Basin NAA were determined from workbooks submitted by sources as well as EPA/NOMAD (Nonpoint Methods Advisory group) oil and gas tool outputs.[35] Additionally, the State included emissions associated with off-road mobile oil and gas and nonroad oil and gas well pad construction equipment in the 2017 base year inventory for the Uinta Basin NAA. Off-road mobile oil and gas emissions are from mobile sources that operate within the oil and gas fields located in the Uinta Basin NAA and were calculated in the base year inventory from emission factors generated using MOVES2014b.[36] Nonroad oil and gas well equipment emissions, which include emissions from well pad, access road, and pipeline construction, were calculated from emissions factors generated by the EPA MOVES2014b Non-Road Model.[37] Well counts for 2017 were provided for by the UDAQ Technical Analysis Section from the Utah Division of Oil, Gas, and Mining for both the determination of oil and gas off-road mobile and nonroad emissions.[38]

EPA has reviewed Utah's 2017 base year emission inventories' results, procedures, and methodologies for the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Front NAA and we propose to find them approvable. EPA has concluded that the 2017 base year inventories are based on the most current and accurate information available to the State at the time the inventories were developed. Additionally, the 2017 inventory comprehensively addresses all source categories in Utah's NAAs and was developed consistent with the relevant EPA emission inventory guidance and models.

III. Proposed Action

As detailed in the Utah SIP Revision and summarized previously in this proposed rulemaking, the procedures used by the State in developing the 2017 base year inventories for the source sectors in the Uinta Basin NAA, Northern Wasatch Front NAA, and Southern Wasatch Front NAA satisfy the requirements of the CAA. Therefore, we are proposing to approve the 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs because the State prepared the inventories in accordance with the requirements in sections 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations, including those at 40 CFR 51.1315. EPA is soliciting public comments on the issues discussed in this document. EPA will consider these comments before taking final action.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 23, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–06754 Filed 3–31–21; 8:45 am]

BILLING CODE 6560–50–P

[34] Id. at page 8.

[35] Utah SIP Revision at 94.

[36] UDAQ, Technical Support Document 2017 Baseline Wintertime Ozone Emissions Inventory: Off-road Mobile Sources Operating Within the Oil and Gas Fields Located in the Uintah, UT Nonattainment Area, March 2020, 5–6.

[37] UDAQ, Technical Support Document 2017 Baseline Wintertime Ozone Emissions Inventory: Non-Road Well Pad Construction Equipment Operating within the Oil and Gas Fields within the Uintah, UT Nonattainment Area, March 2020, 4.

[38] Id. at 5; UDAQ, Technical Support Document 2017 Baseline Wintertime Ozone Emissions Inventory: Off-road Mobile Sources Operating Within the Oil and Gas Fields Located in the Uintah, UT Nonattainment Area, March 2020, 9.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–56; RM–11881; DA 21–165; FRS 17494]

Television Broadcasting Services Jonesboro, Arkansas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Gray Television Licensee, LLC, (Gray), licensee of KAIT, channel 8, Jonesboro, Arkansas, requesting the substitution of channel 27 for channel 8 at Jonesboro in the DTV Table of Allotments. In support of its channel substitution request, Gray states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and also that the reception of VHF signals require larger antennas, relative to UHF channels.'' According to Gray, many of its viewers experience significant difficulty receiving KAIT's signal, and while there is small terrain limited predicted loss area, the viewers will continue to be well served by at least five other stations and receive ABC network service from another station licensed to Memphis, Tennessee.

DATES: Comments must be filed on or before May 3, 2021 and reply comments on or before May 17, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Joan Stewart, Esq., Wiley Rein, LLP, 1776 K Street NW, Washington, DC, 20006.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–56; RM–11881; DA 21–165 adopted February 12, 2021, and released February 12, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

§ 73.622 [Amended]

■ 2. In § 73.622 paragraph (i), amend the Post-Transition Table of DTV Allotments under Arkansas by revising the entry for Jonesboro to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Arkansas	
Jonesboro	20, 27, 48.
* * * * *	

[FR Doc. 2021–06394 Filed 3–31–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–52; RM–11877; DA 21–161; FR ID 17505]

Television Broadcasting Services Amarillo, Texas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking (Petition) filed by KVII Licensee, LLC, (Licensee), licensee of KVII–TV, Channel 7, Amarillo, Texas (KVII or Station), requesting the substitution of channel 20 for channel 7 at Amarillo in the DTV Table of Allotments. Licensee states that the proposed channel substitution for KVII from VHF channel 7 to UHF channel 20 would allow KVII to significantly improve its over-the-air service to the Station's viewers in the Amarillo, Texas, market. Licensee states that the proposed channel change from channel 7 to channel 20 would result in a substantial increase in signal receivability for KVII's core viewers and enable viewers to receive the Station's signal with a significantly smaller antenna. Licensee maintains that KVII, as a VHF channel station, has had a long history of dealing with severe reception problems exacerbated by the analog to digital conversion. The proposed migration of KVII from channel 7 to channel 20, Licensee contends, is in the public interest based on the enhanced signal levels that will be delivered to a large percentage of the Station's population without any predicted loss of coverage. Further, Licensee maintains that the change will result in an predicted increase of 9.44% in the Station's overall population and the staff has determined there is no loss of service. Licensee concludes by saying that the public interest would be best served by promptly granting its Petition with the specifications set forth therein so that Amarillo-area viewers may benefit from substantially improved over-the-air broadcast television service as soon as possible.

DATES: Comments must be filed on or before May 3, 2021 and reply comments on or before May 17, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Paul A. Cicelski, Esq., Lerman Senter PLLC, 2001 L Street NW, Suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Media Bureau, at (202) 418–2324; or *Shaun.Maher@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–52; RM–11877; DA 21–161, adopted February 12, 2021, and released February 12, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622 in paragraph (i) amend the Post-Transition Table of DTV Allotments under Texas by revising the entry for Amarillo to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Texas	
* * * * *	
Amarillo	20
* * * * *	

[FR Doc. 2021–06395 Filed 3–31–21; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 86, No. 61

Thursday, April 1, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS–21–BUSINESS–0006]

Inviting Applications for the Rural Business Development Grant Program To Provide Technical Assistance for Rural Transportation Systems

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of funding availability.

SUMMARY: The Rural-Business Cooperative Service (the Agency) announces the availability of two individual grants: One single $500,000 grant from the rural transportation funds appropriated for the Rural Business Development Grant (RBDG) program and another single $250,000 grant for Federally Recognized Native American Tribes (FRNATs) (collectively ''Programs'') from the funds appropriated for the RBDG program. Each grant is to be competitively awarded to an eligible applicant which is a qualified national non-profit organization. One grant is for the provision of technical assistance to rural transportation (RT) projects and the other grant will solely be for the provision of technical assistance to RT projects operated by FRNATs.

All applicants are responsible for any expenses incurred in developing their applications.

DATES: The deadline for completed applications to be received in the United States Department of Agriculture (USDA) Rural Development state office is no later than June 30, 2021 for paper applications and 11:59 p.m. (local time) for electronic submissions on June 30, 2021, to be eligible for FY 2021 grant funding. Applications received after the deadline will be ineligible for funding.

ADDRESSES: Applications must be submitted to the USDA Rural Development state office where the project is located. A list of the USDA Rural Development state office contacts can be found at: *http://www.rd.usda.gov/contact-us/state-offices.*

FOR FURTHER INFORMATION CONTACT: The Rural Development office for the state in which the applicant is located. A list of Rural Development state office contacts is provided at the following link: *http://www.rd.usda.gov/contact-us/state-offices.*

SUPPLEMENTARY INFORMATION:

Priority Language for Funding Opportunities

The agency encourages applicants to consider projects that will promote equity and economic opportunity in rural America, specifically those that advance key priorities:

- Containing the COVID–19 pandemic,
- Ensuring racial equity,
- Rebuilding our rural economy, and
- Addressing the climate crisis.

Overview

Solicitation Opportunity Title: Rural Business Development Grants.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance Number: 10.351.

Dates: The deadline for completed applications must be received in the USDA Rural Development state office no later than June 30, 2021 for paper applications and 11:59 p.m. (local time) for electronic submissions on June 30, 2021, to be eligible for FY 2021 grant funding. A list of the USDA Rural Development state offices can be found at: *http://www.rd.usda.gov/contact-us/state-offices.*

Persistent poverty counties: Section 736 of the Further Consolidated Appropriations Act, 2021 (the Appropriations Act), designates funding for projects in Persistent Poverty counties. Persistent Poverty counties is defined as ''any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States''. Another provision of the Appropriations Act expands the eligible population in Persistent Poverty counties to include any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent. This provision expands the current 50,000 population limit to 55,000 for county seats located in Persistent Poverty counties. Therefore, beneficiaries of technical assistance services located in Persistent Poverty county seats with populations up to 55,000 (per the 2010 Census) are eligible.

A. Program Description

1. *Purpose of the Program.* The purpose of this program is to improve the economic conditions of Rural Areas.

2. *Statutory Authority.* This program is authorized under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Regulations are contained in 7 CFR part 4280, subpart E. The program is administered on behalf of Rural Business-Cooperative Service (RBCS) at the state level by the USDA Rural Development state offices. Assistance provided to Rural Areas under the program has historically included the provision of on-site Technical Assistance to tribal, local and regional governments, public transit agencies, and related nonprofit and for-profit organizations in Rural Areas; the development of training materials; and the provision of necessary training assistance to local officials and agencies in Rural Areas.

Awards under the RBDG passenger transportation program will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E, and in accordance with section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Information required to be in the application package includes Standard Form (SF) 424, ''Application for Federal Assistance;'' environmental documentation in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures;'' Scope of Work Narrative; Income Statement; Balance Sheet or Audit for previous 3 years; SF LLL, ''Disclosure of Lobbying Activities;'' RD 400–1, ''Equal Opportunity Agreement;'' RD 400–4, ''Assurance Agreement;'' and a letter providing Board authorization to obtain assistance. For the FRNAT grant, which must benefit FRNATs, at least 75 percent of the benefits of the Project

must be received by members of FRNATs. The Project that scores the greatest number of points based on the RBDG selection criteria and the discretionary points will be selected for each grant.

For the funding for Technical Assistance for RT systems, applicants must be qualified national organizations with experience in providing Technical Assistance and training to rural communities nationwide for the purpose of improving passenger transportation services or facilities. To be considered ''national,'' RBCS requires a qualified organization to provide evidence that it can operate RT assistance programming nationwide. An entity can qualify if they can work in partnership with other entities to fulfill the national requirement as long as the applicant will have ultimate control of the grant administration. For the funding for RT systems to FRNATs, an entity can qualify if it can work in partnership with other entities to support all federally recognized tribes in all States, as long as the applicant will have ultimate control of the grant administration. There is not a requirement to use the grant funds in a multi-State area. Grants will be made to qualified national organizations for the provision of Technical Assistance and training to Rural communities for the purpose of improving passenger transportation services or facilities.

3. *Definition of Terms.* The definitions applicable to this notice are published at 7 CFR 4280.403.

4. *Application Awards.* The Agency will review, evaluate, and score applications received in response to this notice based on the provisions in 7 CFR part 4280, subpart E and as indicated in this notice. However, the Agency advises all interested parties that the applicant bears the burden in preparing and submitting a complete application in response to this notice.

B. Federal Award Information

Type of Award: Grants.

Fiscal Year Funds: FY 2021.

Available Funds: $750,000.

Approximate Number of Awards: Two. Historically, two awards have been made each Fiscal Year.

Maximum Awards: One single $500,000 grant and another single $250,000 grant for FRNATs.

Award Date: Prior to September 30, 2021.

Performance Period: October 1, 2021, through September 30, 2023.

Renewal or Supplemental Awards: None.

C. Eligibility Information

1. *Eligible Applicants.*

To be considered eligible, an entity must be a qualified national organization serving Rural Areas as evidenced in its organizational documents and demonstrated experience, per 7 CFR part 4280, subpart E. Grants will be competitively awarded to qualified national organizations.

The Agency requires the following information to make an eligibility determination that an applicant is a national organization. These applications must include, but are not limited to, the following:

(a) An original and one copy of SF 424, ''Application for Federal Assistance (for non-construction);''

(b) Copies of applicant's organizational documents showing the applicant's legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months for the duration of the Project, and the estimated time it will take from grant approval to the beginning of Project implementation;

(d) A written narrative that includes, at a minimum, the following items:

(1) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(2) Area to be served, identifying each governmental unit, *i.e.,* tribe, town, county, etc., to be affected by the Project;

(3) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(4) Businesses to be assisted, if appropriate, and economic development to be accomplished;

(5) An explanation of how the proposed Project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(6) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(7) The method and rationale used to select the areas and businesses that will receive the service;

(8) A brief description of how the work will be performed, including whether organizational staff or consultants or contractors will be used; and

(9) Other information the Agency may request to assist in making a grant award determination.

(e) The latest 3 years of financial information to show the applicant's financial capacity to carry out the proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s), and cash flow statement(s). A current audited report is required if available;

(f) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from RBDG;

(g) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project.

2. *Cost Sharing or Matching.* Matching funds are not required.

3. *Other.*

Applications will only be accepted from qualified national organizations to provide Technical Assistance for RT. There are no ''responsiveness'' or ''threshold'' eligibility criteria for these grants. There is no limit on the number of applications an applicant may submit under this announcement. None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is

not necessary to protect the interests of the Government.

4. *Completeness Eligibility.* Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

D. Application and Submission Information

1. Address To Request Application Package

For further information, entities wishing to apply for assistance should contact the USDA Rural Development state office provided in the **ADDRESSES** section of this notice to obtain copies of the application package.

Prior to official submission of grant applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to May 21, 2021. Technical Assistance is not meant to be an analysis or assessment of the quality of the materials submitted, a substitute for Agency review of completed applications, nor a determination of eligibility, if such determination requires in-depth analysis. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application.

Applications must be submitted in paper format or electronic submission. If you want to submit an electronic application, follow the instructions for the RBDG Transportation funding announcement located at: *http://www.grants.gov.* Please review the *Grants.gov* website for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. Applications submitted to a USDA Rural Development State Office must be received by the closing date and local time.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. Your application must contain all required information using only one of the submission methods. If you submit in paper form, any forms requiring signatures must include an original signature.

To apply electronically, you must follow the instructions for this funding announcement at: *http://www.grants.gov.* Please note that we cannot accept emailed or faxed applications.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a Dun and Bradstreet Universal Numbering System (DUNS) number and you must also be registered and maintain registration in the System for Awards Management (SAM). We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

Documents submitted electronically through *Grants.gov* must include electronic signatures. Original signatures may be required if funds are awarded.

After applying electronically through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

If you want to submit a paper application, send it to the State Office located in the state where the Project will primarily take place. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.*

The organization submitting the application will be considered the lead entity. The Contact/Program Manager must be associated with the lead entity submitting the application.

An application must contain all of the required elements. Each application received in a USDA Rural Development State Office will be reviewed to determine if it is consistent with the eligible purposes contained in section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Each selection priority criterion outlined in 7 CFR 4280.435 must be addressed in the application. Failure to address any of the criterion will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart E, are available on the Rural Development website at: *https://www.rd.usda.gov/page/regulations-and-guidance,* or at any USDA Rural Development state office.

All Projects to receive Technical Assistance through these passenger transportation grant funds are to be identified when the applications are submitted to the USDA Rural Development state office. Multiple Project applications must identify each individual Project, indicate the amount of funding requested for each individual Project, and address the criteria as stated above for each individual Project.

For multiple-Project applications, the average of the individual Project scores will be the score for that application.

The applicant documentation and forms needed for a complete application are located in the Program Description section of this notice, and 7 CFR part 4280, subpart E.

(a) There are no specific formats, limitations on number of pages, font size and type face, or sequence for an application though the documentation and forms must be submitted in one complete package and properly organized for review by the Agency.

(b) The component pieces of this application must contain original signatures on the original application.

(c) Since these grants are for Technical Assistance for transportation purposes, no additional information requirements other than those described in this notice and 7 CFR part 4280, subpart E, are required.

3. Unique Entity Identifier and System for Award Management

All applicants must have a DUNS number which can be obtained at no cost via a toll-free request line at (866) 705–5711 or at: *http://fedgov.dnb.com/webform.* Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from the requirements under 2 CFR 25.110(b) or (c) or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d) is required to: (i) Be registered in SAMS before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

(a) Application Deadline Date: Paper applications are due June 30, 2021. *Electronic applications must be submitted via grants.gov no later than 11:59 p.m. eastern time on* June 30, 2021.

Explanation of Deadlines: Applications must be in the USDA Rural Development state office by the local deadline date and time as indicated above. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day.

(b) The deadline date means that the completed application package must be received in the USDA Rural Development state office by the deadline date established above. All application documents identified in this notice are required.

(c) If complete applications are not received by the deadline established above, the application will neither be reviewed nor considered under any circumstances.

(d) The Agency will determine the paper application receipt date based on the actual date postmarked.

(e) This notice is for RT Technical Assistance grants only and therefore intergovernmental reviews are not required.

(f) These grants are for RT Technical Assistance grants only; no construction or equipment purchases are permitted. If the grantee has a previously approved indirect cost rate and if it is permissible otherwise, the applicant may elect to charge the 10 percent indirect cost rate permitted under 2 CFR 200.414(f) or request a determination of its Indirect Cost Rate. Due to the time required to evaluate Indirect Cost Rates, it is likely that all funds will be awarded by the time the Indirect Cost Rate is determined. No foreign travel is permitted. Pre-Federal award costs will only be reimbursed with prior written approval by the Agency.

(g) Applicants must submit applications in paper copy format, or an electronic submission as previously indicated in the Application and Submission Information section of this notice. If the applicant wishes to hand deliver its application, the appropriate address can be located in the **ADDRESSES** section of this notice.

(h) If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

E. Application Review Information

1. Criteria

All eligible and complete applications will be evaluated and scored based on the scoring criteria contained in 7 CFR 4280.435. The Agency will select grantees subject to the grantees' satisfactory submission of the additional items required by 7 CFR part 4280, Section 4280.427, and the USDA Rural Development Letter of Conditions. Failure to address any one of the criteria in 7 CFR 4280.427 by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding.

2. Review and Selection Process

The state offices will review applications to determine if they are eligible for assistance based on the application and project eligibility requirements contained in 7 CFR 4280.416 and 4280.417, respectively, and as stated in this notice. If determined eligible, your application will be submitted to the national office. Funding of Projects is subject to the applicant's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions. The Agency reserves the right to award additional discretionary points under 7 CFR 4280.435(k).

In awarding discretionary points, the Agency scoring criteria regularly assigns points to applications that direct loans or grants to Projects based in, or serving, census tracts with poverty rates greater than or equal to 20 percent. This emphasis will support Rural Development's mission of improving the quality of life for Rural Americans and commitment to directing resources to those who most need them.

F. Federal Award Administration Information

1. Federal Award Notices

Successful applicants will receive notification for funding from their USDA Rural Development state office. Applicants must comply with all applicable statutes and regulations before the grant award will be approved. Unsuccessful applications will receive notification by mail.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR 4280.408, 4280.410, and 4280.439. Awards are subject to USDA Departmental Grant Regulations at 2 CFR part 400, which incorporates the new Office of Management and Budget (OMB) regulations at 2 CFR part 200.

All successful applicants will be notified by letter, which will include a Letter of Conditions, and a Letter of Intent to Meet the Conditions. This letter is not an authorization to begin performance. If the applicant wishes to consider beginning performance prior to the grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The grant will be considered officially awarded when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the Project.

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4280, subpart E; the Grants and Agreements regulations of the U.S. Department of Agriculture codified in 2 CFR part 400, and successor regulations. In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

(a) Form RD 4280–2 ''Rural Business-Cooperative Service Financial Assistance Agreement.''

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form RD 400–4, ''Assurance Agreement.'' Each prospective recipient must sign Form RD 400–4 which assures USDA that the recipient is in compliance with Title VI of the Civil Rights Act of 1964, 7 CFR part 15, and other Agency regulations. Form RD 400–4 also provides that no person will be discriminated against based on race, color, or national origin, in regard to any program or activity for which the recipient receives Federal financial assistance. Nondiscrimination statements must be included in any grantee advertisements and brochures.

Program participants will be required to collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice,

''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' (62 FR 58782), October 30, 1997. Data on recipients' sex will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), and 7 CFR part 1901, subpart E.

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Form SF 270, ''Request for Advance or Reimbursement.''

3. Grantee Reporting Requirements

(a) A Financial Status Report and a Project performance activity report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal fiscal year. The grantee will complete the Project within the total time available to it in accordance with the Scope of Work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final Project performance report will be required with the final Financial Status Report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the grant, if applicable. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the quarter. The Project performance reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall Project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular Project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation;

(3) Objectives and timetable established for the next reporting period;

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or Economic Development which results in improvements in median household incomes, and any other specific requirements, should be placed in the reporting section in the Letter of Conditions; and

(5) Within 90 days after the conclusion of the Project, the grantee will provide a final Project evaluation report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the grantee may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until a final Project, Project performance, and financial status report are received and approved by the Agency.

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this notice.

H. Civil Rights Requirements

All grants made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Title IX, Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), Executive Order 11246 (Equal Employment Opportunity), and the Equal Credit Opportunity Act of 1974.

I. Other Information

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this notice is approved by OMB under OMB Control Number 0570–0070.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711, or online at: *http://fedgov.dnb.com/webform.* Similarly, all applicants must be registered in SAM prior to submitting an application. Applicants may register for the SAM at: *http://www.sam.gov/SAM.* All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

Nondiscrimination 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: *http://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;

(2) *Fax:* (202) 690–7442; or

(3) *Email: OAC@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–06703 Filed 3–31–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket Number RUS–20–ELECTRIC–0045]

Announcement of Application Deadlines and Requirements for Section 313A Guarantees for Bonds and Notes Issued for Utility Infrastructure Purposes for Fiscal Year (FY) 2021

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), announces the application window and requirements and $750 million in loan funding that is available for Fiscal Year (FY) 2021 under the Guarantees for Bonds and Notes Issued for Utility Infrastructure Purposes Program (the 313A Program), authorized under the Rural Electrification Act of 1936, as amended (the RE Act). Successful applications will be selected by the Agency for funding and subsequently awarded. All applicants are responsible for any expenses incurred in developing their applications.

DATES: Completed applications must be received, or post marked by RUS no later than 5:00 p.m. Eastern Daylight Time (EDT) June 1, 2021.

ADDRESSES: Applicants are required to submit one original and two copies of their loan application to the U.S. Department of Agriculture, Rural Utilities Service, Electric Program, ATTN: Amy McWilliams, Program Advisor, 1400 Independence Avenue SW, STOP 1560, Room 4137D–S, Washington, DC 20250–1560.

FOR FURTHER INFORMATION CONTACT: Amy McWilliams, Program Advisor, 1400 Independence Avenue SW, STOP 1560, Room 4137D–S, Washington, DC 20250–1560. Telephone: (202) 205–8663; fax: (844) 749–0736; or email: *amy.mcwilliams@usda.gov.*

SUPPLEMENTARY INFORMATION:

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs in the Office of Management and Budget designated this action as a major rule, as defined by 5 U.S.C. 804(2), because it will result in an annual effect on the economy of $100,000,000 or more. Accordingly, there will be a mandatory 60-day delay in effectiveness to award loan funds. However, applications will be accepted for 60 days beginning April 1, 2021 as stated in the **DATES** section of this NOSA.

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: Guarantees for Bonds and Notes Issued for Utility Infrastructure Purposes for Fiscal Year (FY) 2021.

Announcement Type: Guarantees for Bonds and Notes.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.850.

Due Date for Applications: Completed applications must be received or post marked by RUS no later than 5:00 p.m. Eastern Daylight Time (EDT) June 1, 2021.

Items in Supplementary Information

I. Funding Opportunity Description
II. Award Information
III. Eligibility Information
IV. Fiscal Year 2021 Application and Submission Information
V. Application Review Information
VI. Issuance of Guarantee
VII. Guarantee Agreement
VIII. Reporting Requirements
IX. Award Administration Information
X. National Environmental Policy Act Certification
XI. Other Information and Requirements
XII. Agency Contacts: Website, Phone, Fax, Email, Contact Name
XIII. Non-Discrimination Statement: USDA Non-Discrimination Statement, How To File a Complaint, Persons With Disabilities

I. Funding Opportunity Description

A. Purpose and Objectives of the 313A Program

The purpose of the 313A Program is to make guaranteed loans to selected applicants (each referred to as ''Guaranteed Lender'' in this NOSA) that are to be used (i) to make utility infrastructure loans or (ii) to refinance bonds or notes issued for such purposes to a borrower that has at any time received, or is eligible to receive, a loan under the RE Act. Each applicant must provide a statement on how it proposes to use the proceeds of the guaranteed bonds, and the financial benefit it anticipates deriving from participating in the program pursuant to 7 CFR 1720.6(a)(3), or its equivalent in any subsequent regulation. Objectives may include, but are not limited to the annual savings to be realized by the ultimate borrower(s) as a result of the applicant's use of lower cost loan funds provided by the Federal Financing Bank (FFB) and guaranteed by RUS.

The Agriculture Improvement Act of 2018 (2018 Farm Bill) modified the 313A Program by amending the RE Act to allow proceeds of guaranteed bonds awarded under this NOSA to be used to make broadband loans, or to refinance broadband loans made to a borrower that has received, or is eligible to receive, a broadband loan under Title VI of the RE Act. As a result, to the extent that the proceeds of guaranteed bonds are to be used to fund or refinance broadband loans that were not made by RUS (''Non Broadband Loans''), such proceeds may only be used for Non Broadband Loans that would meet the amended eligibility requirements of Title VI pursuant to the 2018 Farm Bill.

The 2018 Farm Bill has also modified the 313A Program to allow the proceeds of guaranteed loans made under this NOSA to be used by the Guaranteed Lender to fund projects for the generation of electricity.

B. Statutory Authority

The 313A Program is authorized by Section 313A of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c–1) and is implemented by regulations located at 7 CFR part 1720, in accordance with the 2018 Farm Bill. The Administrator of RUS (the Administrator) has been delegated responsibility for administering the 313A Program.

C. Definition of Terms

The definitions applicable to this NOSA are currently published at 7 CFR 1720.3, or its equivalent in any new regulation issued by RUS.

D. Application Awards

RUS will review and evaluate applications received in response to this NOSA based on the regulations at 7 CFR 1720.7, and as provided in this NOSA.

II. Award Information

Type of Awards: Guaranteed Loans.

Fiscal Year Funds: FY 2021.

Available Funds: $750 million. Should additional funding become available this fiscal year, the RUS reserves the right to increase the total funds available under this notice.

Award Amounts: RUS anticipates making multiple guarantees under this NOSA. The number, amount, and terms of awards under this NOSA will depend in part on the number of eligible applications and the amount of funds requested. In determining whether or not to make an award, RUS will take overall program policy objectives into account.

Due Date for Applications: See **SUPPLEMENTARY INFORMATION** above.

Award Date: Awards will be made on or before September 30, 2021, but no earlier than June 1, 2021.

Schedule of Loan Repayment: The amortization method for the repayment of the guaranteed loan shall be repaid by the Guaranteed Lender: (i) in periodic installments of principal and interest, (ii) in periodic installments of interest and, at the end of the term of the bond or note, as applicable, by the repayment of the outstanding principal, or (iii) through a combination of the methods described in (i) and (ii) above. The amortization method will be agreed to by RUS and the Guaranteed Lender.

III. Eligibility Information

A. Eligible Applicants

1. *To be eligible to participate in the 313A Program, a Guaranteed Lender must be:*

a. A bank or other lending institution organized as a private, not-for-profit cooperative association, or otherwise organized on a non-profit basis;

b. Able to demonstrate to the Administrator that it possesses the appropriate expertise, experience, and qualifications to make loans for utility infrastructure purposes (to the extent that the applicant intends to use the guaranteed loan funds for such purpose); and

c. Able to demonstrate to the Administrator that it has bonds or notes eligible for refinancing under the 313A Program (to the extent that the applicant intends to use the guaranteed loan funds for such purpose).

2. *To be eligible to receive a guarantee, a Guaranteed Lender's bond must meet the following criteria:*

a. The Guaranteed Lender must furnish the Administrator with a certified list of the principal balances of eligible loans outstanding and certify that such aggregate balance is at least equal to the sum of the proposed principal amount of guaranteed bonds to be issued, including any previously issued guaranteed bonds outstanding; and

b. The guaranteed bonds to be issued by the Guaranteed Lender would receive an underlying investment grade rating from a Rating Agency, without regard to the guarantee.

3. A lending institution's status as an eligible applicant does not assure that the Administrator will issue the guarantee sought in the amount or under the terms requested, or otherwise preclude the Administrator from declining to issue a guarantee.

B. Other Eligibility Requirements

Applications will only be accepted from lenders that serve rural areas defined in 7 CFR 1710.2(a) as (i) any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau) other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants; and (ii) any area within a service area of a borrower for which a borrower has an outstanding loan as of June 18, 2008, made under titles I through V of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950cc-2). For initial loans to a borrower made after June 18, 2008, the ''rural'' character of an area is determined at the time of the initial loan to furnish or improve service in the area.

IV. Fiscal Year 2021 Application and Submission Information

A. Applications

All applications must be prepared and submitted in accordance with this NOSA and 7 CFR part 1720 (available online at *http://www.ecfr.gov/cgi-bin/text-idx?SID=9295e45c9a0f6a857d800fbec5dde2fb&mc=true&node=pt7.11.1720&rgn=div5*).

B. Content and Form of Submission

In addition to the required application specified in 7 CFR 1720.6, all applicants must submit the following additional required documents and materials:

1. System for Awards Management

All program applicants must be registered in the System for Awards Management (SAM) prior to submitting an application, unless determined exempt under 2 CFR 25.110. Loan recipients must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by the Agency. The applicant must ensure that the information in the database is current, accurate, and complete. Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM;

2. Restrictions on Lobbying

Applicants must comply with the requirements relating to restrictions on lobbying activities. (See 2 CFR part 418, and 7 CFR 1710.125.) This form is available at *https://www.gsa.gov/forms-library/disclosure-lobbying-activities;*

3. Uniform Relocation Act Assurance Statement

Applicants must comply with 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. (See 7 CFR 1710.124.) This form is available at *http://www.rd.usda.gov/resources/directives/electric-sample-documents;*

4. Federal Debt Delinquency Requirements

This report indicates whether the applicants are delinquent on any Federal debt (See 7 CFR 1710.126 and 7 CFR 1710.501(a)(13)). This form (the Federal Debt Delinquency Certification) is available at *http://www.rd.usda.gov/resources/directives/electric-sample-documents;*

5. Form RD 400–4, Assurance Agreement

Applicants must submit a non-discrimination assurance commitment to comply with certain regulations on non-discrimination in program services and benefits and on equal employment opportunity as set forth in 7 CFR parts 15 and 15b and 12 CFR part 202, 7 CFR 1901, subpart E., DR4300–003, DR4330–0300, DR4330–005. This form is available at: *http://www.rd.usda.gov/resources/directives/electric-sample-documents;* and

6. Articles of Incorporation and Bylaws

See 7 CFR 1710.501(b)(1). These are required if either document has been amended since the last loan application was submitted to RUS, or if this is the applicant's first application for a loan under the RE Act.

C. Supplemental Documents for Submission

1. Pro Forma Financial Statements Including Cash Flow Projections and Assumptions

Each applicant must include five-year pro forma income statements, balance sheets and cash flow projections or business plans and clearly state the assumptions that underlie the projections, demonstrating that there is reasonable assurance that the applicant will be able to repay the guaranteed loan in accordance with its terms (See 7 CFR 1720.6(a)(4)).

2. Pending Litigation Statement

A statement from the applicant's counsel listing any pending litigation, including levels of related insurance coverage and the potential effect on the applicant, must be submitted to RUS.

V. Application Review Information

A. Application Evaluation

1. Administrator Review

a. Each application will be reviewed by the Administrator to determine whether it is eligible under 7 CFR 1720.5, the information required under

7 CFR 1720.6 is complete, and the proposed guaranteed bond complies with applicable statutes and regulations. The Administrator can at any time reject an application that fails to meet these requirements.

b. Applications will be subject to a substantive review, on a competitive basis, by the Administrator based upon the evaluation factors listed in 7 CFR 1720.7(b).

2. Decisions by the Administrator

The Administrator may limit the number of guarantees made to a maximum of five per year, to ensure a sufficient examination is conducted of applicant requests. RUS will notify the applicant in writing of the Administrator's approval or denial of an application. Approvals for guarantees will be conditioned upon compliance with 7 CFR 1720.4 (in accordance with the 2018 Farm Bill) and 7 CFR 1720.6. The Administrator reserves the discretion to approve an application for an amount that was less than requested.

B. Independent Assessment

Before a guarantee decision is made by the Administrator, the Administrator shall request that FFB review the rating agency determination required by 7 CFR 1720.5(b)(2) as to whether the bond or note to be issued would receive an investment grade rating without regard to the guarantee.

VI. Issuance of the Guarantee

The requirements under this section must be met by the applicant prior to the endorsement of a guarantee by the Administrator (See 7 CFR 1720.8.)

VII. Guarantee Agreement

Each Guaranteed Lender will be required to enter into a Guarantee Agreement with RUS that contains the provisions described in 7 CFR 1720.8 (Issuance of the Guarantee), 7 CFR 1720.9 (Guarantee Agreement), and 7 CFR 1720.12 (Reporting Requirements). The Guarantee Agreement will also obligate the Guaranteed Lender to pay, on an annual basis, a guarantee fee equal to 30 basis points (0.30 percent) of the outstanding principal amount of the guaranteed loan (See 7 CFR 1720.10).

VIII. Reporting Requirements

Guaranteed Lenders are required to comply with the financial reporting requirements and Pledged Collateral review and certification requirements set forth in 7 CFR 1720.12.

IX. Award Administration Information

Award Notices

RUS will send a commitment letter to an applicant once the loan is approved. Applicants must accept and commit to all terms and conditions of the loan which are requested by RUS and FFB as follows:

1. Compliance Conditions

In addition to the standard conditions placed on the 313A Program or conditions requested by RUS to ensure loan security and statutory compliance, applicants must comply with the following conditions:

a. Each Guaranteed Lender selected under the 313A Program will be required to post collateral for the benefit of RUS in an amount at least equal to the aggregate amount of loan advances made to the Guaranteed Lender under the 313A Program.

b. The pledged collateral (the Pledged Collateral) shall consist of outstanding notes or bonds payable to the Guaranteed Lender (the Eligible Securities) and shall be placed on deposit with a collateral agent for the benefit of RUS. To be deemed Eligible Securities that can be pledged as collateral, the notes or bonds to be pledged (i) cannot be classified as non-performing, impaired, or restructured under generally accepted accounting principles; special mention loans as defined by the Office of the Comptroller of the Currency; or any other elevated risk categories used by the Guaranteed Lender, (ii) must be free and clear of all liens other than the lien created for the benefit of RUS, (iii) cannot be comprised of more than 30 percent of bonds or notes from generation and transmission borrowers, (iv) cannot have more than 5 percent of notes and bonds be from any one particular borrower and (v) cannot be unsecured notes.

c. The Guaranteed Lender will be required to place a lien on the Pledged Collateral in favor of RUS (as secured party) at the time that the Pledged Collateral is deposited with the collateral agent. RUS will have the right, in its sole discretion, within 14 business days of receipt of pledged collateral report to reject and require the substitution of any Pledged Collateral that the Guaranteed Lender deposits as collateral with the collateral agent. Prior to receiving any advances under the 313A Program, the Guaranteed Lender will be required to enter into a pledge agreement, satisfactory to RUS, with a banking institution serving as collateral agent.

d. The Guaranteed Lender will be required to agree not to take any action that would have the effect of reducing the value of the pledged collateral below the level described above.

e. Applicants must certify to the RUS, the portion of their loan portfolio that is:

(1) Refinanced RUS debt;

(2) Debt of borrowers for whom both RUS and the applicants have outstanding loans; and

(3) Debt of borrowers for whom both RUS and the applicant have outstanding concurrent loans pursuant to Section 307 of the RE Act, and the amount of Eligible Loans.

2. Compliance With Federal Laws

Applicants must comply with all applicable Federal laws and regulations.

a. This obligation is subject to the provisions contained in the Consolidated Appropriations Act, 2021, Public Law 116–260, Division A, Title III, Sections 744 and 745, as amended and/or subsequently enacted for USDA agencies and offices, regarding the prohibition against RUS making awards to applicants having corporate felony convictions within the past 24 months or to applicants having corporate federal tax delinquencies.

b. An authorized official within your organization must execute, date, and return the loan commitment letter and the Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants (Form AD–3031) to RUS within 14 calendar days from the date of the loan commitment letter, or by September 24, 2021, if the loan is approved after September 9, 2021; otherwise, the commitment will be void. This form is available at *https://www.ocio.usda.gov/document/ad3031.*

c. Uniform Commercial Code (UCC) Filing. The Borrower must provide RUS with evidence that the Borrower has filed the UCC financing statement required by 7 CFR 1720.8(a)(2). Upon filing of the appropriate UCC financing statement, the Guaranteed Lender will provide RUS with a perfection opinion by outside counsel which demonstrates that RUS's security interest in the pledged collateral under the Pledge Agreement is perfected.

d. Additional conditions may be instituted for future obligations.

X. National Environmental Policy Act Certification

For any proceeds to be used to refinance bonds and notes previously issued by the Guaranteed Lender for RE Act purposes that are not obligated for specific projects, RUS has determined that these financial actions will not individually or cumulatively have a

significant effect on the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR parts 1500–1508. However, for any new projects funded through the 313A Program, applicants must consult with RUS and comply with the Agency regulations at 7 CFR part 1970.

XI. Other Information and Requirements

Applications must contain all the required elements of this NOSA, and all standard requirements as required by 7 CFR part 1720. Additional supporting data or documents may be required by RUS depending on the individual application or financial conditions. All applicants must comply with all Federal laws and regulations.

XII. Agency Contacts

A. *Website: https://www.rd.usda.gov/contact-us/national-office/rus.*

B. *Phone:* (202) 720–9540.

C. *Email: amy.mcwilliams@usda.gov.*

D. *Main point of contact:* Amy McWilliams, Program Advisor; Phone: (202) 720 9540 or (202) 205–8663;

XIII. USDA 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. Individuals wishing to file a discrimination complaint may use the form available at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office, or may 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.

Authority: 7 U.S.C. 940c–1.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2021–06675 Filed 3–31–21; 8:45 am]

BILLING CODE 3410–15–P

CIVIL RIGHTS COMMISSION

Notice of Public Meeting of the Utah Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Utah Advisory Committee to the Commission will be held at 12 p.m. Mountain Time on Friday, April 23, 2021. The purpose of this planning meeting is to discuss scheduling a possible virtual panel presentation with Utah shareholders about their responses to the recently published Committee report titled, *Civil Rights and the Gender Wage Gap in Utah,* and other matters.

DATES: The meeting will be held on Friday, April 23, 2021 at 12 p.m. MT.

Public Call Information: Dial: 800–367–2403. *Conference ID:* 8890038.

FOR FURTHER INFORMATION CONTACT: Angelica Trevino, Program Specialist (PS) at *atrevino@usccr.gov,* or by phone at (202) 695–8935.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 8890038. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Angelica Trevino at *atrevino@usccr.gov.* Persons who desire additional information may contact Angelica Trevino at (202) 695–8935.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzltAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

—Rollcall
—Designate Note Taker
—Welcome
—Planning Meeting
—Other Business
—Next Public Meeting
—Public Comment
—Adjourn

Dated: March 28, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–06685 Filed 3–31–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the North Dakota Advisory Committee to the Commission will convene by conference call on Thursday, April 8, 2021 at 12:00 p.m. (CT). The purpose is to review a statement on hates crimes against Asian Americans and to discuss its draft report on housing discrimination.

DATES: Thursday, April 8, 2021 at 12:00 p.m. (CT)

Public Webex Conference Registration Link (video and audio): *https://bit.ly/3tWBQc3;* password (if necessary): NDUSCCR.

To Join by Phone Only: Dial 1–800–360–9505; Access code: 199 490 4967.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–921–2212.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Barbara Delaviez at *ero@usccr.gov.* All written comments received will be available to the public.

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 the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Thursday, April 8, 2021; 12:00 p.m. (CT)

1. Roll call
2. Review a Statement on Hate Crimes
3. Discuss Housing Report
4. Next Steps
5. Public Comment
6. Other Business
7. Adjourn

Dated: March 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–06680 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Current Population Survey, Annual Social and Economic Supplement

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Annual Social and Economic Supplement (ASEC) to the Current Population Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 1, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to the Current Population Surveys Branch email address at *dsd.cps@census.gov.* Please reference the Annual Social and Economic Supplement (ASEC) in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0009, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lisa Cheok, U.S. Census Bureau, ADDP/CPS HQ–7H136A, Washington, DC 20233–8400, (301) 763–3806 (or via the internet at *dsd.cps@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance from the Office of Management and Budget (OMB) for the collection of data concerning the Annual Social and Economic Supplement (ASEC) to be conducted in conjunction with the February, March, and April Current Population Survey (CPS). The Census Bureau and the Bureau of Labor Statistics sponsor this supplement, which had its beginnings in 1942. This collection is authorized under Title 13, United States Code, Sections 141 and 182; and Title 29, United States Code, Sections 1–9. The current clearance expires December 31, 2021. The ASEC data collection questions and design will remain unchanged from its most recent collection in 2021.

Information on work experience, personal income, noncash benefits, current and previous year health insurance coverage, employer-sponsored insurance take-up, and migration is collected through the ASEC. The work experience items in the ASEC provide a unique measure of the dynamic nature of the labor force as viewed over a one-year period. These items produce statistics that show movements in and out of the labor force by measuring the number of periods of unemployment experienced by people, the number of different employers worked for during the year, the principal reasons for unemployment, and part-/full-time attachment to the labor force. We can make indirect measurements of discouraged workers and others with a casual attachment to the labor market.

The income data from the ASEC are used by social planners, economists, government officials, and market researchers to gauge the economic well-being of the country as a whole, and

selected population groups of interest. Government planners and researchers use these data to monitor and evaluate the effectiveness of various assistance programs. Market researchers use these data to identify and isolate potential customers. Social planners use these data to forecast economic conditions and to identify special groups that seem to be especially sensitive to economic fluctuations. Economists use ASEC data to determine the effects of various economic forces, such as inflation, recession, recovery, and so on, and their differential effects on various population groups.

The ASEC is the official source of national poverty estimates calculated in accordance with the Office of Management and Budget's Statistical Policy Directive 14. Two other important national estimates derived from the ASEC are real median household income and the number and percent of individuals without health insurance coverage.

The ASEC also contains questions related to: (1) Medical expenditures; (2) presence and cost of a mortgage on property; (3) child support payments; and (4) amount of child care assistance received. These questions enable analysts and policymakers to obtain better estimates of family and household income, and more precisely gauge poverty status.

II. Method of Collection

The ASEC information will be collected by both personal visit and telephone interviews in conjunction with the regular February, March and April CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0354.

Form Number(s): None.

Type of Review: Regular submission. Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Households.

Estimated Number of Respondents: 78,000.

Estimated Time per Response: 25 mintues.

Estimated Total Annual Burden Hours: 32,500.

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

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 141 and 182; and Title 29, United States Code, Sections 1–9.

IV. Request for Comments

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

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

Sheleen Dumas,

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

[FR Doc. 2021–06753 Filed 3–31–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–833]

Citric Acid and Certain Citrate Salts From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of citric acid and certain citrate salts (citric acid) from Thailand have not been made at less than normal value (NV) by COFCO Biochemical (Thailand) Co., Ltd. (COFCO) or Sunshine Biotech International Co., Ltd. (Sunshine) during the period of review (POR) July 1, 2019, through June 30, 2020. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or Patrick Barton, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168 or (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2020, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty (AD) order on citric acid from Thailand, covering three companies: COFCO, Niran (Thailand) Co., Ltd. (Niran), and Sunshine.[1] Commerce rescinded this review, in part, with respect to Niran on February 3, 2021.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3]

Scope of the Order[4]

The merchandise covered by this order includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 54983 (September 3, 2020); *see also* Memorandum, ''Antidumping Duty Administrative Review of Citric Acid and Certain Citrate Salts from Thailand; 2019–2020: Selection of Respondents for Individual Examination,'' dated September 17, 2020.

[2] *See Citric Acid and Certain Citrate Salts from Thailand: Partial Rescission of Antidumping Duty Administrative Review, 2019–2020,* 86 FR 7989 (February 3, 2021).

[3] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Thailand; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Citric Acid and Certain Citrate Salts from Belgium, Colombia, and Thailand: Antidumping Duty Orders,* 83 FR 35214 (July 25, 2018) (*Order*).

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9295 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9295 of the HTSUS. Although the HTSUS sub-headings are provided for convenience and customs purposes, the written description of the merchandise is dispositive. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export price and constructed export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.*

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins exist for the POR:

Exporter/producer	Weighted-average dumping margin (percent)
COFCO Biochemical (Thailand) Co., Ltd. (COFCO)	0.00
Sunshine Biotech International Co., Ltd	0.00

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.

If the weighted-average dumping margin for companies listed above are not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[5] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[6]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent which did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.,* 11.25 percent) if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of citric acid from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the firms listed above will be equal to the dumping margins established in the final results of this review, except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.25 percent, the all-others rate established in the LTFV investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose to the parties to the proceeding the calculations performed in connection with these preliminary results to interested parties within five days of publication of this notice.[8]

Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of this notice.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of

[5] In the preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[6] *See* section 751(a)(2)(C) of the Act.

[7] *See Order.*

[8] *See* 19 CFR 351.224(b).

[9] *See* 19 CFR 351.309(c)(1)(ii).

[10] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

authorities.[11] Case and rebuttal briefs should be filed using ACCESS.[12] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[14] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[15]

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[16]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[12] *See generally* 19 CFR 351.303.

[13] *See Temporary Rule.*

[14] *See* 19 CFR 351.310(c); *see also* 19 CFR 351.303(b)(1).

[15] *See* 19 CFR 351.310(d).

[16] *See* section 751(a)(3)(A) of the Act.

Dated: March 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2021–06730 Filed 3–31–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with February anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with February anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *https://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to; (a) identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[2] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[4] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the

[2] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[3] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[4] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than February 28, 2022.

	Period to be reviewed
AD Proceedings	
India: Certain Frozen Warmwater Shrimp, A–533–840	2/1/20–1/31/21
Abad Fisheries	
Accelerated Freeze Drying Co.	
ADF Foods Ltd.	
Akshay Food Impex Private Limited	
Alashore Marine Exports (P) Ltd.	
Albys Agro Private Limited	
Al-Hassan Overseas Private Limited	
Allana Frozen Foods Pvt. Ltd.	
Allanasons Ltd.	
Alpha Marine	
Alps Ice & Cold Storage Private Limited	
Amarsagar Seafoods Private Limited	
Amulya Seafoods	
Ananda Enterprises (India) Private Limited	
Ananda Group (comprised of Ananda Aqua Applications; Ananda Aqua Exports (P) Limited; and Ananda Foods)	
Anantha Seafoods Private Limited	
Anjaneya Seafoods	
Apex Frozen Foods Private Limited	
Aquatica Frozen Foods Global Pvt. Ltd.	
Arya Sea Foods Private Limited	
Asvini Agro Exports	
Asvini Fisheries Ltd/Asvini Fisheries Private Ltd.	
Avanti Frozen Foods Private Limited	
Ayshwarya Seafood Private Limited	
B R Traders	
Baby Marine Eastern Exports	
Baby Marine Exports	
Baby Marine International	
Baby Marine Sarass	
Baby Marine Ventures	
Balasore Marine Exports Private Limited	
BB Estates & Exports Private Limited	
Bell Exim Private Limited	
Bhatsons Aquatic Products	
Bhavani Seafoods	
Bijaya Marine Products	
Blue Fin Frozen Foods Pvt. Ltd.	
Blue Water Foods & Exports P. Ltd.	
Bluepark Seafoods Pvt. Ltd.	
BMR Exports	
BMR Industries Private Limited	
B-One Business House Private Limited	
Britto Seafood Exports Pvt Ltd.	
C.P. Aquaculture (India) Pvt. Ltd.	
Calcutta Seafoods Pvt. Ltd./Bay Seafood Pvt. Ltd./Elque & Co.	
Canaan Marine Products	
Capithan Exporting Co.	
Cargomar Private Limited	
Castlerock Fisheries Ltd.	
Chakri Fisheries Private Limited	
Chemmeens (Regd)	
Cherukattu Industries (Marine Div)	
Choice Trading Corporation Pvt. Ltd.	
Coastal Aqua Private Limited	
Coastal Corporation Ltd.	
Cochin Frozen Food Exports Pvt. Ltd.	
Continental Fisheries India Private Limited	
Coreline Exports	
Corlim Marine Exports Pvt. Ltd.	
CPF (India) Private Limited	
Crystal Sea Foods Private Limited	
Danica Aqua Exports Private Limited	
Datla Sea Foods	
Delsea Exports Pvt. Ltd.	
Devi Fisheries Group (comprised of Devi Fisheries Limited; Satya Seafoods Private Limited; Usha Seafoods; and Devi Aquatech Private Limited)	

	Period to be reviewed
Devi Sea Foods Limited [5]	
Diamond Seafoods Exports/Edhayam Frozen Foods Private Limited/Kadalkanny Frozen Foods/Theva & Company	
DSF Aquatech Private Limited	
Empire Industries Limited	
Entel Food Products Private Limited	
Esmario Export Enterprises	
Everblue Sea Foods Private Limited	
Falcon Marine Exports Limited/KR Enterprises	
Febin Marine Foods Private Limited	
Fedora Sea Foods Private Limited	
Five Star Marine Exports Private Limited	
Food Products Pvt., Ltd./Parayil Food Products Private Limited	
Forstar Frozen Foods Pvt. Ltd.	
Fouress Food Products Private Limited	
Frontline Exports Pvt. Ltd.	
G A Randerian Ltd.	
Gadre Marine Exports (AKA Gadre Marine Exports Pvt. Ltd.)	
Galaxy Maritech Exports P. Ltd.	
Geo Aquatic Products (P) Ltd.	
Geo Seafoods	
Godavari Mega Aqua Food Park Private Limited	
Grandtrust Overseas (P) Ltd.	
Growel Processors Private Limited	
GVR Exports Pvt. Ltd.	
Hari Marine Private Limited	
Haripriya Marine Exports Pvt. Ltd.	
HIC ABF Special Foods Pvt. Ltd.	
Hiravati Exports Pvt. Ltd.	
Hiravati International Pvt. Ltd.	
Hiravati Marine Products Private Limited	
HMG Industries Ltd.	
HN Indigos Private Limited	
Hyson Exports Private Limited	
IFB Agro Industries Limited	
Indian Aquatic Products	
Indo Aquatics	
Indo Fisheries	
Indo French Shellfish Company Private Limited	
International Freezefish Exports	
ITC Ltd.	
Jagadeesh Marine Exports	
Jaya Lakshmi Sea Foods Pvt. Ltd.	
Jinny Marine Traders	
K.V. Marine Exports	
Kalyan Aqua & Marine Exp. India Pvt. Ltd.	
Karunya Marine Exports Private Limited	
Kaushalya Aqua Marine Product Exports Pvt. Ltd.	
Kay Kay Exports	
Kings Marine Products	
KNC Agro Limited	
Koluthara Exports Ltd.	
Liberty Group (comprised of Devi Marine Food Exports Private Ltd.; Kader Exports Private Limited; Kader Investment and Trading Company Private Limited; Liberty Frozen Foods Private Limited; Liberty Oil Mills Limited; Premier Marine Products Private Limited; and Universal Cold Storage Private Limited)	
Libran Foods	
LNSK Green House Agro Products LLP/Green House Agro Products [6]	
Magnum Export/Magnum Exports Pvt. Ltd.	
Magnum Seafoods Limited/Magnum Estates Limited	
Mangala Marine Exim India Pvt. Ltd.	
Mangala Sea Products	
Mangala Seafoods (AKA Mangala Sea Foods)	
Marine Harvest India	
Megaa Moda Pvt. Ltd.	
Milesh Marine Exports Private Limited	
Milsha Agro Exports Pvt. Ltd.	
Milsha Sea Product	
Minaxi Fisheries Private Limited	
Mindhola Foods LLP	
Minh Phu Group	
MMC Exports Limited	
Monsun Foods Pvt Ltd	
Mourya Aquex Pvt. Ltd.	
MTR Foods	

	Period to be reviewed
Munnangi Seafoods (Pvt) Ltd.	
Naga Hanuman Fish Packers	
Naik Frozen Foods Private Limited	
Naik Oceanic Exports Pvt. Ltd/Rafiq Naik Exports Pvt. Ltd	
Naik Seafoods Limited	
NAS Fisheries Pvt. Ltd.	
Neeli Aqua Private Limited	
Nekkanti Mega Food Park Private Limited	
Nekkanti Sea Foods Limited	
Nezami Rekha Sea Foods Private Limited	
Nila Sea Foods Exports/Nila Sea Foods Pvt. Ltd.	
Nine Up Frozen Foods	
NK Marine Exports LLP	
Nutrient Marine Foods Limited	
Oceanic Edibles International Limited	
Paragon Sea Foods Pvt. Ltd.	
Paramount Seafoods	
Pasupati Aquatics Private Limited	
Penver Products (P) Ltd.	
Pesca Marine Products Pvt., Ltd.	
Pijikay International Exports P Ltd.	
Pravesh Seafood Private Limited	
Premier Exports International	
Premier Marine Foods	
Premier Seafoods Exim (P) Ltd.	
Raju Exports	
Ram's Assorted Cold Storage Ltd.	
Raunaq Ice & Cold Storage	
Razban Seafoods Ltd.	
RDR Exports	
RF Exports Private Limited	
Riyarchita Agro Farming Private Limited	
Royal Imports and Exports	
Royal Oceans	
Royale Marine Impex Private Limited	
RSA Marines	
Rupsha Fish Private Limited	
R V R Marine Products Private Limited	
S.A. Exports	
S Chanchala Combines Private Limited	
Sagar Grandhi Exports Pvt. Ltd.	
Sagar Samrat Seafoods	
Sahada Exports	
Sai Marine Exports Pvt. Ltd.	
Sai Sea Foods	
Samaki Exports Private Limited	
Sanchita Marine Products P Limited	
Sandhya Aqua Exports Pvt. Ltd.	
Sandhya Marines Limited	
Sassoondock Matsyodyog Sahakari Society Ltd.	
Sea Doris Marine Exports	
Sea Foods Private Limited	
Seagold Overseas Pvt. Ltd.	
Sharat Industries Ltd.	
Shimpo Exports Private Limited	
Shimpo Seafoods Private Limited	
Shiva Frozen Food Exp. Pvt. Ltd.	
Shree Datt Aquaculture Farms Pvt. Ltd.	
Shroff Processed Food & Cold Storage P Ltd.	
Silver Seafood	
Sita Marine Exports	
Sonia Fisheries	
Southern Tropical Foods Pvt. Ltd.	
Sprint Exports Pvt. Ltd.	
Sri Sakkthi Cold Storage	
Srikanth International	
SSF Ltd.	
Star Agro Marine Exports Private Limited	
Star Organic Foods Private Limited	
Stellar Marine Foods Private Limited	
Sterling Foods	
Summit Marine Exports Private Limited	
Sun Agro Exim	
Sunrise Seafoods India Private Limited	

	Period to be reviewed
Supran Exim Private Limited	
Suryamitra Exim Pvt. Ltd.	
Suvarna Rekha Exports Private Limited	
Suvarna Rekha Marines P Ltd.	
TBR Exports Pvt. Ltd.	
Teekay Marine P Ltd.	
The Waterbase Limited	
Torry Harris Seafoods Ltd.	
Triveni Fisheries P Ltd.	
U & Company Marine Exports	
Ulka Sea Foods Private Limited	
Uniroyal Marine Exports Ltd.	
Unitriveni Overseas Private Limited	
V.V. Marine Products	
Vaisakhi Bio-Marine Pvt. Ltd.	
Vasai Frozen Food Co.	
Vasista Marine	
Veerabhadra Exports Private Limited	
Veronica Marine Exports Private Limited	
Victoria Marine & Agro Exports Ltd.	
Vinner Marine	
Vitality Aquaculture Pvt. Ltd.	
VKM Foods Private Limited	
VRC Marine Foods LLP	
Wellcome Fisheries Limited	
West Coast Fine Foods (India) Private Limited	
West Coast Frozen Foods Private Limited	
Z.A. Sea Foods Pvt. Ltd.	
Zeal Aqua Limited	
India: Stainless Steel Bar, A–533–810	2/1/20–1/31/21
Ambica Steels Limited	
Hindustan Inox Ltd.	
Laxcon Steels Limited	
Precision Metals	
Sieves Manufactures(India) Pvt. Ltd.	
Venus Group	
Venus Wire Industries Pvt. Ltd.	
Italy: Stainless Steel Butt-Weld Pipe Fittings, A–475–828	2/1/20–1/31/21
Filmag Italia, SpA	
Malaysia: Stainless Steel Butt-Weld Pipe Fittings, A–557–809	2/1/20–1/31/21
Mac Piping Materials Sdn. Bhd.	
Pantech Stainless & Alloy Industries Sdn. Bhd.	
S.P. United Industry Sdn. Bhd.	
Statewell Co., Ltd.	
Mexico: Large Residential Washers, A–201–842	2/1/20–1/31/21
Electrolux Home Products Corp. N.V.	
Electrolux Home Products de Mexico, S.A. de C.V.	
Philippines: Stainless Steel Butt-Weld Pipe Fittings, A–565–801	2/1/20–1/31/21
E N Corporation	
Enlin Steel Corporation	
Vinox Corporation (a/k/a Vinoc Corporation)	
Republic of Korea: Certain Cut-To-Length Carbon-Quality Steel Plate, A–580–836	2/1/20–1/31/21
BDP International	
Dongkuk Steel Mill Co., Ltd.	
Hyundai Steel Company	
Sung Jin Steel Co., Ltd.	
Socialist Republic of Vietnam: Certain Frozen Warmwater Shrimp, A–552–802	2/1/20–1/31/21
AFoods	
Amanda Seafood Co., Ltd.	
An Nguyen Investment Production and Group	
Anh Khoa Seafood	
Anh Minh Quan Corp	
APT Co.	
Asia Foodstuffs Import Export Co., Ltd.	
Au Vung One Seafood	
Bien Dong Seafood Co., Ltd.	
BIM Foods Joint Stock Company	
Binh Dong Fisheries Joint Stock Company	
Binh Thuan Import–Export Joint Stock Company	
Blue Bay Seafood Co., Ltd.	
Cadovimex II Seafood Import Export and Processing Joint Stock Company	
Cadovimex Seafood Import-Export and Processing Joint Stock Company	
Cadovimex	
CJ Cau Tre Foods Joint Stock Company	

	Period to be reviewed
Coastal Fisheries Development Corporation	
COFIDEC	
Danang Seaproducts Import-Export Corporation	
Dong Hai Seafood Limited Company	
Dong Phuong Seafood Co., Ltd.	
Duc Cuong Seafood Trading Co., Ltd.	
Fine Foods Company	
FFC	
Gallant Dachan Seafood Co., Ltd.	
Gallant Ocean Viet Nam Co. Ltd.	
Go Dang Joint Stock Company	
GODACO Seafood	
Green Farms Seafood Joint Stock Company	
Hanh An Trading Service Co., Ltd	
Hong Ngoc Seafood Co., Ltd.	
Hung Bang Co., Ltd.	
HungHau Agricultural Joint Stock Company	
JK Fish Co., Ltd.	
Khanh Hoa Seafoods Exporting Company	
KHASPEXCO	
Long Toan Frozen Aquatic Products Joint Stock Company	
Minh Bach Seafood Company Limited	
Minh Cuong Seafood Import Export Processing Joint Stock Company	
MC Seafood	
Minh Phu Hau Giang Seafood [7]	
Minh Phu Seafood Corporation [8]	
Minh Qui Seafood Co., Ltd.[9]	
Namcan Seaproducts Import Export Joint Stock Company	
New Generation	
New Generation Seafood Joint Stock Company	
New Wind Seafood Co., Ltd	
Ngoc Trinh Bac Lieu Seafood Co., Ltd	
Nhat Duc Co., Ltd.	
Nigico Co., Ltd.	
Phuong Nam Foodstuff Corp	
Quang Minh Seafood Co., Ltd	
Quoc Ai Seafood Processing Import Export Co., Ltd.	
QAIMEXCO	
Quoc Toan Seafood Processing Factory	
Quoc Toan PTE	
Quy Nhon Frozen Seafoods Joint Stock	
Safe And Fresh Aquatic Products Joint Stock Company	
Safe And Fresh Co	
Saigon Aquatic Product Trading Joint Stock Company	
Saigon Food Joint Stock Company	
SEADANANG	
Seafood Joint Stock Company No.4	
Seafood Travel Construction Import-Export Joint Stock Company	
Seanamico	
Seaspimex Vietnam	
Seavina Joint Stock Company	
Soc Trang Seafood Joint Stock Company	
STAPIMEX	
South Ha Tinh Seaproducts ImportExport Joint Stock Company	
Southern Shrimp Joint Stock Company	
South Vina Shrimp—SVS	
Special Aquatic Products Joint Stock Company	
T & P Seafood Company Limited	
Tai Nguyen Seafood Co., Ltd.	
Tan Phong Phu Seafood Co., Ltd.	
TPP Co. Ltd.	
Tan Thanh Loi Frozen Food Co., Ltd.	
Thai Hoa Foods Joint Stock Company	
Thai Minh Long Seafood Company LTD	
Thaimex	
Thanh Doan Fisheries Import-Export Joint Stock Company	
Thanh Doan Sea Products Import & Export Processing Joint-Stock Company	
THADIMEXCO	
Thien Phu Export Seafood	
Thinh Hung Co., Ltd.	
Thong Thuan Cam Ranh Seafood Joint Stock Company	
T&T Cam Ranh	
Trang Corporation (Vietnam)	
Van Duc Food Company Limited	

	Period to be reviewed
Viet Phu Foods and Fish Corp.	
Viet Shrimp Corporation	
VIFAFOOD	
Vinh Hoan Corp.	
Vinh Phat Food Joint Stock Company	
XNK Thinh Phat Processing Company	
Taiwan: Crystalline Silicon Photovoltaic Products, A–583–853	2/1/20–1/31/21
AU Optronics Corporation	
Baoding Jiasheng Photovoltaic Technology Co. Ltd.	
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	
Beijing Tianneng Yingli New Energy Resources Co. Ltd.	
Boviet Solar Technology Co., Ltd.	
Canadian Solar Inc.	
Canadian Solar International, Ltd.	
Canadian Solar Manufacturing (Chang shu), Inc.	
Canadian Solar Manufacturing (Luoyang), Inc.	
Canadian Solar Solution Inc.	
EEPV CORP.	
E–TON Solar Tech. Co., Ltd.	
Hainan Yingli New Energy Resources Co., Ltd.	
Hengshui Yingli New Energy Resources Co., Ltd.	
Inventec Energy Corporation	
Inventec Solar Energy Corporation	
Kyocera Mexicana S.A. de C.V.	
Lixian Yingli New Energy Resources Co., Ltd.	
Ming Hwei Energy Co., Ltd.	
Motech Industries, Inc.	
Shenzhen Yingli New Energy Resources Co., Ltd.	
Sino-American Silicon Products Inc.	
Sunengine Corporation Ltd.	
Sunrise Energy Co. Ltd.	
Tianjin Yingli New Energy Resources Co., Ltd.	
TSEC Corporation	
United Renewable Energy Co., Ltd.	
Vina Solar Technology Co., Ltd.	
Win Win Precision Technology Co., Ltd.	
Yingli Energy (China) Co., Ltd.	
Yingli Green Energy International Trading Company Limited	
Thailand: Certain Frozen Warmwater Shrimp, A–549–822	2/1/20–1/31/21
A Foods 1991 Co., Ltd./May Ao Foods Co., Ltd.[10]	
A. Wattanachai Frozen Products Co., Ltd.	
A.P. Frozen Foods Co., Ltd.	
A.S. Intermarine Foods Co., Ltd.	
Ampai Frozen Foods Co., Ltd.	
Anglo-Siam Seafoods Co., Ltd.	
Apitoon Enterprise Industry Co., Ltd.	
Asian Alliance International Co., Ltd.	
Asian Sea Corporation Public Company Limited	
Asian SeaFoods Coldstorage (Suratthani) Co., Limited	
Asian Seafoods Coldstorage PLC	
Asian Seafoods Coldstorage Public Co. Ltd.	
Asian Star Trading Co., Ltd.	
B.S.A. Food Products Co., Ltd.	
C N Import Export Co., Ltd.	
C.P. Intertrade Co. Ltd.	
Chaivaree Marine Products Co., Ltd.	
Chanthaburi Frozen Food Co., Ltd	
Chanthaburi Seafoods Co., Ltd	
Charoen Pokphand Foods Public Company Limited/CP Merchandising Co., Ltd.[11]	
Chonburi LC	
Commonwealth Trading Co., Ltd.	
CPF Food Products Co., Ltd.	
Crystal Frozen Foods Co., Ltd.	
Daedong (Thailand) Co. Ltd.	
Daiei Taigen (Thailand) Co., Ltd.	
Daiho (Thailand) Co., Ltd.	
Earth Food Manufacturing Co., Ltd.	
F.A.I.T. Corporation Limited	
Far East Cold Storage Co., Ltd.	
Findus (Thailand) Ltd	
Fortune Frozen Foods (Thailand) Co., Ltd.	
Gallant Ocean (Thailand) Co., Ltd.	
Golden Sea Frozen Foods Co. Ltd.	
Golden Seafood International Co., Ltd.	

	Period to be reviewed
Good Fortune Cold Storage Co., Ltd.	
Good Luck Product Co., Ltd.	
Grobest Frozen Foods Co., Ltd.	
Haitai Seafood Co., Ltd.	
Handy International (Thailand) Co., Ltd.	
Heritrade Co., Ltd.	
HIC (Thailand) Co., Ltd.	
I.T. Foods Industries Co., Ltd.	
Inter-Pacific Marine Products Co., Ltd.	
Inter-Oceanic Resources Co., Ltd.	
K & U Enterprise Co., Ltd.	
Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd.	
Kingfisher Holdings Ltd./KF Foods Ltd.[12]	
Kitchens of The Oceans (Thailand) Company, Limited	
Kongphop Frozen Foods Co., Ltd.	
Lee Heng Seafood Co., Ltd.	
Li-Thai Frozen Foods Co., Ltd.	
Lucky Union Foods Co., Ltd.	
Mahachai Food Processing Co., Ltd.	
Marine Gold Products Ltd.[13]	
Merkur Co., Ltd.	
N&N Foods Co., Ltd.	
N.R. Instant Produce Co., Ltd.	
Narong Seafood Co., Ltd.	
Nongmon SMJ Products	
Pacific Fish Processing Co., Ltd.	
Penta Impex Co., Ltd.	
Phatthana Frozen Food Co., Ltd.	
Phatthana Seafood Co., Ltd.	
Premier Frozen Products Co., Ltd.	
Royal Andaman Seafood Co., Ltd.	
S & D Marine Products Co., Ltd.	
S. Chaivaree Cold Storage Co., Ltd	
S. Khonkaen Food Industry Public Co., Ltd.	
S.K. Foods (Thailand) Public Co. Limited	
S2K Marine Product Co., Ltd.	
Sea Bonanza Foods Co., Ltd.	
Sea Wealth Frozen Food Co., Ltd.	
Sea-Tech Intertrade Co., Ltd.	
Seafresh Industry Public Co., Ltd./Seafresh Fisheries[14]	
SEAPAC	
Sethachon Co., Ltd.	
Shianlin Bangkok Co., Ltd.	
Shing-Fu Seaproducts Development Co., Ltd.	
Siam Food Supply Co., Ltd.	
Siam Intersea Co., Ltd.	
Siam Marine Products Co. Ltd.	
Siam Ocean Frozen Foods Co., Ltd.	
Siamchai International Food Co., Ltd.	
Smile Heart Foods	
SMP Food Products Co., Ltd.	
Songkla Canning Public Co., Ltd.	
Southeast Asian Packaging and Canning Ltd.	
Southport Seafood Co., Ltd.	
Starfoods Industries Co., Ltd.	
STC Foodpak Ltd.	
Suntechthai Intertrading Co., Ltd.	
Surapon Foods Public Co., Ltd./Surat Seafoods Public Co., Ltd.[15]	
Surapon Nichirei Foods Co., Ltd.	
Tep Kinsho Foods Co., Ltd.	
Tey Seng Cold Storage Co., Ltd./Chaiwarut Co., Ltd.[16]	
Thai Agri Foods Public Co., Ltd.	
Thai I Mei Frozen Food Co., Ltd.	
Thai Ocean Venture Co., Ltd.	
Thai Royal Frozen Food Co., Ltd.	
Thai Spring Fish Co., Ltd.	
Thai Union Group Public Co., Ltd./Thai Union Frozen Products Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Asia Pacific (Thailand) Co., Ltd./Chaophraya Cold Storage Co., Ltd./Okeanos Co., Ltd./Okeanos Food Co., Ltd./Takzin Samut Co., Ltd.[17]	
Thai Union Manufacturing Company Limited	
The Siam Union Frozen Foods Co., Ltd.	
The Union Frozen Products Co., Ltd./Bright Sea Co., Ltd.[18]	
Top Product Food Co., Ltd.	
Trang Seafood Products Public Co., Ltd.	

	Period to be reviewed
Unicord Public Co., Ltd.	
Xian-Ning Seafood Co., Ltd.	
Yeenin Frozen Foods Co., Ltd.	
The People's Republic of China: Common Alloy Aluminum Sheet, A–570–073	2/1/20–1/31/21
Alcha International Holdings Limited	
Jiangsu Alcha Aluminum Co., Ltd.	
Yinbang Clad Material Co., Ltd	
The People's Republic of China: Certain Frozen Warmwater Shrimp, A–570–893	2/1/20–1/31/21
Allied Pacific Aquatic Products (Zhanjiang) Co., Ltd./Allied Pacific Food (Dalian) Co., Ltd [19]	
Anhui Fuhuang Sungem Foodstuff Group Co., Ltd	
Asian Seafoods (Zhanjiang) Co., Ltd.	
Beihai Anbang Seafood Co., Ltd.	
Beihai Boston Frozen Food Co., Ltd.	
Beihai Tianwei Aquatic Food Co. Ltd.	
Changli Luquan Aquatic Products Co., Ltd.	
Chengda Development Co Ltd.	
Dalian Beauty Seafood Company Ltd.	
Dalian Changfeng Food Co., Ltd.	
Dalian Guofu Aquatic Products and Food Co., Ltd.	
Dalian Haiqing Food Co., Ltd.	
Dalian Hengtai Foods Co., Ltd.	
Dalian Home Sea International Trading Co., Ltd.	
Dalian Philica International Trade Co., Ltd.	
Dalian Philica Supply Chain Management Co., Ltd.	
Dalian Rich Enterprise Group Co., Ltd.	
Dalian Shanhai Seafood Co., Ltd.	
Dalian Sunrise Foodstuffs Co., Ltd.	
Dalian Taiyang Aquatic Products Co., Ltd.	
Dandong Taihong Foodstuff Co., Ltd.	
Dongwei Aquatic Products (Zhangzhou) Co., Ltd.	
Ferrero Food	
Fujian Chaohui Group	
Fujian Dongshan County Shunfa Aquatic Product Co., Ltd.	
Fujian Dongwei Food Co., Ltd.	
Fujian Dongya Aquatic Products Co., Ltd.	
Fujian Fuding Seagull Fishing Food Co., Ltd.	
Fujian Hainason Trading Co., Ltd.	
Fujian Haihun Aquatic Product Company	
Fujian Hongao Trade Development Co.	
Fujian R & J Group Ltd.	
Fujian Rongjiang Import and Export Co., Ltd.	
Fujian Zhaoan Haili Aquatic Co., Ltd.	
Fuqing Chaohui Aquatic Food Co., Ltd.	
Fuqing Dongwei Aquatic Products Industry Co., Ltd.	
Fuqing Longhua Aquatic Food Co., Ltd.	
Fuqing Minhua Trade Co., Ltd.	
Fuqing Yihua Aquatic Food Co., Ltd.	
Gallant Ocean Group	
Guangdong Foodstuffs Import & Export (Group) Corporation	
Guangdong Gourmet Aquatic Products Co., Ltd.	
Guangdong Jinhang Foods Co., Ltd.	
Guangdong Rainbow Aquatic Development	
Guangdong Shunxin Marine Fishery Group Co., Ltd.	
Guangdong Taizhou Import & Export Trade Co., Ltd.	
Guangdong Universal Aquatic Food Co. Ltd.	
Guangdong Wanshida Holding Corp.	
Guangdong Wanya Foods Fty. Co., Ltd.	
HaiLi Aquatic Product Co., Ltd.	
Hainan Brich Aquatic Products Co., Ltd.	
Hainan Golden Spring Foods Co., Ltd.	
Hainan Qinfu Foods Co., Ltd.	
Hainan Xintaisheng Industry Co., Ltd.	
Huazhou Xinhai Aquatic Products Co. Ltd.	
Kuehne Nagel Ltd. Xiamen Branch	
Leizhou Bei Bu Wan Sea Products Co., Ltd.	
Longhai Gelin Foods Co., Ltd.	
Maoming Xinzhou Seafood Co., Ltd.	
New Continent Foods Co., Ltd.	
Ningbo Prolar Global Co., Ltd.	
North Seafood Group Co.	
Pacific Andes Food Ltd.	
Penglai Huiyang Foodstuff Co., Ltd.	
Penglai Yuming Foodstuff Co., Ltd.	

	Period to be reviewed
Qingdao Fusheng Foodstuffs Co., Ltd.	
Qingdao Yihexing Foods Co., Ltd.	
Qingdao Yize Food Co., Ltd.	
Qingdao Zhongfu International	
Qinhuangdao Gangwan Aquatic Products Co., Ltd.	
Rizhao Meijia Aquatic Foodstuff Co., Ltd.	
Rizhao Meijia Keyuan Foods Co. Ltd.	
Rizhao Rongxing Co. Ltd.	
Rizhao Rongjin Aquatic	
Rizhao Smart Foods Company Limited	
Rongcheng Yinhai Aquatic Product Co., Ltd.	
Rushan Chunjiangyuan Foodstuffs Co., Ltd.	
Rushan Hengbo Aquatic Products Co., Ltd.	
Savvy Seafood Inc.	
Sea Trade International Inc.	
Shanghai Finigate Integrated	
Shanghai Zhoulian Foods Co., Ltd.	
Shantou Freezing Aquatic Product Foodstuffs Co.	
Shantou Haili Aquatic Product Co. Ltd.	
Shantou Haimao Foodstuff Factory Co., Ltd.	
Shantou Jiazhou Food Industrial Co., Ltd.	
Shantou Jintai Aquatic Product Industrial Co., Ltd.	
Shantou Longsheng Aquatic Product Foodstuff Co., Ltd.	
Shantou Ocean Best Seafood Corporation	
Shantou Red Garden Food Processing Co., Ltd./Shantou Red Garden Foodstuff Co., Ltd.[20]	
Shantou Ruiyuan Industry Co., Ltd.	
Shantou Wanya Foods Fty. Co., Ltd.	
Shantou Yuexing Enterprise Company	
Shengyuan Aquatic Food Co., Ltd.	
Suizhong Tieshan Food Co., Ltd.	
Thai Royal Frozen Food Zhanjiang Co., Ltd.	
Tongwei Hainan Aquatic Products Co., Ltd.	
Xiamen East Ocean Foods Co., Ltd.	
Xiamen Granda Import and Export Co., Ltd.	
Yangjiang Dawu Aquatic Products Co., Ltd.	
Yangjiang Guolian Seafood Co., Ltd.	
Yangjiang Haina Datong Trading Co.	
Yantai Longda Foodstuffs Co., Ltd.	
Yantai Tedfoods Co., Ltd.	
Yantai Wei-Cheng Food Co., Ltd.	
Yixing Magnolia Garment Co., Ltd.	
Zhangzhou Donghao Seafoods Co., Ltd.	
Zhangzhou Hongwei Foods Co., Ltd.	
Zhangzhou Xinhui Foods Co., Ltd.	
Zhangzhou Xinwanya Aquatic Product Co., Ltd.	
Zhangzhou Yanfeng Aquatic Product & Foodstuff Co., Ltd.	
Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.	
Zhanjiang Fuchang Aquatic Products Co., Ltd.	
Zhanjiang Fuchang Aquatic Products Freezing Plant	
Zhanjiang Guolian Aquatic Products Co., Ltd.[21]	
Zhanjiang Longwei Aquatic Products Industry Co., Ltd.	
Zhanjiang Regal Integrated Marine Resources Co., Ltd.[22]	
Zhanjiang Universal Seafood Corp.	
Zhaoan Yangli Aquatic Co., Ltd.	
Zhejiang Evernew Seafood Co.	
Zhejiang Xinwang Foodstuffs Co., Ltd.	
Zhoushan Genho Food Co., Ltd.	
Zhoushan Green Food Co., Ltd.	
Zhoushan Haizhou Aquatic Products	
Zhuanghe Yongchun Marine Products	
The People's Republic of China: Certain Hardwood Plywood Products[23], A–570–051	1/1/20–12/31/20
Celtic Co., Ltd	
China Friend Limited	
The People's Republic of China: Multilayered Wood Flooring, A–570–970	12/1/19–11/30/20
Omni Arbor Solution Co., Ltd.[24]	
The People's Republic of China: Truck and Bus Tires, A–570–040	2/1/20–1/31/21
Giti Tire Global Trading Pte. Ltd.	
Guangrao Kaichi Trading Co., Ltd.	
Shandong Huasheng Rubber Co., Ltd.	
The People's Republic of China: Uncovered Innerspring Units, A–570–928	2/1/20–1/31/21
Comfort Coil Technology Sdn. Bhd.	
CVD Proceedings	
India: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, C–533–874	1/1/20–12/31/20

	Period to be reviewed
Goodluck India Limited [25]	
KLT Automotive and Tubular Products Limited	
Metamorphosis Engitech India Private Limited	
Pennar Industries Limited India	
Tube Investments of India Ltd.[26]	
Republic of Korea: Certain Cut-To-Length Carbon-Quality Steel Plate, C–580–837	1/1/20–12/31/20
BDP International	
Dongkuk Steel Mill Co., Ltd.	
Hyundai Steel Co., Ltd. (aka Hyundai Steel Company)	
Sung Jin Steel Co., Ltd	
The People's Republic of China: Aluminum Wire and Cable [27], C–570–096	4/8/19–12/31/19
The People's Republic of China: Common Alloy Aluminum Sheet, C–570–074	1/1/20–12/31/20
Alcha International Holdings Limited	
Jiangsu Alcha Aluminium Co., Ltd.	
Yinbang Clad Material Co., Ltd.	
The People's Republic of China: Truck and Bus Tires, C–570–041	1/1/20–12/31/20
Chongqing Hankook Tire Co., Ltd.	
Double Coin Tyre Group (Shanghai) Imp & Exp Co., Ltd.	
Giti Tire (Anhui) Company Ltd.	
Giti Tire (Fujian) Company Ltd.	
Giti Tire Global Trading Pte. Ltd.	
Guangrao Kaichi Trading Co., Ltd.	
Jiangsu General Science Technology Co., Ltd.	
Jiangsu Hankook Tire Co., Ltd.	
Prinx Chengshan (Shandong) Tire Company Ltd.	
Qingdao Awesome International Trade Co., Ltd	
Qingdao Doublestar Tire Industrial Co., Ltd.	
Qingdao Fullrun Tyre Corp. Ltd	
Qingdao Ge Rui Da Rubber Co. Ltd.	
Qingdao Honghuasheng Trade Co., Ltd.	
Qingdao Kapsen Trade Co., Ltd.	
Qingdao Sunfulcess Tyre Co., Ltd.	
Shandong Habilead Rubber Co., Ltd.	
Shandong Haohua Tire Co., Ltd.	
Shandong Huasheng Rubber Co., Ltd	
Shandong Hugerubber Co., Ltd.	
Shandong Kaixuan Rubber Co., Ltd	
Shandong Qilun Rubber Co., Ltd.	
Shanghai Huayi Group Corporation Limited	
Triangle Tyre Co., Ltd.	
Weifang Shunfuchang Rubber And Plastic Products Co., Ltd.	
Suspension Agreements	
None.	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling

[5] Shrimp produced and exported by Devi Sea Foods Limited (Devi) was excluded from the order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp from India: Final Results of the Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). Accordingly, we are initiating this administrative review with respect to Devi only for shrimp produced in India where Devi acted as either the manufacturer or exporter (but not both).

[6] In March 2021, Commerce determined that LNSK Greenhouse Agro Products LLP is the successor-in-interest to Green House Agro Products. Therefore, we have not initiated a separate administrative review of Green House Agro Products.

[7] Shrimp produced and exported by Minh Phu Hau Giang Seafood were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757–47758 (July 22, 2016). Accordingly, we are initiating this administrative review for this exporter only with respect to subject merchandise produced by another entity.

[8] Shrimp produced and exported by Minh Phu Seafood Corporation were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757–47758 (July 22, 2016). Accordingly, we are initiating this administrative review for this exporter only with respect to subject merchandise produced by another entity.

[9] Shrimp produced and exported by Minh Qui Seafood Co., Ltd. were excluded from the antidumping duty order on certain frozen warmwater shrimp from Vietnam, effective July 18, 2016. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757–47758 (July 22, 2016). Accordingly, we are initiating this administrative review for this exporter only with respect to subject merchandise produced by another entity.

[10] In past reviews, Commerce has treated these companies as a single entity. *See Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2015–2016,* 82 FR 30836 (July 3, 2017) (*2015–2016 AR Final*). Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[11] In past reviews, Commerce has treated these companies as a single entity. *See, e.g., 2015–2016 AR Final.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[12] In past reviews, Commerce has treated these companies as a single entity. *See, e.g., Certain Frozen Warmwater Shrimp from Thailand: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review; 2006–2007,* 73 FR 50933 (August 29, 2008) (*2006–2007 AR Final*). Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[13] Shrimp produced and exported by Marine Gold Products Ltd. (Marine Gold) were excluded from the order effective February 1, 2012. *See Certain Frozen Warmwater Shrimp from Thailand: Final*

Continued

Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Revocation of the Order (in Part); 2011–2012, 78 FR 42497 (July 16, 2013). Accordingly, we are initiating this administrative review with respect to Marine Gold only for shrimp produced in Thailand where Marine Gold acted as either the manufacturer or exporter (but not both).

[14] In past reviews, Commerce has treated these companies as a single entity. *See, e.g., 2015–2016 AR Final.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[15] In past reviews, Commerce has treated these companies as a single entity. *Id.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purposes of this administrative review.

[16] In past reviews, Commerce has treated these companies as a single entity. *See, e.g., 2006–2007 AR Final.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[17] In past reviews, Commerce has treated these companies as a single entity. *See, e.g., 2015–2016 AR Final.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[18] In past reviews, Commerce has treated these companies as a single entity. *Id.* Absent information to the contrary, we intend to continue to treat these companies as a single entity for the purpose of this administrative review.

[19] Allied Pacific Food (Dalian) Co., Ltd., Allied Pacific (HK) Co., Ltd., Allied Pacific Aquatic Products (Zhanjiang) Co., Ltd; and Allied Pacific Aquatic Products (Zhongshan) Co., Ltd. comprise the single entity Allied Pacific. *See Certain Frozen Warmwater Shrimp from the People's Republic of China and Diamond Sawblades and Parts Thereof from the People's Republic of China: Notice of Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Orders,* 78 FR 18958, 18959 (March 28, 2013) (*China Shrimp Exclusion*). Additionally, this *Order* was revoked with respect to merchandise exported by Allied Pacific (HK) Co., Ltd., or Allied Pacific Food (Dalian) Co., Ltd., and manufactured by Allied Pacific Aquatic Products (Zhanjiang) Co., Ltd., or Allied Pacific Aquatic Products (Zhongshan) Co., Ltd., or Allied Pacific Food (Dalian) Co., Ltd. *See China Shrimp Exclusion,* 78 FR at 18959. Accordingly, we are initiating this review for these exporters only with respect to subject merchandise produced by entities other than the aforementioned producers.

[20] Shantou Red Garden Food Processing Co., Ltd. and Shantou Red Garden Foodstuff Co., Ltd. comprise the single entity Shantou Red Garden Foods. *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 85 FR 83891 (December 23, 2020).

[21] This *Order* was revoked with respect to subject merchandise produced and exported by Zhanjiang Guolian Aquatic Products Co., Ltd. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People's Republic of China,* 70 FR 5149, 5152 (February 1, 2005). Accordingly, we are initiating this review for this exporter only with respect to subject merchandise produced by another entity.

[22] This *Order* was revoked with respect to subject merchandise produced and exported by Zhanjiang Regal Integrated Marine Resources Co., Ltd. *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Final Results of Administrative Review; 2011–2012,* 78 FR 56209, 56210 (September 12, 2013). Accordingly, we are initiating this review for this exporter only with respect to subject merchandise produced by another entity.

[23] Commerce inadvertently published these two company names on a single line in the initiation notice for this administrative review and is correcting that initiation notice here. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 12599, 12605 (March 4, 2021).

[24] Commerce inadvertently misspelled this company's name in the initiation notice that published on February 4, 2021 (86 FR 8166).

[25] This initiation includes Goodluck India Limited, and its division, Good Luck Industries.

[26] This initiation includes Tube Investments of India Ltd., and its division, Tube Products of India.

[27] In the initiation notice that published on February 4, 2021 (86 FR 8166) Commerce inadvertently listed the wrong period of review for the referenced case above. The correct POR is listed in this notice.

between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[28] available at *https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[29]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[30] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit

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

[29] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

[30] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

established under Part 351 expires, or as otherwise specified by Commerce.[31] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: March 29, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–06737 Filed 3–31–21; 8:45 am]

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[31] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to: (a) Identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to

extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity To Request a Review: Not later than the last day of April 2021,[2] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

	Period to be reviewed
Antidumping Duty Proceedings	
ARGENTINA: Biodiesel, A–357–820	4/1/20–3/31/21
INDIA: Carbon and Alloy Steel Threaded Rod, A–533–887	9/25/19–3/31/21
INDONESIA: Biodiesel, A–560–830	4/1/20–3/31/21
REPUBLIC OF KOREA: Phosphor Copper, A–580–885	4/1/20–3/31/21
THAILAND: Rubber Bands, A–549–835	4/1/20–3/31/21
THE PEOPLE'S REPUBLIC OF CHINA:	
1,1,1,2- Tetrafluoroethane (R–134A), A–570–044	4/1/20–3/31/21
Activated Carbon, A–570–904	4/1/20–3/31/21
Aluminum Foil, A–570–053	4/1/20–3/31/21
Carbon and Alloy Steel Threaded Rod, A–570–104	9/25/19–3/31/21
Drawn Stainless Steel Sinks, A–570–983	4/1/20–3/31/21
Magnesium Metal, A–570–896	4/1/20–3/31/21
Non-Malleable Cast Iron Pipe Fittings, A–570–875	4/1/20–3/31/21
Stainless Steel Sheet and Strip, A–570–042	4/1/20–3/31/21
Certain Steel Threaded Rod, A–570–932	4/1/20–3/31/21
Wooden Cabinets and Vanities and Components Thereof, A–570–106	10/9/19–3/31/21
Countervailing Duty Proceedings	
INDIA: Carbon and Alloy Steel Threaded Rod, C–533–888	7/29/19–12/31/20
THE PEOPLE'S REPUBLIC OF CHINA:	
Aluminum Foil, C–570–054	1/1/20–12/31/20
Carbon and Alloy Steel Threaded Rod, C–570–105	7/29/19–12/31/20
Drawn Stainless Steel Sinks, C–570–984	1/1/20–12/31/20
Stainless Steel Sheet and Strip, C–570–043	1/1/20–12/31/20
Wooden Cabinets and Vanities and Components Thereof, C–570–107	8/12/19–12/31/20
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings:*

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when Commerce is closed.

Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[4] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[5] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *https://access.trade.gov.*[6] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[7]

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2021. If Commerce does not receive, by the last day of April 2021, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 24, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–06733 Filed 3–31–21; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* the Enforcement and Compliance website at *https://legacy.trade.gov/enforcement/.*

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[7] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process on Promoting Software Component Transparency

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a virtual meeting of a multistakeholder process on promoting software component transparency on April 29, 2021.

DATES: The meeting will be held on April 29, 2021, from 12 p.m. to 4 p.m., Eastern Time.

ADDRESSES: The meeting will be held virtually, with online slide share and dial-in information to be posted at *https://www.ntia.gov/SoftwareTransparency.*

FOR FURTHER INFORMATION CONTACT: Allan Friedman, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4725, Washington, DC 20230; telephone: (202) 482–4281; email: *afriedman@ntia.gov.* Please direct media inquiries to NTIA's Office of Public Affairs: (202) 482–7002; email: *press@ntia.gov.*

SUPPLEMENTARY INFORMATION:

Background: This NTIA cybersecurity multistakeholder process focuses on promoting software component transparency.[1] Most modern software is not written completely from scratch, but includes existing components, modules, and libraries from the open source and commercial software world. Modern development practices such as code reuse, and a dynamic IT marketplace with acquisitions and mergers, make it challenging to track the use of software components. The Internet of Things compounds this phenomenon, as new organizations, enterprises, and innovators take on the role of software developer to add ''smart'' features or connectivity to their products. While the majority of libraries and components do not have known vulnerabilities, many do, and the sheer quantity of software means that some software

[1] NTIA serves as the President's principal adviser on telecommunications and information policies. See 47 U.S.C. 902(b)(2)(D).

products ship with vulnerable or out-of-date components.

The first meeting of this multistakeholder process was held on July 19, 2018, in Washington, DC.[2] Stakeholders presented multiple perspectives, and identified several inter-related work streams: Understanding the Problem, Use Cases and State of Practice, Standards and Formats, and Healthcare Proof of Concept. Since then, stakeholders have been discussing key issues and developing products such as guidance documents. NTIA acts as the convener, but stakeholders drive the outcomes. Success of the process will be evaluated by the extent to which broader findings on software component transparency are implemented across the ecosystem.

The first set of stakeholder-drafted documents on Software Bills of Materials was published by NTIA in November 2019. Those documents, and subsequent consensus-approved drafts from the community, are available at: *https://www.ntia.gov/SBOM.* The main objectives of the April 29, 2021 meeting are to share progress from the working groups; to give feedback on the ongoing work around technical challenges, tooling, demonstrations, and awareness and adoption; and to continue discussions around potential guidance or playbook documents. This meeting will also feature short presentations and discussions of SBOM-related tools and services to help the community understand the growth of the broader ecosystem. Presentation suggestions and proposals should be 250 words or less and should be submitted to Allan Friedman at *afriedman@ntia.gov* by April 15, 2021. More information about stakeholders' work is available at: *https://www.ntia.gov/SoftwareTransparency.*

Time and Date: NTIA will convene the next meeting of the multistakeholder process on Software Component Transparency on April 29, 2021, from 12 p.m. to 4 p.m. Eastern Time. The exact time of the meeting is subject to change. Please refer to NTIA's website, *https://www.ntia.gov/SoftwareTransparency,* for the most current information.

Place: The meeting will be held virtually, with online slide share and dial-in information to be posted at *https://www.ntia.gov/SoftwareTransparency.* Please refer to NTIA's website, *https://www.ntia.gov/SoftwareTransparency,* for the most current information.

Other Information: The meeting is open to the public and the press on a first-come, first-served basis.

The virtual meeting is accessible to people with disabilities. Requests for real-time captioning or other auxiliary aids should be directed to Allan Friedman at (202) 482–4281 or *afriedman@ntia.gov* at least seven (7) business days prior to the meeting. Access details for the meeting are subject to change. Please refer to NTIA's website, *https://www.ntia.gov/SoftwareTransparency,* for the most current information.

Dated: March 26, 2021.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021–06683 Filed 3–31–21; 8:45 am]

BILLING CODE 3510–60–P

[2] Notes, presentations, and a video recording of the July 19, 2018 kickoff meeting are available at: *https://www.ntia.gov/SoftwareTransparency.*

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Applicant Operational and Financial Management Survey

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 1, 2021.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* AmeriCorps, Attention Linda Southcott, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Linda Southcott, (202) 606–6638, or by email at *LSouthcott@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Applicant Operational and Financial Management Survey.

OMB Control Number: 3045–0102. Type of Review: Renewal.

Respondents/Affected Public: Businesses and Organizations OR State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 1,500.

Total Estimated Number of Annual Burden Hours: 3,000.

Abstract: This survey is intended to collect information about the capacity of applicants to manage federal grant funds. Per 2 CFR 200.205, AmeriCorps must evaluate the degree of risk posed by an applicant. Information from the survey will be used to assess an organization's operational and financial management capabilities prior to receiving a federal award and may also be used to support future monitoring activities, should the applicant receive federal funds from AmeriCorps. AmeriCorps also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on 05/31/2021.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use

of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: March 29, 2021.

Linda Southcott,

Director, Office of Monitoring.

[FR Doc. 2021–06746 Filed 3–31–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0020]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice DoD is submitting an Information Collection Request to the Office of Management and Budget (OMB) to collect information on Reserve and National Guard used in evaluating existing policies and programs, establishing baseline measures before implementing new policies and programs, and monitoring the progress of policies/programs that make a difference in the lives of Reserve component members and their families. DoD requests emergency processing and OMB authorization to collect the information after publication of this Notice for a period of six months.

DATES: Comments must be received by April 16, 2021.

ADDRESSES: The Department has requested emergency processing from OMB for this information collection request by 15 days after publication of this notice. Interested parties can access the supporting materials and collection instrument as well as submit comments and recommendations to OMB at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 15-day Review—Open for Public Comments'' or by using the search function. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: The Status of Forces Reserve Survey (SOFS–R) is a DoD-wide survey of Reserve and National Guard used in evaluating existing policies and programs, establishing baseline measures before implementing new policies and programs, and monitoring the progress of policies/programs that make a difference in the lives of Reserve component members and their families. The survey assesses topics such as financial well-being, reintegration programs following activation/deployment, outreach to civilian employers, employer support, family support programs, and benefits (*i.e.,* education, commissary/exchange, health care), and suicide awareness. Data are aggregated by appropriate demographics, including Service, paygrade, gender, race/ethnicity, activation status, and other indicators. In order to be able to meet reporting requirements for DoD leadership, the Military Services, and Congress, the survey needs to be completed by fall 2021. As required by the NDAA, the results of this survey are used by each of the Service Secretaries to evaluate and update training. In addition, the Undersecretary of Defense for Personnel and Readiness uses the SOFS–R to suggest changes to services supporting Reserve component members' ability to return to their families and their civilian jobs following activation/deployment as well as addressing retention, health care, and family life issues.

Title; Associated Form; and OMB Number: Status of Forces Survey (Reserve).

Type of Request: New.

Number of Respondents: 16,515.

Responses per Respondent: 1.

Annual Responses: 16,515.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 8,258.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Request for Comments: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information collected has practical utility; (2) the accuracy of DoD's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Dated: March 29, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–06713 Filed 3–31–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0019]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice DoD is submitting an Information Collection Request to the Office of Management and Budget (OMB) to collect information from Sexual Assault Response Coordinators (SARCs), Sexual Assault Prevention and Response Victim Advocates (SAPR VAs), Special Victims Counsels (SVC), Victims Legal Counsels (VLCs), and Prevention Personnel to assess progress, identify shortfalls, and revise policies and programs as needed for the QuickCompass of Sexual Assault Prevention and Response Personnel (QSAPR). DoD requests emergency processing and OMB authorization to collect the information after publication of this Notice for a period of six months.

DATES: Comments must be received by April 16, 2021.

ADDRESSES: The Department has requested emergency processing from OMB for this information collection request by 15 days after publication of this notice. Interested parties can access the supporting materials and collection instrument as well as submit comments and recommendations to OMB at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 15-day Review—Open for Public Comments'' or by using the search function. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: The QuickCompass of Sexual Assault Prevention and Response Personnel (QSAPR) assesses perceived professional or other reprisal or retaliation; access to sufficient physical and mental health services as a result of the nature of their work; access to installation and unit commanders; access to victims and alleged offender's immediate commander; responsiveness of commanders to SARCs; support and services provided to sexual assault victims; understanding of others of the process and their willingness to assist; adequacy of training received by SARCs and SAPR VAs to effectively perform their duties; and other factors affecting the ability of SARCs and SAPR VAs to perform their duties. In addition, the results of the survey will assess progress, identify shortfalls, and revise policies and programs as needed. The FY21 NDAA requires that not later than June 30, 2021 the Secretary of Defense (SECDEF) survey SARCs and SAPR VAs on their ability to perform duties. SECDEF is required to submit a report of the survey results and actions to be taken as a result of the survey to the Senate and House Committees on Armed Services. In order to be able to meet reporting requirements for DoD leadership, the Military Services, and Congress, the survey needs to be completed by May 2021 to be able to present results to leadership by the end of 2021. That will also allow the results to be shared with the Department and Congress in the DoD SAPRO Annual Report as they have been in previous cycles. Data will be aggregated and reported triennially in perpetuity. Ultimately, the study will provide a report to Congress and all of the data, programs, and computational details necessary for replication and peer review.

Title; Associated Form; and OMB Number: Sexual Assault Prevention and Response Personnel.

Type of Request: New.

Number of Respondents: 5,000.

Responses per Respondent: 1.

Annual Responses: 5,000.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 1,667.

Affected Public: Individuals or households.

Frequency: Every three years.

Respondent's Obligation: Voluntary.

Request for Comments: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information collected has practical utility; (2) the accuracy of DoD's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Dated: March 29, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–06717 Filed 3–31–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2020–OS–0074]

Department of Defense, Transition Assistance Program (TAP) Information for Families, Caregivers, Veterans and Community-Based Organizations

AGENCY: Under Secretary of Defense for Personnel and Readiness, Military-Civilian Transition Office, Department of Defense (DoD).

ACTION: TAP notice.

SUMMARY: The DoD TAP is the overarching program that provides transition assistance, information, training, and services for all eligible members of the Armed Forces, their spouses, dependents, and caregivers. DoD TAP eligibility, priority of services, and TAP protocol and services are outlined in statue and internal policy. This notice promotes awareness of those DoD TAP benefits, amenities, and resources offered to military dependents, caregivers of military members, Veterans, and military/veteran service organizations.

FOR FURTHER INFORMATION CONTACT: Tamre Newton, (703) 614–8658.

SUPPLEMENTARY INFORMATION: On September 23, 2019 (84 FR 48724), DoD removed Part 88 from Title 32 of the Code of Federal Regulation concerning the Department of Defense (DoD) Transition Assistance Program. Part 88 summarized the benefits in statute and internal policy. The following information is provided to promote awareness of those benefits for military dependents, caregivers of military members, Veterans, and military/veteran service organizations.

DoD internal policy is published and publicly available on the Department's website in DoD Instruction (DoDI) 1332.35, ''Transition Assistance Program (TAP) for Military Personnel'' at *https://www.esd.whs.mil/Directives/issuances/dodi/.*

Virtual DoD TAP training curriculum for Veterans and family members is publicly available at *https://www.tapevents.org/courses.*

The DoD Transition Day (the DoD Managing Your Transition, Military Occupational Codes Crosswalk, Financial Planning for Transition) and DoD Managing Your Education participant guides are publicly available on the Defense Visual Information Distribution Service (DVIDS) under recent publications at *https://www.dvidshub.net/unit/DODTAP.*

Outlined in DoDI 1332.35 and Chapter 58 of Title 10, U.S.C is the process for how transition assistance is provided to caregivers, spouses and dependents of eligible Service members. This includes DoD collaboration between the Military-Civilian Transition Office and the Military Community and Family Policy (MC&FP) Office concerning policy about job placement counseling for the spouses of eligible transitioning Service members, and career change counseling for dependents of eligible Service members in accordance with 10 U.S.C. 1142. This also entails updates for Service member dependents on Military OneSource incorporation into pre-separation/transition counseling and transition assistance curriculum.

DoD, Defense Personnel and Family Support Center (DPFSC) will inform eligible Service members' spouses and caregivers of TAP services through online media and other cooperative outreach efforts pursuant to the criteria in 38 U.S.C. 1720G, and procedural

guidance in DoDI 1332.35, in accordance with 10 U.S.C. These authorities pertain to the required program of comprehensive assistance for family caregivers and the responsibilities of the military services regarding caregiver participation in DoD pre-separation counseling sessions.

Military and Veteran Service Organizations

Military Departments will encourage installation commanders to permit access to veterans service organizations and military service organizations to transition assistance-related events and activities in the United States and abroad in accordance with the TAP MOU, DoD 5500.07–R, DoDI 1344.07 and the December 23, 2014 Secretary of Defense Memorandum, ''Installation Access and Support Services to VA-Recognized Veteran Service Organizations/Military Service Organizations,'' at no cost to the U.S. Government. Access must be for the purpose of assisting Service members with the pre- and post-military disability claim process and transition assistance resources and services.

Family members and caregivers of Service members can find information on non-local community resources through the National Resource Director at *www.nrd.gov.*

TAP Eligibility for Spouses and Dependents

(1) Spouses of eligible transitioning Service members are eligible to attend the Department of Labor (DOL) One-Day and the DOL Employment Track in accordance with 10 U.S.C. 1144.

(2) Spouses of eligible transitioning Service members are eligible for the following services and information in accordance with 10 U.S.C. 1142.

(a) DOL Job placement counseling.

(b) DoD and VA-administered survivor benefits information.

(c) DoD financial education and counseling, including information on budgeting, saving, credit, loans, and taxes.

(d) Transition plan assistance to enable achievement of educational, training, employment, and financial objectives.

(e) VA benefits orientation, such as education, employment, home loan services, housing assistance benefit information, and responsible borrowing practices counseling.

(3) Dependents of eligible Service members are entitled to the following services and information in accordance with 10 U.S.C. 1142.

(a) Career change counseling and its effects on individuals and their family.

(b) Information on suicide prevention resources following separation from the Military Services.

(4) Eligible Service members and their dependents are entitled to transitional medical and dental care that will be available for 180 days, beginning on the first day after the date of separation, retirement, or release from active duty in accordance with 10 U.S.C. 1145.

(5) Spouses of eligible Service members are encouraged to participate in transition assistance, as resources and capacity allow. Participating spouses may have their attendance recorded in accordance with the privacy and information collection mandates and requirements of Titles 10 and 14, U.S.C., and DoD 5400.11–R.

(6) Spouses completing pre-separation/transition counseling (using DD Form 2648) on behalf of an eligible recovering Service member in accordance with DoDI 1332.35 will provide their DoD identification number for data collection purposes.

TAP Eligibility for Caregivers

(1) The Military Services will provide, during mandatory pre-separation counseling, a description of the assistance and support services provided for family caregivers of eligible veterans pursuant to 38 U.S.C. 1720G.

(2) Service members undergoing pre-separation/transition counseling, who may require caregiver services after separation, may identify an individual in writing to provide such services after separation.

(3) Service members who identified an individual to provide caregiver services after separation may permit their caregiver to participate in the member's pre-separation/transition counseling session to inform the caregiver of:

(a) The assistance and support services available to caregivers of members after separation.

(b) The manner in which the member's transition to civilian life after separation may impact the caregiver.

Transition Assistance Priority of Service

The descending order of priority for participation in transition assistance classroom attendance is based on the targeted population dates of separation or release from active duty, or their status of returning from overseas, or assignment to remote or isolated and geographically dispersed locations. DoD TAP training is publicly available virtually, as referenced above. Eligible Service members will be given preference for classroom DoD TAP, and spouse eligibility for DoD TAP classroom attendance will be based on resource availability and capacity in accordance with DoDI 1332.35.

Dated: March 29, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–06727 Filed 3–31–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Docket ID: DoD–2021–OS–0021]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice DoD is submitting an Information Collection Request to the Office of Management and Budget (OMB) to collect information on active duty spouses to determine the effectiveness of the Department's family support programs. DoD requests emergency processing and OMB authorization to collect the information after publication of this Notice for a period of six months.

DATES: Comments must be received by April 16, 2021.

ADDRESSES: The Department has requested emergency processing from OMB for this information collection request by 15 days after publication of this notice. Interested parties can access the supporting materials and collection instrument as well as submit comments and recommendations to OMB at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 15-day Review—Open for Public Comments'' or by using the search function.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: The results of the Active Duty Spouse Survey (ADSS) provide leadership with an understanding of the effectiveness of the Department's family support programs. Given deployment and family

life cycles, it allows policy offices to monitor changes in attitudes/opinions, evaluate effectiveness of recent initiatives, and provide insight into topics such as financial well-being, overall health, life in the military, spouse unemployment, and use of military-provided resources. Due to the COVID–19 public health emergency, DoD has delayed implementation in order to review and modify questions as needed to ensure an adequate response rate. This exemption will allow this survey to be fielded in May 2021 so results will be available by the end of 2021.

Title; Associated Form; and OMB Number: Active Duty Spouse Survey.

Type of Request: New.

Number of Respondents: 11,500.

Responses per Respondent: 1.

Annual Responses: 11,500.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 5750.

Affected Public: Individuals or households.

Frequency: Biannually.

Respondent's Obligation: Voluntary.

Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information collected has practical utility; (2) the accuracy of DoD's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Dated: March 29, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–06716 Filed 3–31–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0053]

Agency Information Collection Activities; Comment Request; High School and Beyond 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-Up Field Test Sampling, Tracking, and Recruitment

AGENCY: Institute of Education Sciences, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before June 1, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0053. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: High School and Beyond 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-up Field Test Sampling, Tracking, and Recruitment.

OMB Control Number: 1850–0944.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 128,478.

Total Estimated Number of Annual Burden Hours: 53,930.

Abstract: The High School and Beyond 2022 study (HS&B:22) will be the sixth in a series of longitudinal studies at the high school level conducted by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES) of the U.S. Department of Education. HS&B:22 will follow a nationally representative sample of ninth grade students from the start of high school in the fall of 2022 to the spring of 2026 when most will be in twelfth grade. A field test was conducted in fall 2019. The study sample will be freshened in 2026 to create a nationally representative sample of twelfth-grade students. A high school transcript collection and additional follow-up data collections beyond high school are also planned.

Dated: March 26, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–06649 Filed 3–31–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0052]

Agency Information Collection Activities; Comment Request; CRRSAA Supplemental Aid to Institutions of Higher Education Application

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new collection.

DATES: The Department requested emergency processing from OMB for this information collection request by March 25, 2021; and therefore, the regular clearance process is hereby being initiated to provide the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before June 1, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0052. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Epps, (202) 453–6337.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: CRRSAA Supplemental Aid to Institutions of Higher Education Application.

OMB Control Number: 1840–New.

Type of Review: New collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1,500.

Total Estimated Number of Annual Burden Hours: 4,500.

Abstract: Section 314(a)(3) of Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) allocates funds for institutions of higher education that the Secretary determines have the greatest unmet needs related to the coronavirus. This collection includes (1) a certification and agreement and (2) a profile form that will be used by institutions applying for discretionary grant funding under this section.

Additional Information: Emergency processing was requested for the Department to issue these awards in a timely manner. These awards are particularly needed by IHEs that have experienced the greatest economic and educational disruptions caused by 2019–nCoV in order to support their recovery. Given the short timeframe, ED is unable to consult with the public prior to issuing the forms. However, ED has ample experience designing other similar forms in a way that is clear and minimizes burden. We estimate that the application will require 3 hours per applicant to complete.

Dated: March 29, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–06691 Filed 3–31–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1061–103]

Pacific Gas and Electric Company; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 1061–103.

c. *Date Filed:* August 24, 2020.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Phoenix Hydroelectric Project.

f. *Location:* The existing project is located on the South Fork Stanislaus River and in the Tuolumne River Basin, in Tuolumne County, California. The project occupies 26.99 acres of federal land administered by the U.S. Forest Service and 0.59 acres administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Jan Nimick, Vice President, Power Generation, Pacific Gas and Electric Company, 245 Market Street, San Francisco, CA 94105, (415) 973–0629.

i. *FERC Contact:* Jim Hastreiter, (503) 552–2760 or *james.hastreiter@ferc.gov*.

j. *Deadline for filing scoping comments:* April 26, 2021.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For

assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Phoenix Hydroelectric Project (P–1061–103).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The application is not ready for environmental analysis at this time.

l. The Phoenix Hydroelectric Project consists of the following existing facilities: (1) A 535-foot-long and 132-foot-high concrete arch dam on the South Fork Stanislaus River, (2) a 172.3 acre reservoir, (3) a 133.1-foot-long and 20-foot-high concrete arch cushion dam, (4) a 15.38-mile-long Main Tuolumne Canal, (5) a Header Box (forebay), a 5,611-foot-long penstock, and a powerhouse with an impulse turbine rated at 1.6 megawatts. The project is estimated to generate an average of 9,956 megawatt-hours annually.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

n. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. Scoping Process

Commission staff will prepare either an environmental assessment (EA) or an Environmental Impact Statement (EIS) that describes and evaluates the probable effects, if any, of the licensee's proposed action and alternatives. The EA or EIS will consider environmental impacts and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS. Due to restrictions on mass gatherings related to COVID–19, we do not intend to conduct a public scoping meeting and site visit in this case. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued March 26, 2021.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: March 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–06719 Filed 3–31–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–37–OP]

Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the Clean Air Scientific Advisory Committee (CASAC).

DATES: Nominations should be submitted in time to arrive no later than May 3, 2021.

FOR FURTHER INFORMATION CONTACT: For information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC is a chartered Federal Advisory Committee, established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to provide advice, information and recommendations to the EPA Administrator on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS). Members of the CASAC constitute a distinguished body of non-EPA scientists and engineers who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator and serve as Special Government Employees who provide independent expert advice to the agency.

Expertise Sought for CASAC: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As required under the CAA section 109(d), the CASAC is composed of seven members, with at least one member of the National Academy of Sciences, one physician, and one person representing state air pollution control agencies. The SAB Staff Office is seeking nominations of experts to serve on the CASAC with

expertise in: Air quality, biostatistics, ecology, environmental engineering, epidemiology, exposure assessment, medicine, risk assessment, and toxicology. The SAB Staff Office is especially interested in scientists with expertise described above who have knowledge and experience *relating to criteria pollutants (carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur oxides).* For further information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa.gov.*

Selection Criteria for the CASAC

Nominees are selected based on their individual qualifications. Curriculum vitae should reflect the following:

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;
—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees; and
—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, economic, social, cultural, educational backgrounds, professional affiliations; and other considerations.
—For the committee as a whole, consideration of the collective breadth and depth of scientific expertise; and a balance of scientific perspectives is important.

As the committee undertakes specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: Absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under the ''Nomination of Experts'' category at the bottom of the CASAC home page at *http://www.epa.gov/casac.* To be considered, all nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability or ethnicity.

The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the CASAC website, should contact the DFO, as identified above. The DFO will acknowledge receipt of nominations and will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the CASAC website at *http://www.epa.gov/casac.* Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates may be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form is required for Special Government Employees (SGEs) and allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as an SGE and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the CASAC home page at *http://www.epa.gov/casac.* This form should not be submitted as part of a nomination.

Thomas Brennan,

Director, EPA Science Advisory Staff Office.

[FR Doc. 2021–06715 Filed 3–31–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–08–2021–0005; FRL–10022–10–Region 8]

Administrative Settlement Agreement and Order on Consent: Richardson Flat Tailings Site, Park City, Summit County, Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed agreement; request for public comment.

SUMMARY: In accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given of the proposed settlement under CERCLA, between the U.S. Environmental Protection Agency (''EPA''), the U.S. Department of Interior (''DOI''), the State of Utah (''State''), and Big Hoss Properties, LLC (''Settling Party'') to resolve its alleged civil liability at the Richardson Flat Tailings Site in Summit County, Utah.

For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

DATES: Comments must be submitted on or before May 3, 2021.

ADDRESSES: The proposed agreement and additional background information relating to the agreement, as well as the Agency's response to any comments are or will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, Denver, Colorado, by appointment. Comments and requests for a copy of the proposed agreement should be addressed to Matt Hogue, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency—Region 8, Mail Code 8SEM–PAC, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312–6591, *hogue.matthew@epa.gov* and should reference the Richardson Flat Tailings Site.

FOR FURTHER INFORMATION CONTACT: Amelia Piggott, Senior Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency-Region 8, Mail Code 8ORC–LEC, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312–6410, *piggott.amelia@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposed Settlement Agreement allows the Settling Party to make a cash payment: (1) To EPA to resolve alleged civil CERCLA liability; and (2) to DOI and the State to resolve alleged natural resource damage liability. The proposed Settlement Agreement also allows the Settling Party to perform work, implement land use restrictions requested by the State and for the payment of oversight costs incurred by the United States at or in connection with the Property. The Settling Party consents to and will not contest the authority of the United States to enter into the Agreement or to implement or enforce its terms. The Settling Party recognizes that the Agreement has been negotiated in good faith and that the Agreement is entered into without the admission or adjudication of any issue of fact or law.

Betsy Smidinger,

Division Director, Superfund and Emergency Management Division, Environmental Protection Agency, Region VIII.

[FR Doc. 2021–06755 Filed 3–31–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–31–OP]

Request for Nominations of Candidates to the EPA's Science Advisory Board (SAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the EPA Science Advisory Board (SAB) described in this notice. Appointments will be announced by the Administrator.

DATES: Nominations should be submitted no later than May 3, 2021.

FOR FURTHER INFORMATION CONTACT: For information about the chartered SAB membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at (202) 564–2057 or by email at *shallal.suhair@epa.gov* or Dr. Thomas Armitage, DFO, by telephone at (202) 564–2155 or by email at *armitage.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB is a chartered Federal Advisory Committee, established in 1978, under the authority of the Environmental Research, Development and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, consultation, advice and recommendations to the EPA Administrator. Members of the SAB constitute a distinguished body of non-EPA scientists, engineers, and economists who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator to serve as Special Government Employees and provide independent expert advice to the agency for a term of up to three years. Additional information about the SAB is available at *http://www.epa.gov/sab.*

Expertise Sought for the Sab: The chartered SAB provides scientific advice to the EPA Administrator on a variety of EPA science and research topics. All the work of SAB standing committees and ad-hoc panels is conducted under the auspices of the chartered SAB. The chartered SAB reviews all SAB standing committee and ad-hoc panel draft reports and determines whether each exhibits the high quality and meets the SAB's criteria to deliver to the EPA Administrator. The SAB Staff Office invites nominations of individuals to serve on the chartered SAB with expertise or extensive experience in the following scientific disciplines and topics as they relate to human health and the environment: *Air quality; agricultural sciences and economics; analytical chemistry; atmospheric sciences; benefit-cost analysis; chemical safety; climate science; citizen science; community environmental health; dose-response assessment; drinking water; drinking water engineering; ecological sciences and ecological assessment; ecological risk assessment; ecosystem services; economics; energy and the environment; engineering; environmental justice; epidemiology; exposure assessment; forestry; geochemistry; health sciences; human health risk assessment; hydrology; hydrogeology; medicine; microbiology; modeling; pediatrics; pesticide risk assessment, public health; physiologically based pharmacokinetic (PBPK) modeling; risk assessment; social, behavioral and decision sciences; statistics; sustainability; radiological risk assessment; toxicology; uncertainty analysis; water quality; water quantity and reuse; and waste management.* For further information about the chartered SAB membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at (202) 564–2057 or by email at *shallal.suhair@epa.gov* or Dr. Thomas Armitage, DFO, by telephone at (202) 564–2155 or by email at *armitage.thomas@epa.gov.*

Members selected to the Chartered SAB may also participate on standing committees of the SAB. These committees take the lead at evaluating specific peer review actions where SAB feedback is requested. Board members with demonstrated scientific credentials, disciplinary expertise in relevant fields, and experience may be asked to also participate on the following SAB Standing Committees:

- The Agricultural Science Committee;
- the Chemical Assessment Advisory Committee;
- the Climate Science Committee;
- the Drinking Water Committee;
- the Economic Analysis Committee;
- the Environmental Justice Science Committee; and,
- the Radiation Advisory Committee.

Selection Criteria for the SAB Includes

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;

—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees;

—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, social, cultural, educational backgrounds, professional affiliations; and other considerations; and

—For the committee, the collective breadth and depth of scientific expertise is considered of the individual and holistically for the entire committee.

As the SAB and its standing committees and ad-hoc panels undertake specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: Absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to these advisory committees. Individuals may self-nominate. Nominations should be submitted in electronic format using the

online nomination form under the ''Nomination of Experts'' category at the bottom of the SAB home page at *http://www.epa.gov/sab.* To be considered, all nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of gender, race, disability, or ethnicity.

The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the SAB website, should contact a DFO as identified above. The SAB Staff Office will acknowledge receipt of nominations and invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the SAB; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and any additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website at *http://www.epa.gov/sab.* Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB home page at *http://www.epa.gov/sab.* This form should not be submitted as part of a nomination.

Dated: March 24, 2021.

V. Khanna Johnston,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2021–06647 Filed 3–31–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 14752.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, March 23, 2021 at 10:00 a.m. and its continuation at the conclusion of the open meeting on March 25, 2021.

CHANGES IN THE MEETING: This meeting will also discuss:

Matters relating to internal personnel decisions, or internal rules and practices.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2021–06795 Filed 3–30–21; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, April 6, 2021 at 10:00 a.m. and its continuation at the conclusion of the open meeting on april 8, 2021.

PLACE: 1050 First Street NE, Washington, DC (This meeting will be a virtual meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance matters pursuant to 52 U.S.C. 30109.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2021–06855 Filed 3–30–21; 4:15 pm]

BILLING CODE 6715–01–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 15, 2021.

A. *Federal Reserve Bank of Minneapolis* (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *William S. Lewis, Hermantown, Minnesota;* to retain additional voting shares of Western Bancorporation, Inc., and thereby indirectly retain voting shares of Western National Bank, both

of Duluth, Minnesota, Cass Lake Company, and Western National Bank of Cass Lake, both of Cass Lake, Minnesota. In addition, John S. Lewis, Thomas S. Lewis, and James S. Lewis, all of Duluth, Minnesota; to join the Lewis family shareholder group, a group acting in concert, to acquire voting shares of Western Bancorporation, Inc., and thereby indirectly acquire voting shares of Western National Bank, Cass Lake Company, and Western National Bank of Cass Lake.

Board of Governors of the Federal Reserve System, March 26, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–06640 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0047; Docket No. 2021–0053; Sequence No. 1]

Submission for OMB Review; Place of Performance

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding place of performance.

DATES: Submit comments on or before May 3, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *http://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0047, Place of Performance. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0047, Place of Performance.

B. Need and Uses

This clearance covers the information that bidders or offerors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

- 52.214–14, Place of Performance-Sealed Bidding. This FAR provision is prescribed for invitation for bids (*i.e.,* FAR part 14 procurements) where the Government did not specify the place of performance.
- 52.215–6, Place of Performance. This FAR provision is prescribed for solicitations, when contracting by negotiation (*i.e.,* FAR part 15 procurements), where the Government did not specify the place of performance.

Both provisions ask for identical information from bidders or offerors: Whether or not they intend to use one or more plants or facilities located at a different address from the address of the bidder or offeror as indicated in their bid or offer. If the response indicates the intention to use plants or facilities located at a different location than the bidder's or offeror's address, the provisions require that bidders or offerors provide the address(es) of the other place(s) of performance, along with name and address of the owner and operator of such plant or facility (if other than the bidder or offeror).

The contracting officer uses the place of performance and the owner of the plant or facility to—

(a) Determine prospective contractor responsibility;

(b) Determine price reasonableness;

(c) Conduct plant or source inspections; and

(d) Determine whether the prospective contractor is a manufacturer or a regular dealer.

C. Annual Burden

Respondents: 14,188.
Total Annual Responses: 1,996,197.
Total Burden Hours: 90,827.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 4075, on January 15, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.*

Please cite OMB Control No. 9000–0047, Place of Performance.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–06651 Filed 3–31–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Availability of Program Application Instructions for MIPPA Program Funds

Title: Medicare Improvements for Patients and Providers Act: State Applications for Medicare Low-Income Benefit Programs Enrollment Outreach and Assistance.

Announcement Type: Initial.

Funding Opportunity Numbers:

- CIP–MI–21–001—MIPPA Priority Area 1: SHIP 2021
- CIP–MI–21–002—MIPPA Priority Area 2: AAA 2021
- CIP–MI–21–003—MIPPA Priority Area 3: ADRC 2021

Statutory Authority: The Medicare Improvements for Patients and Providers Act of 2008, as amended by the Patient Protection and Affordable Care Act of 2010 and reauthorized by the American Taxpayer Relief Act of 2012 (ATRA), Protecting Access to Medicare Act of 2014, Medicare Access and CHIP Reauthorization Act of 2015, Bipartisan Budget Act of 2018, Coronavirus Aid, Relief, and Economic Security Act of 2020, and Consolidated Appropriations Act of 2021.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.071.

DATES: The deadline date for the submission of MIPPA Program State Plans is 11:59 p.m. EST June 1, 2021.

Funding Opportunity Description

The Medicare Improvement for Patients and Providers Act (MIPPA) program supports states through grants to provide outreach and assistance to Medicare beneficiaries with limited incomes and assets to ensure the beneficiaries have access to all Medicare related benefits available to them. MIPPA state grantees help educate Medicare beneficiaries about benefit programs that help them pay for Medicare including the Low-Income Subsidy (LIS) program for Medicare Part D and the Medicare Savings Programs (MSPs). In addition, MIPPA grantees provide education on Medicare Preventive Services. MIPPA grantees provide education through public outreach while also providing one-on-one assistance to eligible Medicare beneficiaries to help them access and apply for benefit programs that help lower the costs of their Medicare premiums and deductibles.

MIPPA state funding is limited to agencies eligible for MIPPA funding:

- Priority Area 1—State Health Insurance Assistance Program (SHIP): State agencies (State Units on Aging or State Departments of Insurance) that administer the SHIP
- Priority Area 2—Area Agencies on Aging (AAAs): State agencies for AAAs
- Priority Area 3—Aging and Disability Resource Center Programs (ADRC): Agencies that are established ADRCs who have received an ACL ADRC COVID grant

ACL will accept only one application for each Priority Area per state. If an agency is eligible for more than one MIPPA Priority Area, the agency may combine their responses into one comprehensive narrative which can be submitted to each Priority Area application. However, unique budget documents and full application packages for each Priority Area must still be completed and submitted for each application.

These funds will allow agencies to provide enhanced outreach to eligible Medicare beneficiaries regarding their preventive, wellness, and limited income benefits; application assistance to individuals who may be eligible for LIS or MSPs; and outreach activities covering LIS, MSP, or aimed at preventing disease and promoting wellness. Applicant plans should go above and beyond those regular activities planned in response to other funding sources.

II. Award Information

1. Funding Instrument Type

These awards will be made in the form of grants to agencies for each MIPPA Priority Area:

Priority Area 1—SHIP: Grants to state agencies (State Units on Aging or State Departments of Insurance) that administer the SHIP to provide enhanced outreach to eligible Medicare beneficiaries regarding their preventive, wellness, and limited income benefits; application assistance to individuals who may be eligible for LIS or MSPs; and outreach activities aimed at preventing disease and promoting wellness.

Priority Area 2—AAA: Grants to state agencies for AAA programs to provide enhanced outreach to eligible Medicare beneficiaries regarding their preventive, wellness, and limited income benefits; application assistance to individuals who may be eligible for LIS or MSPs; and outreach activities aimed at preventing disease and promoting wellness.

Priority Area 3—ADRC: Aging and Disability Resource Center Programs (ADRC): Grants to agencies that are established ADRCs to provide outreach regarding Medicare Part D benefits related to LIS and MSPs, and conduct outreach activities aimed at preventing disease and promoting wellness.

2. Anticipated Total Priority Area Funding per Budget Period

ACL intends to make available, under this program announcement, grant awards for the three MIPPA priority areas. Funding will be distributed through a formula as identified in statute. The amounts allocated are based upon factors defined in statute and will be distributed to each priority area based on the formula. ACL will fund total project periods of up to one (1) year contingent upon availability of federal funds.

Priority Area 1—SHIP: $14.4 million in FY 2021 for state agencies that administer the SHIP Program.

Priority Area 2—AAA: $13.9 million in FY 2021 for State Units on Aging for Area Agencies on Aging.

Priority Area 3—ADRC: $4.7 million in FY 2020 for agencies that are established ADRCs who have received an ACL ADRC COVID grant.

III. Eligibility Criteria and Other Requirements

1. Eligible Applicants for MIPPA State Grants

Priority Area 1—SHIP: Only existing SHIP grant recipients or (SHIP-designated state agencies) are eligible to apply.

Priority Area 2—AAA: Only State Units on Aging (SUA) (or SUA-designated state agencies) are eligible to apply.

Priority Area 3—ADRC: Only agencies that are established ADRCs who have received an ACL ADRC COVID grant (or ADRC-designated state agencies) are eligible to apply.

Eligibility may change if future funding is available.

2. Cost Sharing or Matching Is Not Required

3. DUNS Number

All grant applicants must obtain and keep current a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business entities. The D–U–N–S number can be obtained from: *https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm.*

4. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Submission Information

1. Application Kits

Application Kits/Program Instructions are available at *www.grantsolutions.gov.* Instructions for completing the application kit will be available on the site.

2. Submission Dates and Times

To receive consideration, applications must be submitted by 11:59 p.m. Eastern Time on June 1, 2021 through *www.GrantSolutions.gov.*

VII. Agency Contacts

Direct inquiries regarding programmatic issues to: Margaret Flowers, Phone: 202.795.7315, Email: *Margaret.Flowers@acl.hhs.gov.*

Dated: March 26, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–06742 Filed 3–31–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Proposed Information Collection Activity; Public Comment Request; Extension of a Currently Approved Information Collection; State Developmental Disabilities Council—Annual Program Performance Report (PPR) (OMB Control Number 0985–0033)

AGENCY: Office on Intellectual and Developmental Disabilities (OIDD), Administration for Community Living (ACL), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on ACL's intention to extend the use of the current PPR data collection necessary to determine grantee compliance with Part B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act). Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the proposed action. This notice solicits comments on a proposed extension to an existing data collection related to the State Councils on Developmental Disabilities (State Councils) Annual Program Performance Report (PPR). On an annual basis, each Council must submit a PPR to describe the extent to which annual progress is being achieved on the 5-year State plan goals. The PPR will be used by: (1) The Council as a planning document to track progress made in meeting state plan goals; (2) the citizenry of the State as a mechanism for monitoring progress and activities on the plans of the Council; and (3) the Department as a stewardship tool for ensuring compliance with the Developmental Disabilities Assistance and Bill of Rights Act and for monitoring and providing technical assistance (*e.g.,* during site visits), and support for management decision making.

DATES: Submit written or electronic comments on the collection of information by June 1, 2021.

ADDRESSES: Submit electronic comments on the collection of information to *Sara.Newell-Perez@acl.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Sara Newell-Perez at (202) 795–7413 or *Sara.Newell-Perez@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

Section 3506(c)(2)(A) of the PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or update of an existing collection of information, before submitting the collection to OMB for approval.

The proposed data collection represents extension of a currently approved information collection. In compliance with the requirements of the PRA, the Administration on Community Living (ACL) is soliciting public comment on the information collection described above. The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the function 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) the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Consideration will only be given to comments and suggestions submitted within 60 days of this publication.

To view and comment on the proposed State Councils on Developmental Disabilities Annual Program Performance Report, please visit the ACL public input page: *https://www.acl.gov/about-acl/policy-and-regulations.*

ACL estimates the burden of this collection of information as follows:

The total estimated hour burden per respondent for the proposed DD Council PPR is 172 burden hours per response. The number of hours to complete the PPR multiplied by 56 State Council programs, results in a total estimated annual burden of 9,632.

The burden is reflective of performance measures introduced in the FFY 2017–2021 state plan cycle. These measures hone in on individual and family advocacy, as well as systems change advocacy. One example of these measures is a reporting of the number of promising and/or best practices improved based on results of systems change activities. The PPR is an opportunity for Councils to report on the actual data and outcomes that resulted from carrying out the new State Plan activities. This extension was previously pilot tested by a Performance Measures Workgroup consisting of nine (9) State Council representatives. This workgroup deemed the PPR necessary to accurately capture and report on the progress of the State Councils. A separate workgroup consisting of nine (9) different State Council representatives further discussed data collection methodologies as it relates to the proposed PPR template. This PPR offers a comprehensive categorization and approach to collecting data necessary to report to Congress and other interested entities.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Councils on Developmental Disabilities Annual Program Performance Report (PPR)	56	1	172	9,632
Total	56	1	172	9,632

Dated: March 26, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–06741 Filed 3–31–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB # 0985–0023]

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; National Survey of Older Americans Act Participants

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under section 506(c)(2)(A) of the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to the information collection requirements for consumer assessment surveys used by ACL to measure program performance for programs funded under Title III of the Older Americans Act. This notice solicits comments on a proposed revision of a currently approved collection with the addition of a new rotating module to the National Survey of Older Americans Act Participants.

DATES: Submit written comments on the collection of information by May 3, 2021.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Susan Jenkins, Administration for Community Living, Washington, DC 20201, by email at *Susan.Jenkins@acl.hhs.gov* or by telephone at 202–795–7369.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The Administration for Community Living (ACL) is requesting approval to collect data for the National Survey of Older Americans Act (OAA) Participants information collection to include consumer assessment surveys for the Congregate and Home-delivered meal nutrition programs; Case Management, Homemaker, and Transportation Services; and the National Family Caregiver Support Program.

This survey builds on earlier national pilot studies and surveys, as well as performance measurement tools developed by ACL grantees in the Performance Outcomes Measures Project (POMP). Changes identified as a result of these initiatives were incorporated into the last data collection package that was approved by OMB and are included in this proposed extension of a currently approved collection. This information will be used by ACL to track performance outcome measures; support budget requests; comply with the GPRA Modernization Act of 2010 (GPRMA) reporting requirements; provide national benchmark information; and inform program development and management initiatives.

In addition to the proposed extension of the existing collection of information, ACL is requesting approval for a module on COVID–19 to be added to the currently approved NSOAAP data collection effort. This module supplants the module on Emergency Preparedness that was included in the 60-day FRN due to the ongoing health crisis older adults are experiencing as a result of COVID–19. The Emergency Preparedness module will be added to the 2022 collection instrument.

As part of a nationwide effort to slow transmission of COVID–19, communities have closed locations such as senior centers, adult day care centers, and congregate meal facilities where many older adults received vital home- and community-based services. In addition, many of the in-home services that help older adults to remain in their homes, such as home-delivered meals, homemaker services, and respite care have been curtailed due to fear of spreading COVID–19. This, combined with families and friends unable to assist loved ones due to the fear of spreading the virus, have left many older adults isolated and without the programs and services they need to remain living safely in the community. The purpose of adding questions on COVID–19 to the NSOAAP is to measure the effect COVID–19 has had on older adults' access to and use of Older Americans Act programs and services during the past year.

The results of this information collection will be used by ACL/AoA to:

- Provide refined national benchmarks for use by states and AAAs.
- Provide secondary data for analysis of various Title III program evaluations.
- Provide performance information for key demographic subgroups, geographical sub regions, and different types of AAAs which will enable ACL/AoA to identify variations in performance and examine the need for additional targeted technical assistance.
- Provide secondary data for analysis of the effect of COVID–19 on access to and use of OAA programs and services among older adults that will be shared with states and AAAs to help structure their programs and services in response to COVID-related changes.

The data will be used by the Administrator of the Administration for Community Living/Assistant Secretary for Aging in testimony and presentations; it will be incorporated into the agency's Annual Report; and it will be used by program staff to identify areas that may need attention at the national level.

Descriptions of previous National Surveys of OAA Participants can be found under the section on OAA Performance Information on ACL's website at: *https://acl.gov/programs/performance-older-americans-act-programs.* Copies of the survey instruments and data from previous National Surveys of OAA Participants can be found and queried using the Aging, Independence, and Disability (AGID) Program Data Portal at *http://www.agid.acl.gov/.*

Comments in Response to the 60-Day Federal Register Notice

A notice published in the **Federal Register** on Tuesday, November 17, 2020 in 85 FR No. 222 page 73273. There were thirteen public comments received during the 60-day FRN, please see ACLs response to comment listed below.

Topic/issue	Comment	ACL response
Food insecurity in older adults.	"We support the inclusion of the USDA module to provide national estimates of the rate of food insecurity among OAA program participants. We recommend this module be continuously included in future administration of this survey."	ACL concurs and plans to maintain the USDA module and associated questions for the foreseeable future.
Risk of malnutrition	"We suggest that ACL consider adding malnutrition screening questions in addition to the USDA module's food insecurity questions, such as: • Do you ever eat only one meal daily?" ..... • Do limits on chewing, swallowing or physical mobility ever prevent you from eating your home-delivered meals, even though you may be hungry?" • Do limits on chewing, swallowing or physical mobility ever prevent you from getting to your local congregate meal site and eating your meal, even though you may be hungry?"	ACL recognizes the importance of reducing and assessing risk for malnutrition. However, further deliberation is needed to ensure that we select the most appropriate and universally accepted language. ACL will call upon the expertise of a nutrition workgroup to make recommendations to ACL on selecting the best language to use. The workgroup's recommendation will inform a redesign of future NSOAAP survey collection efforts.
Medically-tailored meals for participants requiring special diets.	"We suggest that ACL consider adding a question about the need for therapeutic diets or texture-modified meals to better understand the needs of participants as it relates to medically tailored meals."	ACL recognizes the importance of capturing data on the capability of OAA nutrition programs to accommodate special diets. ACL will call upon nutrition experts to make recommendations and inform a redesign of future NSOAAP collection efforts.
Ethnic and cultural barriers to communication and nutritional preferences.	"We suggest that ACL consider including a question about communication barriers to both the congregate and home-delivered meals modules, such as: • Do you have language or cultural barriers to talking with staff at your congregate meal site/your home delivery staff?	ACL recognizes that ethnic and cultural barriers may affect participants in the nutrition programs. ACL will call upon nutrition experts to make recommendations and inform a redesign of future NSOAAP collection efforts.
	We also suggest that ACL consider adding a question to both the congregate and home-delivered meals modules about meals meeting cultural preferences.	ACL is considering a special topical module related to equity and underserved populations.
Nutrition counselor: Rephrase question to improve clarity.	"SVC1(k) asks whether the respondent has access to a "nutrition counselor" who is providing dietary advice based on the respondent's condition, medications, and related factors. We question why the survey would not specify "a qualified nutrition professional such as a registered dietitian" (or registered dietitian nutritionist), since these professionals are the most qualified to answer such questions. Moreover, in 28 states, only licensed professionals are legally eligible to provide such advice. The term "nutrition counselor" allows for substantial subjective interpretations, and could theoretically include food service staff or other program participants who may be providing such advice against state law."	ACL recognizes "nutrition counselor" may offer subjective responses. However, respondents may not know if the qualifications of the person providing dietary advice. ACL will call upon nutrition experts to make recommendations and inform a redesign of future NSOAAP collection efforts. The use of terminology for this item will be tested.
Modify item response in nutrition modules to include positive as well as negative changes.	"We note that the survey asks about changes in meals, but almost all coding options for the interviewer are about reductions or negative changes with few opportunities for interviewers to code any positive changes reported by participants. In addition to coding for both reductions and improvements in quality of the food, we recommend adding the corresponding "positive" option for all other codes."	ACL concurs with this suggested change. The requested change has been made to the survey instrument.
Consistent language in meals program.	"Ensure that consistent language is used to describe the program, particularly for congregate or senior dining meals. Some questions use the term "meals program" while others use the term "lunch program" or, generically, "this service", including CNR20–23 where three different terms are used across four consecutive questions. This also applies to SVC1 question in Additional Services module. We recommend using the term "meals program" unless exclusively referring to lunch, as some programs serve breakfast or dinner meals rather than lunch meals."	ACL recognizes that the language used to describe the meals programs may need to be revised to be more consistent. ACL will call upon nutrition experts to make recommendations and inform a redesign of future NSOAAP collection efforts. The term "meals program" will be used at this time due to the variety of food services during the COVID–19 pandemic.
Living independently	"SVC3 asks about continuing to "live independently" vs. "living at home" (as they do in CS15, CNR23, HNR28, HC9 and TR20). The terminology "living independently" is preferred. Simply continuing to live "at home" does not mean that the person is living independently, is living in their own home (vs that of a relative), or has autonomy over where he or she lives."	ACL concurs with this suggested change. The requested change has been made to the survey instrument.

Topic/issue	Comment	ACL response
Context of ''secure''	''SVC3(b) should be more specific with regard to the context of ''secure.'' We are unsure whether the context is financial, food-based, or related to physical safety.''	The question refers to how participants feel about additional services that they or their care recipient receive. ACL recognizes that the use of the word ''secure'' may be ambiguous. ACL will call upon experts in the aging network to make recommendations to inform a redesign of future NSOAAP collection efforts.
Multiple meals	''HNR5 should be re-phrased to reflect the fact that many HDM clients receive more than one meal and may consume multiple HDMs in a day.''	ACL recognizes that the question may need to be modified. ACL will call upon nutrition experts to make recommendations and inform a redesign of future NSOAAP collection efforts.
Care recipients under age 60 with dementia.	The 2020 reauthorization of OAA allows ''individuals living with dementia under the age of 60 to access certain OAA supports like nutritional services and respite care through the National Family Caregiver Support program. We respectfully request that ACL analyze the data collected on these younger individuals and the services they receive so that those services can be tailored and improved.''	While ACL recognizes the value of collecting data on care recipients of the NFCSP who are under 60, that is not the focus of the NSOAAP. The focus of the NSOAAP is the service recipients, that is, the caregivers.
Emergency preparedness	The advocacy organizations ''support ACL's request to add an emergency preparedness module to the survey. . .''	ACL is not going to add this module for the 2021 administration but still plans to use it in the future.
Question on participant sex (gender identity).	''I encourage the modification of the questions about participant sex to include response options (which are recorded but not verbally offered as options) to include ''transgender'' and or ''other'' with a write-in option. The questions this relates to are: DE1 (DEGENDR); CGC (CGPMF); CG83 (CGPMF)—both of the last have the same variable labels and this should be corrected in the survey construction.''	In order to improve demographic data collection related to the LGBT community, ACL is supporting the Measuring Sex, Gender Identity, and Sexual Orientation for the National Institutes of Health an ad hoc panel of the National Academies of Sciences, Engineering, and Medicine which will review current measures and the methodological issues related to measuring sex as a non-binary construct, gender identity, and sexual orientation. The panel will produce a consensus report which is expected in December 2021. ACL will use the report as a foundation for testing new survey questions and administrative data elements. The variable label in the survey instrument for CGPMF was corrected to RGENDER.

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours	Cost per hour	Annual burden (cost)
Area Agency on Aging: Respondent selection process.	350	1	4.0	1,400	$44	$61,600
Service Recipients (*i.e.*, Congregate and Home-delivered meal nutrition programs; Case Management, Homemaker, and Transportation Services) + Rotating Module.	4,400	1	.75	3,300	$25	82,500
National Family Caregiver Support Program Clients + Rotating Module.	2,200	1	.75	1,650	$25	41,250
Total	6,950	1	.914 (weighted mean).	6,350	Varies	185,350

Dated: March 26, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–06740 Filed 3–31–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0520]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substances Prohibited From Use in Animal Food or Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by May 3, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0627. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Substances Prohibited From Use in Animal Food or Feed—21 CFR Part 589

OMB Control Number 0910–0627—Extension

This information collection supports Agency regulations regarding substances prohibited from use in animal food or feed. Bovine spongiform encephalopathy (BSE) is a progressive and fatal neurological disorder of cattle that results from an unconventional transmissible agent. BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). All TSEs affect the central nervous system of infected animals. Our regulation at § 589.2001 (21 CFR 589.2001), entitled ''Cattle materials prohibited in animal food or feed to prevent the transmission of bovine spongiform encephalopathy,'' is designed to further strengthen existing safeguards against the establishment and amplification of BSE in the United States through animal feed. The regulation prohibits the use of certain cattle origin materials in the food or feed of all animals. These materials are referred to as ''cattle materials prohibited in animal feed'' or CMPAF.

Under § 589.2001, no animal feed or feed ingredient can contain CMPAF. As a result, we impose requirements on renderers of specifically defined cattle materials, including reporting and recordkeeping requirements. For purposes of the regulation, we define a renderer as any firm or individual that processes slaughter byproducts; animals unfit for human consumption, including carcasses of dead cattle; or meat scraps. Reporting and recordkeeping requirements are necessary because once materials are separated from an animal it may not be possible, without records, to know whether the cattle material meets the requirements of our regulation.

Reporting: Under our regulations, we may designate a country from which cattle materials are not considered CMPAF. Section 589.2001(f) provides that a country seeking to be so designated must send a written request to the Director of the Center for Veterinary Medicine. The country is required to submit information about its BSE case history, risk factors, measures to prevent the introduction and transmission of BSE, and any other information relevant to determining whether the cattle materials from the requesting country do or do not meet the definitions set forth in § 589.2001(b)(1). We use the information to determine whether to grant a request for designation and to impose conditions if a request is granted. Section 589.2001(f) further states that countries designated under that section will be subject to our future review to determine whether their designations remain appropriate. As part of this process, we may ask designated countries from time to time to confirm that their BSE situation and the information submitted by them in support of their original application remains unchanged. We may revoke a country's designation if we determine that it is no longer appropriate. Therefore, designated countries may respond to our periodic requests by submitting information to confirm their designations remain appropriate. We use the information to ensure their designations remain appropriate.

Recordkeeping: Renderers that receive, manufacture, process, blend, or distribute CMPAF, or products that contain or may contain CMPAF, must take measures to ensure that the materials are not introduced into animal feed, including maintaining adequate written procedures specifying how such processes are to be carried out (§ 589.2001(c)(2)(ii)). Renderers that receive, manufacture, process, blend, or distribute CMPAF are required to establish and maintain records sufficient to track the CMPAF to ensure that they are not introduced into animal feed (§ 589.2001(c)(2)(vi)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must establish and maintain records sufficient to demonstrate that material rendered for use in animal feed was not manufactured from, processed with, or does not otherwise contain, CMPAF (§ 589.2001(c)(3)(i)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must, if these materials were obtained from an establishment that segregates CMPAF from other materials, establish and maintain records to demonstrate that the supplier has adequate procedures in place to effectively exclude CMPAF from any materials supplied (§ 589.2001(c)(3)(i)). Records will meet this requirement if they include either: (1) Certification or other documentation from the supplier that materials supplied do not include CMPAF (§ 589.2001(c)(3)(i)(A)), or (2) documentation of another method acceptable to FDA, such as third-party certification (§ 589.2001(c)(3)(i)(B)).

Description of Respondents: Respondents to this information collection include rendering facilities, feed manufacturers, livestock feeders, and foreign governments seeking designation under § 589.2001(f).

In the **Federal Register** of December 17, 2020 (85 FR 81930), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR part	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
589.2001(f); request for designation	1	1	1	80	80
589.2001(f); response to request for review by FDA	1	1	1	26	26
Total					106

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
589.2001(c)(2)(ii); maintain written procedures	50	1	50	20	1,000
589.2001(c)(2)(vi) and (c)(3)(i); maintain records	175	1	175	20	3,500
589.2001(c)(3)(i)(A) and (B); certification or documentation from the supplier	175	1	175	26	4,550
Total					9,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: March 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06706 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–E–1314]

Determination of Regulatory Review Period for Purposes of Patent Extension; IBSRELA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for IBSRELA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by June 1, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 28, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 1, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 1, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand d89.pelivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–E–1314 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; IBSRELA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, IBSRELA (tenapanor hydrochloride). IBSRELA is indicated for treatment of irritable bowel syndrome with constipation in adults. Subsequent to this approval, the USPTO received a patent term restoration application for IBSRELA (U.S. Patent No. 8,541,448) from Ardelyx, Inc., and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated May 26, 2020, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of IBSRELA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for IBSRELA is 3,219 days. Of this time, 2,853 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 21, 2010. The applicant claims November 20, 2010, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was November 21, 2010, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act or section 351 of the Public Health Service Act:* September 12, 2018. FDA has verified the applicant's claim that the new drug application (NDA) for IBSRELA (NDA 211801) was initially submitted on September 12, 2018.

3. *The date the application was approved:* September 12, 2019. FDA has verified the applicant's claim that NDA 211801 was approved on September 12, 2019.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,272 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket

No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06693 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–P–1881]

Determination That SERENTIL (Mesoridazine Besylate) Tablets, 10 Milligrams, 25 Milligrams, 50 Milligrams, and 100 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) has determined that SERENTIL (mesoridazine besylate) tablets, 10 milligrams (mg), 25 mg, 50 mg, and 100 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for mesoridazine besylate tablets, 10 mg, 25 mg, 50 mg, and 100 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Ayako Sato, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6206, Silver Spring, MD 20993–0002, 240–402–4191, *Ayako.Sato@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, are the subject of NDA 16774, held by Norvartis Pharmaceuticals Corporation, and initially approved on February 27, 1970. SERENTIL is indicated for the management of schizophrenic patients who fail to respond adequately to treatment with other antipsychotic drugs.

In a letter dated September 9, 2008, Novartis Pharmaceuticals Corporation requested withdrawal of NDA 16774 for SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg. In the **Federal Register** of February 22, 2018 (83 FR 7738), FDA announced that it was withdrawing approval of NDA 16774, effective March 26, 2018.

The Weinberg Group submitted a citizen petition dated September 15, 2020 (Docket No. FDA–2020–P–1881), under 21 CFR 10.30, requesting that the Agency determine whether SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to SERENTIL (mesoridazine besylate) tablets, 10 mg, 25 mg, 50 mg, and 100 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: March 29, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06722 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0289]

Determination That CUTIVATE (Fluticasone Propionate) Ointment, 0.005 Percent, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that CUTIVATE (fluticasone propionate) ointment, 0.005 percent, was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval

of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Heather Dorsey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6220, Silver Spring, MD 20993–0002, 301–796–3600, *heather.dorsey@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

CUTIVATE (fluticasone propionate) ointment, 0.005 percent, is the subject of NDA 019957, held by Fougera Pharmaceuticals, Inc., and initially approved on December 14, 1990. CUTIVATE is indicated for the relief of the inflammatory and pruritic manifestations of corticosteroid-responsive dermatoses in adult patients. CUTIVATE (fluticasone propionate) ointment, 0.005 percent, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

BF Innovation Inc., acting on behalf of Bright Future Pharmaceutical Laboratories Limited, submitted a citizen petition dated November 2, 2020 (Docket No. FDA–2020–P–2146), under 21 CFR 10.30, requesting that the Agency determine whether CUTIVATE (fluticasone propionate) ointment, 0.005 percent, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that CUTIVATE (fluticasone propionate) ointment, 0.005 percent, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that this drug product was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of CUTIVATE (fluticasone propionate) ointment, 0.005 percent, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list CUTIVATE (fluticasone propionate) ointment, 0.005 percent, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: March 29, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06721 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2019–E–3183 and FDA–2019–E–3184]

Determination of Regulatory Review Period for Purposes of Patent Extension; TPOXX

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined the regulatory review period for TPOXX and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by June 1, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 28, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 1, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 1, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your

comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2019–E–3183 and FDA–2019–E–3184 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; TPOXX.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product TPOXX (tecovirimat monohydrate). TPOXX is indicated for treatment of human smallpox disease in adults and pediatric patients weighing at least 13 kilograms.

Limitations of Use:

• The effectiveness of TPOXX for treatment of smallpox disease has not been determined in humans because adequate and well-controlled field trials have not been feasible, and inducing smallpox disease in humans to study the drug's efficacy is not ethical.

• TPOXX efficacy may be reduced in immunocompromised patients based on studies demonstrating reduced efficacy in immunocompromised animal models.

Subsequent to this approval, the USPTO received a patent term restoration application for TPOXX (U.S. Patent Nos. 7,737,168 and 8,124,643) from SIGA Technologies, Inc., and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated October 29, 2019, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of TPOXX represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for TPOXX is 4,601 days. Of this time, 4,383 days occurred during the testing phase of the regulatory review period, while 218 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* December 9, 2005. The applicant claims December 8, 2005, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was December 9, 2005, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act or section 351 of the Public Health Service Act:* December 8, 2017. FDA has verified the applicant's claim that the new drug application (NDA) for TPOXX (NDA 208627) was initially submitted on December 8, 2017.

3. *The date the application was approved:* July 13, 2018. FDA has verified the applicant's claim that NDA 208627 was approved on July 13, 2018.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,273 days or 1,585 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06696 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1584]

Revocation of Authorization of Emergency Use of a Medical Device During COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorization (EUA) (the Authorization) issued to NovaSterilis, Inc. for the Nova2200 using the NovaClean decontamination process. FDA revoked the Authorization on February 12, 2021, under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The revocation, which includes an explanation of the reasons for the revocation, is reprinted in this document.

DATES: The Authorization for the Nova2200 using the NovaClean decontamination process is revoked as of February 12, 2021.

ADDRESSES: Submit written requests for a single copy of the revocation to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocation may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocation.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993–0002, 240–402–8155 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On August 20, 2020, FDA issued the Authorization. Notice of the issuance of the Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346), as required by section 564(h)(1) of the FD&C Act. FDA authorized the Nova2200 using the NovaClean decontamination process for use in decontaminating compatible N95 respirators identified in the EUA consistent with the Authorization. Subsequent to the issuance of the Authorization, as described in the revocation letter reprinted in this notice, FDA considered new data and evidence, including from testing performed by the Centers for Disease Control and Prevention (CDC) and in published literature, indicating that the compatible N95 respirators identified in the EUA may not maintain adequate fit and filtration efficiency following one decontamination cycle using the authorized product.

II. EUA Criteria for Issuance No Longer Met and Other Circumstances Make Revocation Appropriate To Protect the Public Health or Safety

Under section 564(g)(2)(B) and (C) of the FD&C Act, the Secretary of HHS may revoke an EUA if, among other things, the criteria for issuance are no longer met or other circumstances make such revocation appropriate to protect the public health or safety. On February 12, 2021, FDA revoked the Authorization because the criteria for issuance were no longer met and other circumstances made such revocation appropriate to protect the public health or safety. Under section 564(c)(2) of the FD&C Act, an EUA may be issued only if FDA concludes that, based on the totality of scientific evidence available, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that the product may be effective in diagnosing, treating, or preventing such disease or condition and that the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product.

Given the new data and evidence from CDC and recently reported in the literature, FDA has concluded it is not reasonable to believe the product may be effective in preventing healthcare provider exposure to pathogenic biological airborne particulates. Additionally, based on this new information, FDA can no longer conclude that the known and potential benefits of the product outweigh the known and potential risks of its emergency use. Further, based on the same information and the risks to public health and to healthcare providers from using decontaminated respirators with

reduced fit and filtration performance, FDA has concluded under section 564(g)(2)(C) of the FD&C Act that other circumstances make revocation appropriate to protect the public health or safety. Accordingly, FDA has revoked the Authorization, pursuant to section 564(g)(2)(B) and (C) of the FD&C Act.

III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet at *https://www.regulations.gov/* and *https://www.fda.gov/media/145913/download.*

IV. The Revocation

Having concluded that the criteria for revocation of the Authorization under section 564(g) of the FD&C Act are met, FDA has revoked the EUA for the Nova2200 using the NovaClean decontamination process. The revocation in its entirety follows and provides an explanation of the reasons for revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

February 12, 2021

Mr. Tony Eisenhut
NovaSterilis, Inc.
3109 N. Triphammer Rd.
Lansing, NY 14882

Re: Revocation of EUA201745

Dear Mr. Eisenhut:

This letter is in response to NovaSterilis, Inc.'s letter dated November 24, 2020, informing FDA that it is withdrawing the Emergency Use Authorization (EUA201745) for the Nova2200 using the NovaClean decontamination process (hereafter referred to as "Nova2200") issued on August 20, 2020. We interpret this letter to mean that NovaSterilis, Inc. will no longer make the Nova2200 available for the authorized emergency use. The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when the criteria under section 564(c) of the Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). FDA hereby notifies NovaSterilis, Inc. of the revocation of the EUA201745 for the Nova2200 pursuant to section 564(g)(2)(B) of the Act and section 564(g)(2)(C) of the Act.

On August 20, 2020, FDA authorized the emergency use of the Nova2200 for use in decontaminating compatible N95 respirators[1] that are contaminated or potentially contaminated with SARS-CoV-2 or other pathogenic microorganisms, for a maximum of one (1) decontamination cycle per respirator, for single-user reuse[2] by healthcare personnel (HCP)[3] to prevent exposure to pathogenic biological airborne particulates during the Coronavirus Disease 2019 (COVID-19) pandemic. Based on the totality of scientific evidence available at the time, FDA concluded that it was reasonable to believe that the Nova2200 may be effective at

[1] For purposes of this EUA, "compatible N95 respirators" are limited to the 3M Model 1860 or Halyard FLUIDSHIELD N95 respirators.

[2] Single-user reuse means that the same respirator is returned for reuse to the same healthcare personnel following its decontamination.

[3] HCP refers to all paid and unpaid persons serving in healthcare settings who have the potential for direct or indirect exposure to patients or infectious materials, including body substances (e.g., blood, tissue, and specific body fluids); contaminated medical supplies, devices, and equipment; contaminated environmental surfaces; or contaminated air. These HCP include, but are not limited to, emergency medical service personnel, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, dentists and dental hygienists, students and trainees, contractual staff not employed by the healthcare facility, and persons not directly involved in patient care, but who could be exposed to infectious agents that can be transmitted in the healthcare setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).

decontaminating compatible N95 respirators for single-user reuse by HCP to prevent exposure to pathogenic biological airborne particulates when there are insufficient supplies of filtering facepiece respirators (FFRs) resulting from the COVID-19 pandemic, and that the known and potential benefits of Nova2200 outweigh the known and potential risks of its use.

Since then, FDA has become aware of new data and evidence suggesting that 3M Model 1860 and Halyard FLUIDSHIELD N95 respirators, the only compatible N95 respirators identified in this EUA, may not maintain adequate fit and filtration efficiency following one (1) decontamination cycle using the Nova2200. Specifically, FDA has reviewed new data indicating that 3M Model 1860 N95 respirators may not maintain adequate fit and filtration efficiency after undergoing one (1) decontamination cycle using the Nova2200.[4] Additionally, FDA has become aware of preliminary evidence suggesting that duckbill N95 respirators, such as Halyard FLUIDSHIELD N95 respirators, may not maintain adequate fit to support reuse.[5]

As such, FDA can no longer conclude that it is reasonable to believe that Nova2200 may be effective in preventing HCP exposure to pathogenic biological airborne particulates. Additionally, based on this new information, FDA can no longer conclude that the known and potential benefits of the Nova2200 outweigh the known and potential risks of its use; thus, the criteria under section 564(c) of the Act for issuance of an EUA are no longer met. Moreover, based on the same information, and the potential risks to HCP from using decontaminated respirators with reduced fit and filtration performance, FDA has concluded under section 564(g)(2)(C) of the Act that other circumstances make revocation of this EUA appropriate to protect the public health or safety.

Accordingly, FDA hereby revokes EUA201745 for the Nova2200, pursuant to section 564(g)(2)(B) and section 564(g)(2)(C) of the Act. As of the date of this letter, the Nova2200 is no longer authorized for emergency use by FDA.

FDA encourages NovaSterilis Inc. to inform its customers of this revocation.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

Denise M. Hinton -S

Digitally signed by Denise M. Hinton -S
Date: 2021.02.12 15:47:03 -05'00'

RADM Denise M. Hinton
Chief Scientist
Food and Drug Administration

[4] Detailed test results can be found in the publicly-available test report at https://www.cdc.gov/niosh/npptl/respirators/testing/results/Decon_039_Redacted-508.pdf.
[5] Degesys NF, Wang RC, Kwan E, Fahimi J, Noble JA, Raven MC. Correlation Between N95 Extended Use and Reuse and Fit Failure in an Emergency Department. JAMA. 2020;324(1):94–96. doi:10.1001/jama.2020.9843.

Dated: March 24, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06711 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0262]

Food and Drug Administration Science Forum 2021; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the following virtual public workshop entitled ''FDA Science Forum 2021.'' The purpose of the public workshop is to inform the public about the groundbreaking science conducted at the Agency and to show how scientific research is used in FDA's regulatory decisions to protect and promote public health.

DATES: The public workshop will be held virtually on May 26, 2021 (Day 1), from 9 a.m. to 3:30 p.m. Eastern Time, and May 27, 2021 (Day 2), from 9 a.m. to 2 p.m. Eastern Time. See the

SUPPLEMENTARY INFORMATION section for registration date and information.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all participants will be joining this public workshop via an online teleconferencing platform.

FOR FURTHER INFORMATION CONTACT: Rokhsareh Shahidzadeh, Office of Scientific Professional Development, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2383, Silver Spring, MD 20993, 301–796–8740, *FDASciProDev@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FDA Science Forum is held biennially to inform the public about the groundbreaking science conducted at the Agency and to show how scientific research is used in FDA's regulatory decisions to protect and promote public health. Open to the public, industry, academia, patient advocates, government agencies, and current and potential collaborators, the 2-day event offers an opportunity to hear FDA scientific experts and nationally renowned scientists speak on a range of topics associated with regulatory science.

II. Topics for Discussion at the Public Workshop

The theme for the 2021 FDA Science Forum, ''Science as the Foundation for Protecting and Promoting Public Health'', will highlight areas of FDA research, including: (1) Improving clinical and postmarket evaluation; (2) substance use, misuse, and addiction; (3) product development and manufacturing; and (4) medical countermeasures, infectious disease, and pathogen-reduction technologies.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: *https://www.fda.gov/scienceforum.* Registration is free. Persons interested in attending this public workshop must register by May 21, 2021, by 5 p.m. Eastern Time. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Rokhsareh Shahidzadeh (see **FOR FURTHER INFORMATION CONTACT**) no later than May 21, 2021, by 5 p.m. Eastern Time.

Streaming Webcast of the Public Workshop: This public workshop will be streamed via a webcast only. To register for the webcast, please visit the following website: *https://www.fda.gov/scienceforum.* Participants interested in viewing via webcast must register by May 21, 2021, by 5 p.m. Eastern Time.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Dated: March 24, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06705 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–2306]

TG United, Inc., et al.; Withdrawal of Approval of 27 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of January 15, 2021. The document announced the withdrawal of approval of 27 abbreviated new drug applications (ANDAs) from multiple applicants as of February 16, 2021. The document indicated that FDA was withdrawing approval of the following three ANDAs after receiving a withdrawal request from Upsher-Smith Laboratories, LLC., 6701 Evenstad Dr., Maple Grove, MN 55369: ANDA 084041, Chlordiazepoxide Hydrochloride (HCl) Capsules, 10 milligrams (mg); ANDA 084678, Chlordiazepoxide HCl Capsules, 5 mg; and ANDA 084679, Chlordiazepoxide HCl Capsules, 25 mg. Before FDA withdrew the approval of these ANDAs, Upsher-Smith Laboratories, LLC., informed FDA that it did not want the approval of the ANDAs withdrawn. Because Upsher-Smith Laboratories, LLC., timely requested that approval of these ANDAs not be withdrawn, the approval of ANDAs 084041, 084678, and 084679 is still in effect. In addition, the document indicated that FDA was withdrawing approval of ANDA 206061, Pravastatin Sodium Tablets, 20 mg, 40 mg, and 80 mg, after receiving a request from Hisun Pharmaceutical (Hangzhou) Co., Ltd. However, the document published with the incorrect applicant name for ANDA 206061. This document corrects that error. All other information for ANDA 206061 remains the same.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993–0002, 240–402–6980, *Martha.Nguyen@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Friday, January 15, 2021 (86 FR 4081), appearing on page 4081 in FR Doc. 2021–00833, the following corrections are made on page 4082 in the table:

1. The entries for ANDAs 084041, 084678, and 084679 are removed.

2. In the third column, third item from the bottom, the applicant name ''Hisun Pharmaceuticals USA, Inc.'' is corrected to read ''Hisun Pharmaceuticals USA, Inc., U.S. Agent for Hisun Pharmaceutical (Hangzhou) Co., Ltd.'' for ANDA 206061.

Dated: March 29, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06745 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0270]

Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Endocrinologic and Metabolic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 27, 2021, from 9 a.m. to 5:30 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0270. The docket will close on May 26, 2021. Submit either electronic or written comments on this public meeting by May 26, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 26, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 26, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before May 13, 2021, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0270 for ''Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: LaToya Bonner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, email: *EMDAC@fda.hhs.gov,* 301–796–2855, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss the safety and efficacy of biologics license application (BLA) 761183, for teplizumab intravenous infusion, submitted by Provention Bio, Inc. The proposed indication is for the delay or prevention of clinical type 1 diabetes mellitus in at-risk (Stage 2) individuals.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the

appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before May 13, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 5, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 6, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact LaToya Bonner (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06708 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3023]

Determination of Regulatory Review Period for Purposes of Patent Extension; BIOMIMICS 3D VASCULAR STENT SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for BIOMIMICS 3D VASCULAR STENT SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by June 1, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 28, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 1, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 1, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–3023 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BIOMIMICS 3D VASCULAR STENT SYSTEM.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on

https://www.regulations.gov. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device BIOMIMICS 3D VASCULAR STENT SYSTEM. BIOMIMICS 3D VASCULAR STENT SYSTEM is indicated to improve luminal diameter in the treatment of symptomatic de novo or restenotic lesions in the native superficial femoral artery and/or proximal popliteal arteries, with reference vessel diameters ranging from 4.0 to 6.0 millimeters (mm) and lesion lengths up to 140 mm. Subsequent to this approval, the USPTO received a patent term restoration application for BIOMIMICS 3D VASCULAR STENT SYSTEM (U.S. Patent No. 9,314,353) from Veryan Medical Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 29, 2019, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of BIOMIMICS 3D VASCULAR STENT SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for BIOMIMICS 3D VASCULAR STENT SYSTEM is 1,234 days. Of this time, 973 days occurred during the testing phase of the regulatory review period, while 261 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption for this device, under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)), became effective:* May 21, 2015. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on February 18, 2010. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on May 21, 2015, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* January 17, 2018. FDA has verified the applicant's claim that the premarket approval application (PMA) for BIOMIMICS 3D VASCULAR STENT SYSTEM (PMA 180003) was initially submitted January 17, 2018.

3. *The date the application was approved:* October 4, 2018. FDA has verified the applicant's claim that PMA 180003 was approved on October 4, 2018.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 580 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: March 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–06709 Filed 3–31–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request; Federal Tort Claims Act Program Deeming Applications for Health Centers, 0906–0035, Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than May 3, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Federal Tort Claims Act Program Deeming Application for Health Centers, OMB No. 0906–0035—Extension.

Abstract: Section 224(g)-(n) of the Public Health Service (PHS) Act (42 U.S.C. 233(g)-(n)), as amended, authorizes the ''deeming'' of entities receiving funds under section 330 of the PHS Act as PHS employees for the purposes of receiving Federal Tort Claims Act (FTCA) coverage. The Health Center Program is administered by HRSA's Bureau of Primary Health Care. Health centers submit deeming applications annually to HRSA in the prescribed form and manner in order to obtain deemed PHS employee status, with the associated FTCA coverage.

Deemed PHS employment provides the covered individual with immunity from lawsuits and related civil actions resulting from the performance of medical, surgical, dental, and related functions within the scope of deemed employment.

The FTCA Program has a web-based application system, the Electronic Handbooks (EHBs). These electronic application forms decrease the time and effort required to complete the older, paper-based OMB approved FTCA application forms. The application includes: Contact Information; Section 1: Review of Risk Management Systems; Section 2: Quality Improvement/Quality Assurance (QI/QA) Attestations; Section 3: Credentialing and Privileging; Section 4: Claims Management; and Section 5: Additional Information, Certification, and Signatures.

HRSA is proposing no changes to the Application for Health Center Program Deemed Public Health Service Employment Status, to be used for Health Center deeming applications for Calendar Year 2021 and thereafter.

A 60-day notice published in the **Federal Register** on February 5, 2021, Vol. 86, No. 23; pp. 8364–65. There were no public comments.

Need and Proposed Use of the Information: Deeming applications must address certain specified criteria required by law in order for deeming determinations to be issued, and FTCA application forms are critical to HRSA's deeming determination process. This form provides HRSA with information that is essential for evaluating health center adherence to FTCA program requirements and making a determination as to whether a health center meets the statutory requirements for deemed PHS employee status for the purposes of FTCA coverage. The application information is also used to determine whether a site visit is appropriate to assess issues relating to the health center's quality of care and to determine technical assistance needs.

Likely Respondents: Respondents include Health Center Program funds recipients seeking deemed PHS employee status for purposes of FTCA coverage.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
FTCA Health Center Program Initial Application	35	1	35	2.5	87.5
FTCA Health Center Program Redeeming Application	1,125	1	1,125	2.5	2,812.5
Total	1,160		1,160		2,900.0

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–06690 Filed 3–31–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a virtual meeting. The meeting will be open to the public and public comment will be heard during the meeting.

DATES: The meeting will be held June 16–17, 2021. The confirmed meeting times and agenda will be posted on the NVAC website at *http://www.hhs.gov/nvpo/nvac/meetings/index.html* as soon as they become available.

ADDRESSES: Instructions regarding attending this meeting will be posted online at: *http://www.hhs.gov/nvpo/nvac/meetings/index.html* at least one week prior to the meeting. Pre-registration is required for those who wish to attend the meeting or participate in public comment. Please register at *http://www.hhs.gov/nvpo/nvac/meetings/index.html.*

FOR FURTHER INFORMATION CONTACT: Ann Aikin, Acting Designated Federal Officer, at the Office of Infectious Disease and HIV/AIDS Policy, U.S. Department of Health and Human Services, Mary E. Switzer Building, Room L618, 330 C Street SW, Washington, DC 20024. Email: *nvac@hhs.gov.* Phone: 202–695–9742.

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of HHS was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The NVAC was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the Program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

During this NVAC meeting, NVAC will hear presentations on vaccine safety, communication activities for COVID–19 vaccines, and immunization equity. Please note that agenda items are subject to change, as priorities dictate. Information on the final meeting agenda will be posted prior to the meeting on the NVAC website: *http://www.hhs.gov/nvpo/nvac/index.html.*

Members of the public will have the opportunity to provide comment at the NVAC meeting during the public comment period designated on the agenda. Public comments made during the meeting will be limited to three minutes per person to ensure time is allotted for all those wishing to speak. Individuals are also welcome to submit written comments in advance. Written comments should not exceed three pages in length. Individuals submitting comments should email their written comments or their request to provide a comment during the meeting to *nvac@hhs.gov* at least five business days prior to the meeting.

Ann Aikin,

Acting Designated Federal Official, Office of the Assistant Secretary for Health.

[FR Doc. 2021–06692 Filed 3–31–21; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine or Oral Fluid (Mandatory Guidelines).

FOR FURTHER INFORMATION CONTACT: Anastasia Donovan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); *Anastasia.Donovan@samhsa.hhs.gov* (email).

SUPPLEMENTARY INFORMATION: In accordance with Section 9.19 of the Mandatory Guidelines, a notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *https://www.samhsa.gov/workplace/resources/drug-testing/certified-lab-list.*

The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and of the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020.

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three

rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards. HHS does not allow IITFs to conduct oral fluid testing.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid dated October 25, 2019 (84 FR 57554), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Cordant Health Solutions, 2617 East L Street, Tacoma, WA 98421, 800–442–0438 (Formerly: STERLING Reference Laboratories)

Desert Tox, LLC, 5425 E Bell Rd., Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare,* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street Southaven, MS 38671 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Legacy Laboratory Services Toxicology, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

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* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Anastasia Marie Donovan,

Policy Analyst.

[FR Doc. 2021–06694 Filed 3–31–21; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer at (240) 276–0361.

Project: New Survey of Behavioral Health Workforce Employers, Part of the Mental and Substance Use Disorder Practitioner Data Grant Funded by SAMHSA, Grant Number H79FG000028

SAMHSA is requesting from the Office of Management and Budget (OMB) approval to administer two surveys being developed as part of the Mental and Substance Use Disorder Practitioner Data grant: (1) A one-time survey to employers of behavioral health providers and, (2) a one-time survey of licensed clinical behavioral health providers. The information gathered by these surveys will be used to gain critical new insights into, and to document, challenges in recruiting and retaining behavioral health staffing and to assess the strength of available data on the clinical behavioral health workforce actively providing care for mental health and substance use disorders.

Employer Survey

The survey includes questions to assess the following measures: Facility type (*e.g.,* outpatient facility, inpatient, residential); type of behavioral health staff employed (*e.g.,* addiction medicine specialists, psychiatric Nurse Practitioners, marriage and family therapists); services offered (*e.g.,* assertive community treatment, partial hospitalization); roles and training needs of peer support specialists, case managers, care managers, and pharmacists (*e.g.,* certification, population served, paid status, reimbursement); professions with recruitment and retention challenges (*e.g.,* select from list of professions); reasons behind the challenges (*e.g.,* low wages, high case load) and work-arounds (*e.g.,* use of locum tenens); average wait-time for appointments (*e.g.,* new patient visits); staffing needed to address gaps in care (*e.g.,* estimated FTEs needed by profession type); use of telehealth (*e.g.,* percent of visits); patient mix (*e.g.,* immigrants, LGBTQ communities, number of clients); and form of payment (*e.g.,* percent commercial, Medicaid, self-pay). The survey will be administered online through Qualtrics. The target population will be the 2,800 member organizations of the National Council of Behavioral Health (NCBH). NCBH members are healthcare organizations and management entities that offer treatment and supports to more than ten million adults and children living with mental illnesses and addictions.

The primary objectives of the survey are to:

- Better understand factors associated with challenges in both recruitment and retention at behavioral health provider organizations such as certified community behavioral health clinics, community health centers and other organizations that employ providers engaged in treating substance use disorder and mental illness.
- Estimate the workforce needed to better address gaps in care for mental health and substance use disorder.
- Obtain new insights on staffing models for treatment of serious mental illness, such as assertive community treatment.
- Collect new data on use of peer support specialists, care coordinators, and pharmacists in behavioral health care.

Provider Survey

The survey will provide important data to inform understanding regarding how many licensed clinical behavioral health specialists (licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors) are seeing clients for behavioral health needs and the populations served. The survey includes questions to assess the following measures: demographics (*e.g.,* age, race/ethnicity, sex); professional and practice setting (*e.g.,* self-employed, outpatient mental health clinic, zip code, hours worked); level of education (*e.g.,* Masters in Social Work, Doctorate in Social Work); types of services provided (*e.g.,* assertive community treatment); number of and type clients served (*e.g.,* Medicaid, Medicare, veteran, immigrants); telehealth use (*e.g.,* current or prior to COVID–19 outbreak); and career satisfaction and burnout (*e.g.,* very satisfied, ''I enjoy my work, I have no symptoms of burnout'').

The target population will be a random sample of 5,000 licensed clinical behavioral health providers (licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors) in states where email addresses are available with state licensure data.

The primary objectives of the survey are to:

- Assess whether state licensure data is a reliable data source for building a comprehensive database on clinical behavioral health practitioners who are actively providing client services that require licensure.
- These data will also help program planners and policy makers to better understand the available supply of clinical behavioral health providers, including those seeing Medicaid or uninsured clients, and variation in types of services provided by each profession.

EXHIBIT 1—TOTAL ESTIMATED ANNUALIZED BURDEN BY INSTRUMENT

Type of participant activity	Number of participants	Responses per participant	Total responses	Hours per response	Total burden hours	Wage rate	Total hour cost
Employer Survey	2,800	1	2,800	.25	700	$21.79	$15,253
Provider Survey	5,000	1	5,000	.25	1,250	21.79	27,237.50
Total	7,800		7,800		1,950		42,490.50

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.

Jennifer Wilson,
Budget Analyst.

[FR Doc. 2021–06700 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0007]

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Notice of FY 2022 Arrangement

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency announces the Fiscal Year 2022 Financial Assistance/Subsidy Arrangement for private property insurers interested in participating in the National Flood Insurance Program's Write Your Own Program.

DATES: Interested insurers must submit intent to subscribe or re-subscribe to the Arrangement by June 30, 2021.

FOR FURTHER INFORMATION CONTACT: Sarah Devaney Ice, Federal Insurance and Mitigation Administration, FEMA, 400 C St. SW, Washington, DC 20472 (mail); (202) 320–5577 (phone); or *sarah.devaney-ice@fema.dhs.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Background

The National Flood Insurance Act of 1968 (NFIA) (42 U.S.C. 4001 *et seq.*) authorizes the Administrator of the Federal Emergency Management Agency (FEMA) to establish and carry out a National Flood Insurance Program (NFIP) to enable interested persons to purchase flood insurance. *See* 42 U.S.C. 4011(a). Under the NFIA, FEMA may use insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations as fiscal agents of the United States to help it carry out the NFIP. *See* 42 U.S.C. 4071. To this end, FEMA may ''enter into any contracts, agreements, or other appropriate arrangements'' with private insurance companies to use their facilities and services in administering the NFIP on such terms and conditions as they agree upon. *See* 42 U.S.C. 4081(a).

Pursuant to this authority, FEMA enters into a standard Financial Assistance/Subsidy Arrangement (Arrangement) with private sector property insurers, also known as Write Your Own (WYO) companies, to sell NFIP flood insurance policies under their own names and adjust and pay claims arising under the Standard Flood Insurance Policy (SFIP). Each Arrangement entered into by a WYO company must be in the form and substance of the standard Arrangement, a copy of which is published in the **Federal Register** annually, at least 6 months prior to becoming effective. *See* 44 CFR 62.23(a). To learn more about FEMA's WYO Program, please visit *https://nfipservices.floodsmart.gov/write-your-own-program.*

II. Notice of Availability

Insurers interested in participating in the WYO Program for Fiscal Year 2022 must contact Sarah Devaney Ice at *sarah.devaney-ice@fema.dhs.gov* by June 30, 2021.

Prior participation in the WYO Program does not guarantee FEMA will approve continued participation. FEMA will evaluate requests to participate in light of publicly available information, industry performance data, and other criteria listed in 44 CFR 62.24 and the FY 2022 Arrangement, copied below. FEMA encourages private insurance companies to supplement this information with customer satisfaction surveys, industry awards or recognition, or other objective performance data. In addition, private insurance companies should work with their vendors and subcontractors involved in servicing and delivering their insurance lines to ensure FEMA receives the information necessary to effectively evaluate the criteria set forth in its regulations.

FEMA will send a copy of the offer for the FY 2022 Arrangement, together with related materials and submission instructions, to all private insurance companies successfully evaluated by the NFIP. If FEMA, after conducting its evaluation, chooses not to renew a Company's participation, FEMA, at its option, may require the continued performance of all or selected elements of the FY 2021 Arrangement for a period required for orderly transfer or cessation of the business and settlement of accounts, not to exceed 18 months. *See* FY 2021 Arrangement, Article V.C. All evaluations, whether successful or unsuccessful, will inform both an overall assessment of the WYO Program and any potential changes FEMA may consider regarding the Arrangement in future fiscal years.

Any private insurance company with questions may contact FEMA at: Sarah Devaney Ice, Federal Insurance and Mitigation Administration, FEMA, 400 C St. SW, Washington, DC 20472 (mail); (202) 320–5577 (phone); or *sarah.devaney-ice@fema.dhs.gov* (email).

III. Fiscal Year 2022 Arrangement

Pursuant to 44 CFR 62.23(a), FEMA must publish the Arrangement at least six months prior to the Arrangement becoming effective. The FY 2022 Arrangement provided below is substantially similar to the previous year's Arrangement, but includes the following substantive changes:

1. Reframed Article I from a list of nonbinding recitations to generally applicable, binding provisions. Some recitations were incorporated into other articles that align with the recitation's subject-matter.
2. Removed references to ''certified mail'' to allow parties greater flexibility to use other communication methods.
3. In Article II.D.1 (Cancellation by FEMA), added two additional reasons that FEMA may cancel the Arrangement. First, FEMA has grounds to cancel the Arrangement if a company fails to maintain compliance with WYO company participation criteria at 44 CFR 62.24, such as the requirement for WYO companies to be state licensed property insurance companies. Second, FEMA will be able to terminate the Arrangement for conduct ''so serious or compelling a nature that it affects the Company's present responsibility.''
4. In Article III.A.4 (Operations Plan), WYO companies will be required to submit a Customer Service Plan.
5. In Article III.A.4.e, FEMA is providing additional guidance on the expected contents of the previously required Catastrophic Claims Handling Plan.
6. In Article III.A.4.h, FEMA is replacing the requirement for WYO companies to submit a Technology Plan with the requirement to submit a System Security Plan based on either the National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 ''Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations,'' Revision 2, *https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final,* ISO/IEC 27001, *https://www.iso.org/isoiec-27001-information-security.html,* or another comparable standard.
7. In Article III.B (Time Standards), clarified that not all tasks subject to time standards requiring mailing a document and other clarifying changes.

8. In Article III.E.2, clarified that the existing clear communication requirement applies to all non-NFIP insurance policies that cover flooding, not just single-peril flood insurance policies. Also broadened the existing data protection requirement to prohibit the use of confidential information for any purpose outside the scope of the Arrangement.

9. Added Article III.K (System for Award Management) to require WYO companies to register in the System for Award Management and maintain such registration.

10. Added Article III.L (Cybersecurity) to require WYO companies to implement IT security standards specified by National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 ''Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations,'' *https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final.* In lieu of full compliance with this standard, WYO companies may choose to show compliance with other comparable standards, such as ISO/IEC 27001, *https://www.iso.org/isoiec-27001-information-security.html,* or to provide FEMA a plan of action that describes how unimplemented security requirements of NIST SP 800–171, rev. 2 will be met and how any planned mitigations will be implemented.

11. In Article IV.C.3, clarifies that requests for reimbursement of subrogation expenses are subject to guidelines issued by FEMA.

12. In Article IV.D.3 (Oversight of Litigation), adds statement from Article I that any litigation resulting from, related to, or arising from the Company's compliance with the written standards, procedures, and guidance issued by FEMA arises under the National Flood Insurance Act of 1968 or regulations, and such legal issues raise a Federal question.

13. Adds Article IV.D.3.d (Customary Business Practices), which makes clear that WYO companies must oversee litigation arising under the Arrangement using the customary business practices for the oversight of litigation arising under the Company's property and casualty lines of insurance not sold under the Arrangement, including billing rates and standards.

14. Adds Article IV.F (Suspension and Debarment), which prohibits WYO companies from using the services of persons suspended or debarred by the Federal Government.

15. In Article V.A and Article VI.A, replaces the requirement for FEMA to establish Letters of Credit that WYO companies may draw on to a more flexible requirement requiring FEMA enable WYO companies to draw on the National Flood Insurance Fund without specifying the specific method.

16. Adds Article VI.E, which requires WYO companies to comply with the False Claims Act.

17. In Article XI (Equal Opportunity), conforms the non-discrimination requirements with the 2020 DHS Standard Terms and Conditions for Grants.

18. Adds Article XII.C (Nondisclosure by Company), which requires WYO companies to protect the confidentiality of non-public information.

The Fiscal Year 2022 Arrangement reads as follows:

Financial Assistance/Subsidy Arrangement

Article I. General Provisions

A. Parties. The parties to the Financial Assistance/Subsidy Arrangement are the Federal Emergency Management Agency (FEMA) and the Company.

B. Purpose. The purpose of this Financial Assistance/Subsidy Arrangement is to authorize the Company to sell and service flood insurance policies made available through the National Flood Insurance Program and adjust and pay claims arising under such policies as fiscal agents of the Federal Government.

C. Authority. This Financial Assistance/Subsidy Arrangement is authorized under the National Flood Insurance Act of 1968 (NFIA) (42 U.S.C. 4001 *et seq.*), and in particular, section 1345(a) of the NFIA (42 U.S.C. 4081(a)), as implemented by 44 CFR 62.23 and 62.24.

Article II. Commencement and Termination

A. The effective period of this Arrangement begins on October 1, 2021, and terminates no earlier than September 30, 2022, subject to extension pursuant to Articles II.C and II.G. FEMA may provide financial assistance only for policy applications and endorsements accepted by the Company during this period pursuant to the Program's effective date, underwriting, and eligibility rules.

B. Pursuant to 44 CFR 62.23(a), FEMA will publish the Arrangement and the terms for subscription or re-subscription for Fiscal Year 2023 in the **Federal Register** no later than April 1, 2022. Upon such publication, the Company must notify FEMA of its intent to re-subscribe or not re-subscribe to the WYO Program for the following term within ninety (90) calendar days.

C. In addition to the requirements of Article II.B, in order to ensure uninterrupted service to policyholders, the Company must notify FEMA within thirty (30) calendar days of when the Company elects not to re-subscribe to the WYO Program during the term of this Arrangement. If so notified, or if FEMA chooses not to renew the Company's participation, FEMA, at its option, may require the continued performance of all or selected elements of this Arrangement for the period required for orderly transfer or cessation of business and settlement of accounts, not to exceed eighteen (18) months after the end of this Arrangement (September 30, 2022), and may either require transfer of activities to FEMA under Article II.C.1 or allow transfer of activities to another WYO company under Article II.C.2:

1. FEMA may require the Company to transfer all activities under this Arrangement to FEMA. Within thirty (30) calendar days of FEMA's election of this option, the Company must deliver to FEMA the following:

a. A plan for the orderly transfer to FEMA of any continuing responsibilities in administering the policies issued by the Company under the Program including provisions for coordination assistance.

b. All data received, produced, and maintained through the life of the Company's participation in the Program, including certain data, as determined by FEMA, in a standard format and medium.

c. All claims and policy files, including those pertaining to receipts and disbursements that have occurred during the life of each policy. In the event of a transfer of the services provided, the Company must provide FEMA with a report showing, on a policy basis, any amounts due from or payable to policyholders, agents, brokers, and others as of the transition date.

d. All funds in its possession with respect to any policies transferred to FEMA for administration and the unearned expenses retained by the Company.

e. A point of contact within the Company responsible for addressing issues that may arise from the Company's previous participation under the WYO Program.

2. FEMA may allow the Company to transfer all activities under this Arrangement to one or more other WYO companies. Prior to commencing such transfer, the Company must submit, and FEMA must approve, a formal request. Such request must include the following:

a. An assurance of uninterrupted service to policyholders.

b. A detailed transfer plan providing for either: (1) The renewal of the Company's NFIP policies by one or more other WYO companies; or (2) the transfer of the Company's NFIP policies to one or more other WYO companies.

c. A description of who the responsible party will be for liabilities relating to losses incurred by the Company in this or preceding Arrangement years.

d. A point of contact within the Company responsible for addressing issues that may arise from the Company's previous participation under the WYO Program.

D. Cancellation by FEMA.

1. FEMA may cancel financial assistance under this Arrangement in its entirety upon thirty (30) calendar days written notice to the Company stating one or more of the following reasons for such cancellation:

a. Fraud or misrepresentation by the Company subsequent to the inception of the Arrangement; or

b. Nonpayment to FEMA of any amount due; or

c. Material failure to comply with the requirements of this Arrangement or with the written standards, procedures, or guidance issued by FEMA relating to the NFIP and applicable to the Company.

d. Failure to maintain compliance with WYO company participation criteria at 44 CFR 62.24.

e. Any other cause so serious or compelling a nature that affects the Company's present responsibility.

2. If FEMA cancels this Arrangement pursuant to Article II.D.1, FEMA may require the transfer of administrative responsibilities and the transfer of data and records as provided in Article II.C.1.a–d. If transfer is required, the Company must remit to FEMA the unearned expenses retained by the Company. In such event, FEMA will assume all obligations and liabilities owed to policyholders under such policies, arising before and after the date of transfer.

3. As an alternative to the transfer of the policies to FEMA pursuant to Article II.D.2, FEMA will consider a proposal, if it is made by the Company, for the assumption of responsibilities by another WYO company as provided in Article II.C.2.

E. In the event that the Company is unable or otherwise fails to carry out its obligations under this Arrangement by reason of any order or directive duly issued by the Department of Insurance of any jurisdiction to which the Company is subject, the Company agrees to transfer, and FEMA will accept, any and all WYO policies issued by the Company and in force as of the date of such inability or failure to perform. In such event FEMA will assume all obligations and liabilities within the scope of the Arrangement owed to policyholders arising before and after the date of transfer, and the Company will immediately transfer to FEMA all needed records and data and all funds in its possession with respect to all such policies transferred and the unearned expenses retained by the Company. As an alternative to the transfer of the policies to FEMA, FEMA will consider a proposal, if it is made by the Company, for the assumption of responsibilities by another WYO company as provided by Article II.C.2.

F. In the event the Act is amended, repealed, expires, or if FEMA is otherwise without authority to continue the Program, FEMA may cancel financial assistance under this Arrangement for any new or renewal business, but the Arrangement will continue for policies in force that shall be allowed to run their term under the Arrangement.

G. If FEMA does not publish the Fiscal Year 2023 Arrangement in the **Federal Register** on or before April 1, 2022, then FEMA may require the continued performance of all or selected elements of this Arrangement through December 31, 2023, but such extension may not exceed the expiration of the six (6) month period following publication of the Fiscal Year 2023 Arrangement in the **Federal Register**.

Article III. Undertakings of the Company

A. Responsibilities of the Company.

1. Policy Issuance and Maintenance. The Company must meet all requirements of the Financial Control Plan and any guidance issued by FEMA. The Company is responsible for the following:

a. Compliance with Rating Procedures.

b. Eligibility Determinations.

c. Policy Issuances.

d. Policy Endorsements.

e. Policy Cancellations.

f. Policy Correspondence.

g. Payment of Agents' Commissions.

h. Fund Management, including the receipt, recording, disbursement, and timely deposit of NFIP funds.

2. Claims Processing.

a. In general. The Company must process all claims consistent with the Standard Flood Insurance Policy, Financial Control Plan, Claims Manual, other guidance adopted by FEMA, and as much as possible, with the Company's standard business practices for its non-NFIP policies.

b. Adjuster registration. The Company may not use an independent adjuster to adjust a claim unless the independent adjuster:

i. Holds a valid Flood Control Number issued by FEMA; or

ii. Participates in the Flood Adjuster Capacity Program.

c. Claim reinspections. The Company must cooperate with any claim reinspection by FEMA.

3. Reports. The Company must certify its business under the WYO Program through monthly financial reports in accordance with the requirements of the Pivot Use Procedures. The Company must follow the Financial Control Plan and the WYO Accounting Procedures Manual. FEMA will validate and audit, in detail, these data and compare the results against Company reports.

4. Operations Plan. Within ninety (90) calendar days of the commencement of this Arrangement, the Company must submit a written Operations Plan to FEMA describing its efforts to perform under this Arrangement. The plan must include the following:

a. Private Flood Insurance Separation Plan. If applicable, a description of the Company's policies, procedures, and practices separating their NFIP flood insurance lines of business from their non-NFIP flood insurance lines of business, including its implementation of Article III.E.

b. Marketing Plan. A marketing plan describing the Company's forecasted growth, efforts to achieve that growth, and ability to comply with any marketing guidelines provided by FEMA.

c. Customer Service Plan. A description of overall customer service practices, including ongoing and planned improvement efforts.

d. Distribution Plan. A description of the Company's NFIP flood insurance distribution network, including anticipated numbers of agents, efforts to train those agents, and an average rate of commissions paid to producers by state.

e. Catastrophic Claims Handling Plan. A catastrophic claims handling plan describing how the Company will respond and maintain service standards in catastrophic flood events, including:

1. Deploying mobile or temporary claims centers to provide immediate policyholder assistance, including submission of notice of loss and claim status information.

2. Preparing people, processes, and tools for claims processing in remote work scenarios.

3. Preparing communications in advance for readiness throughout the year including a suite of printed and digital materials (*e.g.,* advertisements, educational materials, social media messaging, website blogs and announcements) that provide key messaging to stakeholders, including policyholders, agents, and the public following a catastrophic flood event.

4. Identifying the core areas of information technology that need to be scaled pre-event or are scalable post-event.

f. Business Continuity Plan. A business continuity plan identifying threats and risks facing the Company's NFIP-related operations and how the Company will maintain operations in the event of a disaster affecting its operational capabilities.

g. Privacy Protection Plan. A privacy protection plan that describes the Company's standards for using and maintaining personally identifiable information.

h. System Security Plan. A system security plan that describes system boundaries, system environments of operation, how security requirements are implemented, and the relationships with or connections to other systems, including plans of action that describe how unimplemented security requirements will be met and how any planned mitigations will be implemented, prepared in accordance with either:

National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 ''Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations,'' Revision 2, *https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final;* or

Another comparable standard deemed acceptable by FEMA.

B. Time Standards. WYO companies must meet the time standard provided below. Time will be measured from the date of receipt through the date the task is completed. In addition to the standards set forth below, all functions performed by the Company must be in accordance with the highest reasonably attainable quality standards generally used in the insurance and data processing field. Applicable time standards are:

1. Application Processing—fifteen (15) business days (Note: If the policy cannot be sent due to insufficient or erroneous information or insufficient funds, the Company must send a request for correction or added moneys within ten (10) business days).

2. Renewal processing—seven (7) business days.

3. Endorsement processing—fifteen (15) business days.

4. Cancellation processing—fifteen (15) business days.

5. File examination—seven (7) business days from the day the Company receives the final report.

6. Claims draft processing—seven (7) business days from completion of file examination.

7. Claims adjustment—forty-five (45) calendar days average from the receipt of Notice of Loss (or equivalent) through completion of examination.

8. Upload transactions to PIVOT—one (1) business day.

C. Policy Issuance.

1. The flood insurance subject to this Arrangement must be only that insurance written by the Company in its own name pursuant to the Act.

2. The Company must issue policies under the regulations prescribed by FEMA, in accordance with the Act, on a form approved by FEMA.

3. The Company must issue all policies in consideration of such premiums and upon such terms and conditions and in such states or areas or subdivisions thereof as may be designated by FEMA and only where the Company is licensed by State law to engage in the property insurance business.

D. Lapse of Authority or Appropriation. FEMA may require the Company to discontinue issuing policies subject to this Arrangement immediately in the event Congressional authorization or appropriation for the NFIP is withdrawn.

E. Separation of Finances and Other Lines of Flood Insurance.

1. The Company must separate Federal flood insurance funds from all other Company accounts, at a bank or banks of its choosing for the collection, retention and disbursement of Federal funds relating to its obligation under this Arrangement, less the Company's expenses as set forth in Article IV. The Company must remit all funds not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual.

2. Other Undertakings of the Company.

a. Clear communication. If the Company also offers insurance policies covering the peril of flood outside of the NFIP in any geographic area in which Program authorizes the purchase of flood insurance, the Company must ensure that all public communications (whether written, recorded, electronic, or other) regarding non-NFIP insurance lines would not lead a reasonable person to believe that the NFIP, FEMA, or the Federal Government in any way endorses, sponsors, oversees, regulates, or otherwise has any connection with the non-NFIP insurance line. The Company may assure compliance with this requirement by prominently including in such communications the following statement: ''This insurance product is not affiliated with the National Flood Insurance Program.''

b. Data protection. The company may not use non-public data, information, or resources obtained in course of executing this Arrangement to further or support any activities outside the scope of this Arrangement.

F. Claims. The Company must investigate, adjust, settle, and defend all claims or losses arising from policies issued under this Arrangement. Payment of flood insurance claims by the Company bind FEMA, subject to appeal.

G. Compliance with Agency Standards and Guidelines.

1. The Company must comply with the Act, regulations, written standards, procedures, and guidance issued by FEMA relating to the NFIP and applicable to the Company, including, but not limited to the following:

a. Financial Control Plan.

b. Pivot Use Procedures.

c. Flood Insurance Manual.

d. Claims Manual.

e. National Flood Insurance Program Litigation Manual.

f. WYO Accounting Procedures Manual.

g. WYO Bulletins.

2. The Company must market flood insurance policies in a manner consistent with marketing guidelines established by FEMA.

3. FEMA may require the Company to collect customer service information to monitor and improve their program delivery.

4. The Company must notify its agents of the requirement to comply with State regulations regarding flood insurance agent education, notify agents of flood insurance training opportunities, and assist FEMA in periodic assessment of agent training needs.

H. Compliance with Appeals Process.

1. In general. FEMA will notify the Company when a policyholder files an appeal. After notification, the Company must provide FEMA the following information:

a. All records created or maintained pursuant to this Arrangement requested by FEMA; and

b. A comprehensive claim file synopsis, redacted of personally identifiable information, that includes a summary of the appeal issues, the Company's position on each issue, and

any additional relevant information. If, in the process of writing the synopsis, the Company determines that it can address the issue raised by the policyholder on appeal without further direction, it must notify FEMA. The Company will then work directly with the policyholder to achieve resolution and update FEMA upon completion. The Company may have a claims examiner review the file who is independent from the original decision and who possesses the authority to overturn the original decision if the facts support it.

2. Cooperation. The Company must cooperate with FEMA throughout the appeal process until final resolution. This includes adhering to any written appeals guidance issued by FEMA.

3. Resolution of Appeals. FEMA will close an appeal when:

a. FEMA upholds the denial by the Company;

b. FEMA overturns the denial by the Company and all necessary actions that follow are completed;

c. The Company independently resolves the issue raised by the policyholder without further direction;

d. The policyholder voluntarily withdraws the appeal; or

e. The policyholder files litigation.

4. Processing of Additional Payments from Appeal. The Company must follow established NFIP adjusting practices and claim handling procedures for appeals that result in additional payment to a policyholder when FEMA does not explicitly direct such payment during the review of the appeal.

5. Time Standards.

a. Provide FEMA with requested files pursuant to Article III.H.1.a—ten (10) business days after request.

b. Provide FEMA with comprehensive claim file synopsis pursuant to Article III.H.1.b—ten (10) business days after request.

c. Responding to inquiries from FEMA regarding an appeal—ten (10) business days after inquiry.

d. Inform FEMA of any litigation filed by a policyholder with a current appeal—ten (10) business days of notice.

I. Subrogation.

1. In general. Consistent with Federal law and guidance, the Company must use its customary business practices when pursuing subrogation.

2. Referral to FEMA. Pursuant to 44 CFR 62.23(i)(8), in lieu of the Company pursuing a subrogation claim, WYO companies may refer such claims to FEMA.

3. Notification. No more than ten (10) calendar days after either the Company identifies a possible subrogation claim or FEMA notifies the Company of a possible subrogation claim, the Company must notify FEMA of its intent to pursue the claim or refer the claim to FEMA.

4. Cooperation. Pursuant to 44 CFR 62.23(i)(11), the Company must extend reasonable cooperation to FEMA's Office of the Chief Counsel on matters related to subrogation.

J. Access to Records. The Company must furnish to FEMA such summaries and analysis of information including claim file information and property address, location, and/or site information in its records as may be necessary to carry out the purposes of the Act, in such form as FEMA, in cooperation with the Company, will prescribe.

K. System for Award Management. The Company must be registered in the System for Award Management. Such registration must have an active status during the period of performance under this Arrangement. The Company must ensure that its SAM registration is accurate and up to date.

L. Cybersecurity.

1. In general. Unless the Company uses a compliance alternative pursuant to Article III.L.2, the Company must implement the security requirements specified by National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171 ''Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations'', Revision 2 (*https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final*) for any system that processes, stores, or transmits information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, this Arrangement, or other applicable requirements, including information protected pursuant to Article XII.C and personally identifiable information of NFIP applicants and policyholders. Such implementation must be validated by a third-party assessment organization.

2. Compliance alternatives. In lieu of compliance with Article IV.L.1, the Company may either:

a. Provide FEMA with documentation that the Company is securing the systems subject to the requirements of Article III.L.1 with either:

1. ISO/IEC 27001, *https://www.iso.org/isoiec-27001-information-security.html;*

2. NIST Cybersecurity Framework, *https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final;*

3. Cybersecurity Maturity Model Certification (CMMC), *https://www.acq.osd.mil/cmmc/;*

4. Service and Organization Controls (SOC) 2, *https://www.aicpa.org/interestareas/frc/assuranceadvisoryservices/sorhome.html;* or

5. Another comparable standard deemed acceptable by FEMA;

b. Provide a plan of action that describes how unimplemented security requirements of NIST SP 800–171, rev. 2, (*https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final*) will be met and how any planned mitigations will be implemented as part of the system security plan required under Article III.A.4.h.

Article IV. Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds

A. The Company is liable for operating, administrative, and production expenses, including any State premium taxes, dividends, agents' commissions or any other expense of whatever nature incurred by the Company in the performance of its obligations under this Arrangement but excluding other taxes or fees, such as municipal or county premium taxes, surcharges on flood insurance premium, and guaranty fund assessments.

B. Payment for Selling and Servicing Policies.

1. Operating and Administrative Expenses. The Company may withhold, as operating and administrative expenses, other than agents' or brokers' commissions, an amount from the Company's written premium on the policies covered by this Arrangement in reimbursement of all of the Company's marketing, operating, and administrative expenses, except for allocated and unallocated loss adjustment expenses described in Article IV.C. This amount will equal the sum of the average industry expenses ratios for ''Other Act.,'' ''Gen. Exp.'' And ''Taxes'' calculated by aggregating premiums and expense amounts for each of five property coverages using direct premium and expense information to derive weighted average expense ratios. For this purpose, FEMA will use data for the property/casualty industry published, as of March 15 of the prior Arrangement year, in Part III of the Insurance Expense Exhibit in A.M. Best Company's Aggregates and Averages for the following five property coverages: Fire, Allied Lines, Farmowners Multiple Peril, Homeowners Multiple Peril, and Commercial Multiple Peril (non-liability portion).

2. Agent Compensation. The Company may retain fifteen (15) percent of the Company's written premium on

the policies covered by this Arrangement as the commission allowance to meet the commissions or salaries of insurance agents, brokers, or other entities producing qualified flood insurance applications and other related expenses.

3. Growth Bonus. FEMA may increase the amount of expense allowance retained by the Company depending on the extent to which the Company meets the marketing goals for the Arrangement year contained in marketing guidelines established pursuant to Article III.G.2. The total growth bonuses paid to companies pursuant to this Arrangement may not exceed two (2) percent of the aggregate net written premium collected by all WYO companies. FEMA will pay the Company the amount of any increase after the end of the Arrangement year.

4. Reimbursement for Services of a National Rating Organization. The Company, with the consent of FEMA as to terms and costs, may use the services of a national rating organization, licensed under state law, to help us undertake and carry out such studies and investigations on a community or individual risk basis, and to determine equitable and accurate estimates of flood insurance risk premium rates as authorized under the Act, as amended. FEMA will reimburse the Company for the charges or fees for such services under the provisions of the WYO Accounting Procedures Manual.

C. FEMA will reimburse Loss Adjustment Expenses as follows:

1. FEMA will reimburse unallocated loss adjustment expenses to the Company pursuant to a ''ULAE Schedule'' coordinated with the Company and provided by FEMA.

2. FEMA will reimburse allocated loss adjustment expenses to the Company pursuant to a ''Fee Schedule'' coordinated with the Company and provided by FEMA. To ensure the availability of qualified insurance adjusters during catastrophic flood events, FEMA may, in its sole discretion, temporarily authorize the use of an alternative Fee Schedule with increased amounts during the term of this Arrangement for losses incurred during a time frame and geographic area established by FEMA.

3. FEMA will reimburse special allocated loss expenses and subrogation expenses reimbursable under 44 CFR 62.23(i)(8) to the Company in accordance with guidelines issued by FEMA.

D. Loss Payments.

1. The Company must make loss payments for flood insurance policies from federal funds retained in the bank account(s) established under Article III.E.1 and, if such funds are depleted, from Federal funds withdrawn from the National Flood Insurance Fund pursuant to Article V.

2. Loss payments include payments because of litigation that arises under the scope of this Arrangement, and the Authorities set forth herein. All such loss payments and related expenses must meet the documentation requirements of the Financial Control Plan and of this Arrangement, and the Company must comply with the litigation documentation and notification requirements established by FEMA. Failure to meet these requirements may result in FEMA's decision not to provide reimbursement.

3. Oversight of Litigation.

a. Any litigation resulting from, related to, or arising from the Company's compliance with the written standards, procedures, and guidance issued by FEMA arises under the National Flood Insurance Act of 1968 or regulations, and such legal issues raise a Federal question.

b. The Company must conduct litigation arising out of the Company's participation in the NFIP in accordance with the National Flood Insurance Program Litigation Manual.

c. FEMA will not reimburse the Company for any award or judgment for damages and any costs to defend litigation that is either:

1. Grounded in actions by the Company that are significantly outside the scope of this Arrangement; or

2. Involves issues of agent negligence.

d. Customary Business Practices. Unless otherwise directed by FEMA, the Company must oversee litigation arising under this Arrangement using its customary business practices for the oversight of litigation arising under the Company's property and casualty lines of insurance not sold under this Arrangement, including billing rates and standards.

E. Refunds. The Company must make premium refunds required by FEMA to applicants and policyholders from Federal flood insurance funds referred to in Article II.E.1, and, if such funds are depleted, from funds derived by withdrawing from the National Flood Insurance Fund pursuant to Article V. The Company may not refund any premium to applicants or policyholders in any manner other than as specified by FEMA since flood insurance premiums are funds of the Federal Government.

F. Suspension and Debarment.

1. In general. The Company may not contract with or employ any person who is suspended or debarred from participating in federal transactions pursuant to 2 CFR part 180 (covering federal nonprocurement transactions) or 48 CFR part 9, subpart 9.4 (covering federal procurement transactions) in relation to this Arrangement.

2. Reimbursement. FEMA will not reimburse the company for any expenses incurred in violation of Article IV.F.1.

3. Compliance. The Company may ensure compliance with Article IV.F.1 by:

a. Checking the System for Awards Management at *sam.gov*;

b. Collecting a certification from that person; or

c. Adding a clause or condition to the transaction with that person.

Article V. Undertakings of the Government

A. FEMA must enable the Company to withdraw funds from the National Flood Insurance Fund daily, if needed, pursuant to prescribed procedures implemented by FEMA. FEMA will increase the amounts of the authorizations as necessary to meet the obligations of the Company under Article IV.C–E. The Company may only request funds when net premium income has been depleted. The timing and amount of cash advances must be as close as is administratively feasible to the actual disbursements by the recipient organization for allowable expenses. Request for payment may not ordinarily be drawn more frequently than daily. The Company may withdraw funds from the National Flood Insurance Fund for any of the following reasons:

1. Payment of claims, as described in Article IV.D;

2. Refunds to applicants and policyholders for insurance premium overpayment, or if the application for insurance is rejected or when cancellation or endorsement of a policy results in a premium refund, as described in Article IV.E; and

3. Allocated and unallocated loss adjustment expenses, as described in Article IV.C.

B. FEMA must provide technical assistance to the Company as follows:

1. NFIP policy and history.

2. Clarification of underwriting, coverage, and claims handling.

3. Other assistance as needed.

C. FEMA must provide the Company with a copy of all formal written appeal decisions conducted in accordance with Section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, Public Law 108–264 and 44 CFR 62.20.

D. Prior to the end of the Arrangement period, FEMA may provide the

Company a statistical summary of their performance during the signed Arrangement period. This summary will detail the Company's performance individually, as well as compare the Company's performance to the aggregate performance of all WYO companies and the NFIP Direct Servicing Agent.

Article VI. Cash Management and Accounting

A. FEMA must make available to the Company during the entire term of this Arrangement the ability to withdraw funds from the National Flood Insurance Fund provided for in Article V. The Company may withdraw funds from the National Flood Insurance Fund for reimbursement of its expenses as set forth in Article V.A that exceed net written premiums collected by the Company from the effective date of this Arrangement or continuation period to the date of the draw. In the event that adequate funding is not available to meet current Company obligations for flood policy claim payments issued, FEMA must direct the Company to immediately suspend the issuance of loss payments until such time as adequate funds are available. The Company is not required to pay claims from their own funds in the event of such suspension.

B. The Company must remit all funds, including interest, not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual or procedures approved in writing by FEMA.

C. In the event the Company elects not to participate in the Program in this or any subsequent fiscal year, or is otherwise unable or not permitted to participate, the Company and FEMA must make a provisional settlement of all amounts due or owing within three (3) months of the expiration or termination of this Arrangement. This settlement must include net premiums collected, funds withdrawn from the National Flood Insurance Fund, and reserves for outstanding claims. The Company and FEMA agree to make a final settlement, subject to audit, of accounts for all obligations arising from this Arrangement within eighteen (18) months of its expiration or termination, except for contingent liabilities that must be listed by the Company. At the time of final settlement, the balance, if any, due FEMA or the Company must be remitted by the other immediately and the operating year under this Arrangement must be closed.

D. Upon FEMA's request, the Company must provide FEMA with a true and correct copy of the Company's Fire and Casualty Annual Statement, and Insurance Expense Exhibit or amendments thereof as filed with the State Insurance Authority of the Company's domiciliary State.

E. The Company must comply with the requirements of the False Claims Act (31 U.S.C. 3729–3733), which prohibits submission of false or fraudulent claims for payment to the Federal Government.

Article VII. Arbitration

If any misunderstanding or dispute arises between the Company and FEMA with reference to any factual issue under any provisions of this Arrangement or with respect to FEMA's nonrenewal of the Company's participation, other than as to legal liability under or interpretation of the Standard Flood Insurance Policy, such misunderstanding or dispute may be submitted to arbitration for a determination that will be binding upon approval by FEMA. The Company and FEMA may agree on and appoint an arbitrator who will investigate the subject of the misunderstanding or dispute and make a determination. If the Company and FEMA cannot agree on the appointment of an arbitrator, then two arbitrators will be appointed, one to be chosen by the Company and one by FEMA.

The two arbitrators so chosen, if they are unable to reach an agreement, must select a third arbitrator who must act as umpire, and such umpire's determination will become final only upon approval by FEMA. The Company and FEMA shall bear in equal shares all expenses of the arbitration. Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section, upon objection by FEMA or the Company, shall be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

This Article shall indefinitely succeed the term of this Arrangement.

Article VIII. Errors and Omissions

A. In the event of negligence by the Company that has not resulted in litigation but has resulted in a claim against the Company, FEMA will not consider reimbursement of the Company for costs incurred due to that negligence unless the Company takes all reasonable actions to rectify the negligence and to mitigate any such costs as soon as possible after discovery of the negligence. The Company may choose not to seek reimbursement from FEMA.

B. If the Company has made a claim payment to an insured without including a mortgagee (or trustee) of which the Company had actual notice prior to making payment, and subsequently determines that the mortgagee (or trustee) is also entitled to any part of said claim payment, any additional payment may not be paid by the Company from any portion of the premium and any funds derived from any Federal funds deposited in the bank account described in Article III.E.1. In addition, the Company agrees to hold the Federal Government harmless against any claim asserted against the Federal Government by any such mortgagee (or trustee), as described in the preceding sentence, by reason of any claim payment made to any insured under the circumstances described above.

Article IX. Officials Not To Benefit

No Member or Delegate to Congress, or Resident Commissioner, may be admitted to any share or part of this Arrangement, or to any benefit that may arise therefrom; but this provision may not be construed to extend to this Arrangement if made with a corporation for its general benefit.

Article X. Offset

At the settlement of accounts, the Company and FEMA have, and may exercise, the right to offset any balance or balances, whether on account of premiums, commissions, losses, loss adjustment expenses, salvage, or otherwise due one party to the other, its successors or assigns, hereunder or under any other Arrangements heretofore or hereafter entered into between the Company and FEMA. This right of offset shall not be affected or diminished because of insolvency of the Company.

All debts or credits of the same class, whether liquidated or unliquidated, in favor of or against either party to this Arrangement on the date of entry, or any order of conservation, receivership, or liquidation, shall be deemed to be mutual debts and credits and shall be offset with the balance only to be allowed or paid. No offset shall be allowed where a conservator, receiver, or liquidator has been appointed and where an obligation was purchased by or transferred to a party hereunder to be used as an offset.

Although a claim on the part of either party against the other may be unliquidated or undetermined in amount on the date of the entry of the order, such claim will be regarded as being in existence as of the date of such order and any credits or claims of the same class then in existence and held by the other party may be offset against it.

Article XI. Equal Opportunity

A. Age Discrimination Act of 1975. The Company must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94–135 (42 U.S.C. 6101 *et seq.*) which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

B. Americans with Disabilities Act. The Company must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Public Law 101–336 (42 U.S.C. 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

C. Civil Rights Act of 1964—Title VI. The Company must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Department of Homeland Security implementing regulations for the Act are found at 6 CFR part 21 and 44 CFR part 7.

D. Civil Rights Act of 1968. The Company must comply with Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex as implemented by the U.S. Department of Housing and Urban Development at 24 CFR part 100.

E. Rehabilitation Act of 1973. The Company must comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XII. Access to Books and Records

A. Audits. FEMA, the Department of Homeland Security, and the Comptroller General of the United States, or their duly authorized representatives, for the purpose of investigation, audit, and examination shall have access to any books, documents, papers and records of the Company that are pertinent to this Arrangement. The Company shall keep records that fully disclose all matters pertinent to this Arrangement, including premiums and claims paid or payable under policies issued pursuant to this Arrangement. Records of accounts and records relating to financial assistance shall be retained and available for three (3) years after final settlement of accounts, and to financial assistance, three (3) years after final adjustment of such claims. FEMA shall have access to policyholder and claim records at all times for purposes of the review, defense, examination, adjustment, or investigation of any claim under a flood insurance policy subject to this Arrangement.

B. Nondisclosure by FEMA. FEMA, to the extent permitted by law and regulation, will safeguard and treat information submitted or made available by the Company pursuant to this Arrangement as confidential where the information has been marked ''confidential'' by the Company and the Company customarily keeps such information private or closely-held. To the extent permitted by law and regulation, FEMA will not release such information to the public pursuant to a Freedom of Information Act (FOIA) request, 5 U.S.C. 552, without prior notification to the Company. FEMA may transfer documents provided by the Company to any department or agency within the Executive Branch or to either house of Congress if the information relates to matters within the organization's jurisdiction. FEMA may also release the information submitted pursuant to a judicial order from a court of competent jurisdiction.

C. Nondisclosure by Company.

1. In general. The Company, to the extent permitted by law, must safeguard and treat information submitted or made available by FEMA pursuant to this Arrangement as confidential where the information has been marked or identified as ''confidential'' by FEMA and FEMA customarily keeps such information private or closely-held. The Company may not disclose such confidential information to a third-party without the express written consent of FEMA or as otherwise required by law.

2. Other protections. Article XII.C.1 shall not be construed as to limit the effect of any other requirement on the Company to protect information from disclosure, including a joint defense agreement or under the Privacy Act.

Article XIII. Compliance With Act and Regulations

This Arrangement and all policies of insurance issued pursuant thereto are subject to Federal law and regulations.

Article XIV. Relationship Between the Parties and the Insured

Inasmuch as the Federal Government is a guarantor hereunder, the primary relationship between the Company and the Federal Government is one of a fiduciary nature, that is, to assure that any taxpayer funds are accounted for and appropriately expended. The Company is a fiscal agent of the Federal Government, but is not a general agent of the Federal Government. The Company is solely responsible for its obligations to its insured under any policy issued pursuant hereto, such that the Federal Government is not a proper party to any lawsuit arising out of such policies.

(Authority: 42 U.S.C. 4071, 4081; 44 CFR 62.23)

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2021–06714 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0051]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Monthly Report on Naturalization Papers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until May 3, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially

regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2005–0032. All submissions received must include the OMB Control Number 1615–0051 in the body of the letter, the agency name and Docket ID USCIS–2005–0032.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on January 14, 2021, at 86 FR 3167, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0032 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Monthly Report on Naturalization Papers.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–4; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government; or State, local or Tribal Government. This form is used by the clerk of courts that administer the oath of allegiance for naturalization to notify the USCIS of all persons to whom the oath was administered. The information is used by the USCIS to update its alien files and records to indicate that the aliens are now citizens; develop an audit trail on the certificates of naturalization; and determine the payments to be made to the courts for reimbursement of their expenses in connection with the naturalization process.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–4 is 160, the number of responses per respondent is 12, the total number of responses is 1,920, and the estimated hour burden per response is 0.5 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 960 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $7,200.

Dated: March 26, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06666 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0009]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for a Nonimmigrant Worker

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0009 in the body of the letter, the agency name and Docket ID USCIS–2005–0030. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2005–0030. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division,

Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2005–0030 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for a Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on this form to determine eligibility for the requested nonimmigrant petition and/or requests to extend or change nonimmigrant status. An employer (or agent, where applicable) uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant. An employer (or agent, where applicable) also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for nonimmigrant workers, and ensuring that basic information required for assessing eligibility is provided by the petitioner while requesting that beneficiaries be classified under certain nonimmigrant employment categories. It also assists USCIS in compiling information required by Congress annually to assess effectiveness and utilization of certain nonimmigrant classifications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129 is 294,751 and the estimated hour burden per response is 2.34 hours; the estimated total number of respondents for the information collection E–1/E–2 Classification Supplement to Form I–129 is 4,760 and the estimated hour burden per response is 0.67; the estimated total number of respondents for the information collection Trade Agreement Supplement to Form I–129 is 3,057 and the estimated hour burden per response is 0.67; the estimated total number of respondents for the information collection H Classification Supplement to Form I–129 is 96,291 and the estimated hour burden per response is 2; the estimated total number of respondents for the information collection H–1B and H–1B1 Data Collection and Filing Fee Exemption Supplement is 96,291 and the estimated hour burden per response is 1; the estimated total number of respondents for the information collection L Classification Supplement to Form I–129 is 37,831 and the estimated hour burden per response is 1.34; the estimated total number of respondents for the information collection O and P Classifications Supplement to Form I–129 is 22,710 and the estimated hour burden per response is 1; the estimated total number of respondents for the information collection Q–1 Classification Supplement to Form I–129 is 155 and the estimated hour burden per response is 0.34; the estimated total number of respondents for the information collection R–1 Classification Supplement to Form I–129 is 6,635 and the estimated hour burden per response is 2.34.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,072,810 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $70,681,290.

Dated: March 26, 2021.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06662 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0111]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW–1 Employers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of

the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0111 in the body of the letter, the agency name and Docket ID USCIS–2012–0011. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2012–0011. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2012–0011 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW–1 Employers.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129CW; I–129CWR; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on Form I–129CW to determine eligibility for the requested immigration benefits. An employer uses Form I–129CW to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CW–1 worker. An employer also uses Form I–129CW to request an extension of stay or change of status on behalf of the alien worker. The Form I–129CW serves the purpose of standardizing requests for these benefits and ensuring that the basic information required to determine eligibility is provided by the petitioners.

Form I–129CWR, Semiannual Report for CW–1 Employers, is used by employers to comply with the reporting requirements imposed by the Workforce Act. Form I–129CWR captures data USCIS requires to help verify the continuing employment and payment of the CW–1 worker. DHS may provide such semiannual reports to other federal partners, including the US. Department of Labor (DOL) for investigative or other use as DOL may deem appropriate. Congress expressly provided for these semiannual reports to be shared with DOL. 48 U.S.C. 1086(d)(3)(D)(ii).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–129CW is 5,975 and the estimated hour burden per response is 3.5 hours; the estimated total number of respondents for the information collection Form I–129CWR is 5,975 and the estimated hour burden per response is 2.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 35,851 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,809,063.

Dated: March 26, 2021.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06667 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0003]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application To Extend/Change Nonimmigrant Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and

resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0003 in the body of the letter, the agency name and Docket ID USCIS–2007–0038. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2007–0038. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2007–0038 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Extend/Change Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–539 and I–539A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form will be used for nonimmigrants to apply for an extension of stay, for a change to another nonimmigrant classification, or for obtaining V nonimmigrant classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–539 (paper) is 174,289 and the estimated hour burden per response is 2.00 hours, the estimated total number of respondents for the information collection I–539 (electronic) is 74,696 and the estimated hour burden per response is 1.083 hours; and the estimated total number of respondents for the information collection I–539A is 54,375 and the estimated hour burden per response is 0.5 hours; biometrics processing is 373,477 total respondents requiring an estimated 1.17 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 893,630 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $42,700,241.

Dated: March 26, 2021.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06665 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0116]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Request for Fee Waiver

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 1, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0116 in the body of the letter, the agency name and Docket ID USCIS–2010–0008. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2010–0008. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a

toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2010–0008 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Fee Waiver.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–912; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses the data collected on this form to verify that the applicant is unable to pay for the immigration benefit being requested. USCIS will consider waiving a fee for an application or petition when the applicant or petitioner clearly demonstrates that he or she is unable to pay the fee. Form I–912 standardizes the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request. Form I–912 also streamlines and expedites USCIS's review, approval, or denial of the fee waiver request by clearly laying out the most salient data and evidence necessary for the determination of inability to pay. Officers evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and is considered on its own merits. If the fee waiver is granted, the application will be processed. If the fee waiver is not granted, USCIS will notify the applicant and instruct him or her to file a new application with the appropriate fee.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–912 is 594,000 and the estimated hour burden per response is 1.17. The estimated total number of respondents for the information collection Non-form request for fee waiver is 8,400 and the estimated hour burden per response is 1.17. The estimated total number of respondents for the information collection 8 CFR 103.7(d) Director's exception request is 128 and the estimated hour burden per response is 1.17.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 704,958 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,259,480.

Dated: March 26, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–06663 Filed 3–31–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030// A0A501010.999900]

Grant Availability to Federally Recognized Indian Tribes To Implement Traffic Safety Programs and Projects on Indian Reservations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: In accordance with a statute and as authorized by the Secretary of Transportation through the Secretary of the Interior, the Bureau of Indian Affairs (BIA), under the Indian Highway Safety Program (IHSP), will make funds available to federally recognized Indian Tribes on an annual basis for implementing traffic safety programs and projects designed to reduce the number of traffic crashes, death, injuries, and property damage within these populations. All project applications received will be reviewed and selected on a competitive basis.

DATES: On or about February 15, 2021, the IHSP mailed application packets to all Tribal leaders. Applications for program and/or project funds must be received on or before May 1, 2021. Applications not received by the IHSP by close of business on May 1, 2021, will not be considered and will be returned unopened. This notice informs qualified applicants of the application procedures for Federal Fiscal Year 2022.

ADDRESSES: To apply, each Tribe must submit its application to the Bureau of Indian Affairs, Office of Justice Services, Attention: Indian Highway Safety Program Director, 1001 Indian School NE, Suite 251, Albuquerque, New Mexico 87104.

FOR FURTHER INFORMATION CONTACT: Tribes should direct questions or requests for copies of the application packet to: Ms. Kimberly Belone, Indian Highway Safety Program, 1001 Indian School NE, Suite 251, Albuquerque, New Mexico 87104; telephone (505) 563–3900.

SUPPLEMENTARY INFORMATION:

Background

The Highway Safety Act of 1966, 23 U.S.C. 402, as amended, provided for U.S. Department of Transportation (DOT) funding, through the National Highway Traffic Safety Administration (NHTSA) to assist Indian Tribes in implementing traffic safety projects. Any program or project request must be designed to reduce the number of motor vehicle traffic crashes and their resulting fatalities, injuries, and property damage on Indian reservations and within Indian communities. Motor vehicle crashes are the leading cause of death to American Indians/Alaska Natives ages 1 to 44. Nationwide, 557 American Indians/Alaska Natives were killed in motor vehicle crashes in 2018. Of this total 377 died on reservations. Two hundred four (204) were also drivers (only) of motor vehicles and 164 of the drivers killed were impaired by alcohol with a blood-alcohol content (BAC) of 0.08+. For additional American Indians/Alaska Natives fatality data, you can access the NHTSA fatality website at *https://cdan.nhtsa.gov/NA_report/NA_Report.htm.*

This notice solicits applications from federally recognized Indian Tribes eligible to receive this assistance. Grant funds awarded to Tribes as a result of this announcement are reimbursed for eligible costs incurred under the terms of 23 U.S.C. 402, as amended.

Responsibilities

For the purposes of application of this grant and the collection and distribution of the funds, Indian reservations are collectively considered a ''State'' and the Secretary of the Interior is considered the ''Governor of a State.'' The Secretary of the Interior delegated the authority to administer the programs for all the Indian Tribes in the United States to the Assistant Secretary—Indian Affairs. The Assistant Secretary—Indian Affairs further delegated the responsibility for administration of the IHSP to the BIA, Office of Justice Services, IHSP located in Albuquerque, New Mexico. The Program Director of the IHSP has staff members available to provide program and technical assistance to Indian Tribes. The IHSP maintains contact with NHTSA with respect to program approval, funding, and receiving technical assistance. NHTSA is responsible for ensuring the IHSP is carried out in accordance with 23 CFR part 1300 and other applicable Federal statutes and regulations.

National Priority Program Areas

The following highway safety program areas have been identified as priority program areas eligible for funding under 23 U.S.C 402 on Tribal lands:

1. Impaired driving
2. Occupant protection
3. Traffic records

Other fundable program areas may be considered based upon well documented problem identification from the Tribes.

Indian Highway Safety Program Funding Areas

Proposals are being solicited for the following program areas:

1. *Impaired Driving:* Programs directed at reducing injuries and death attributed to impaired driving on the reservations such as: selective traffic enforcement programs (STEP) to apprehend impaired drivers, specialized law enforcement training (such as standardized field sobriety testing), public information programs on alcohol/other drug use and driving, education programs for convicted DWI/DUI offenders, youth alcohol education programs promoting traffic safety, DUI/Impaired driving courts, and programs or projects directed toward judicial training. Proposals for projects that enhance the development and implementation of innovative programs to combat impaired driving are also solicited.

2. *Occupant Protection:* Programs directed at decreasing injuries and deaths attributed to the lack of safety belt and child restraint usage such as: surveys to determine usage rates and to identify high-risk non-users, comprehensive programs to promote correct usage of child safety seats and other occupant restraints, enforcement of safety belt ordinances or laws, specialized training (*e.g.,* Operation Kids, traffic occupant protection strategies (TOPS), Standardized Child Passenger Safety Technician Training), and evaluations.

3. *Traffic Records:* Programs to help Tribes develop or update electronic traffic records systems which will assist with analysis of crash information, causational factors, and support joint efforts with other agencies to improve the Tribe's traffic records system.

Project Guidelines

Each Tribe, to be eligible, must fill out and submit the BIA IHSP application that was mailed to the Tribal leaders. Applications will adhere to the following guidelines:

1. Problem Identification. Highway traffic safety problems shall be based upon accurate Tribal data. Data should be complete and accurate and should show problems and/or trends. This data should be available in Tribal enforcement, traffic crash records and medical records.

2. Goals, Performance Measures and Strategies. Tribes must provide the overall goals of the project as well as a list of performance measures and strategies to be used to evaluate performance. All goals, performance measures and strategies must have base line numbers and will be expressed in clearly defined, time-framed, and measurable terms. (Example: To decrease alcohol related motor vehicle crashes by ____% from the 2020 number of ____ to ____ by the end of FY2022.) Performance measures should be aggressive but attainable and based on available data and trends.

3. Training. Training identified in the application must relate directly to the project being proposed.

4. Equipment. Any equipment identified in the application must relate directly to the project being proposed.

5. Line Item Budget. The activities to be funded must be outlined in detail according to the following object groups: personnel services; travel and training, operating costs and equipment. All Tribes applying for grants must attach a copy of the Tribe's indirect cost rate to the application.

6. Funding Requirements. With the enactment of the ''Fixing America's Surface Transportation Act'' (Fast Act), the IHSP is required to certify, on behalf of the Tribes, the program will meet certain conditions and comply with all applicable rules and regulations for administering a highway safety program. In addition to program oversight and technical assistance, the BIA must certify it will implement the following activities in support of national highway safety goals:

a. Participate in national law enforcement mobilizations;

b. Encourage sustained enforcement of impaired driving, occupant protection and speeding;

c. Conduct an annual safety belt survey in accordance with criteria established by the Secretary of Interior to measure safety belt usage rates; and

d. Develop data systems to provide timely and effective data analysis to support allocation of highway traffic safety resources.

7. In order to comply with the provisions of FAST ACT and the State Certifications and Assurances, the IHSP will allocate funds on behalf of the Tribes to implement the provisions listed in (6) above. Copies of the State Certifications and Assurances are

available upon request or at: *http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/StateCertifications_8-05.html.*

8. Funding Length. Traffic safety program funding is designed primarily as the source of invention and motivation. As a result, all projects may be funded for a 12 month period of time. This program is not intended for long term financial support of continuing and on-going operations.

9. Project Monitoring length may exceed the grant period in the cases where distribution of purchase equipment is necessary.

Certifications

A list of certifications is attached to the grant application and must be initialed to show acceptance by the Tribe. These certifications are required by the either the funding agency and/or the IHSP and include: Federal Funding Accountability and Transparency Act, Drug Free Workplace Act of 1988, Equipment, Civil Rights, Buy America Act, Political Activity (Hatch Act), Federal Lobbying, Restriction of State Lobbying, Lower Tier Certification, and Policy to Ban Text Messaging While Driving.

Submission Deadline

Each Tribe must send its funding request on the appropriate application form to the BIA IHSP office in Albuquerque, New Mexico, by the close of business May 1, 2020. Request can be received by U.S. Mail or via email to: Bureau of Indian Affairs, Office of Justice Services, Attention: Indian Highway Safety Program Director, 1001 Indian School NE, Suite 251, Albuquerque, NM 87104 or by email to *ojs_indian_highway_safety@bia.gov.*

Selection Criteria

A selection committee will review and evaluate each application requesting funding. Each member of the selection committee, by assigning points to the following four criteria, will rank each of the proposals based on the following criteria:

Criterion (1), the General Information section will include information on the type of grant, location, population and size of reservation, type of law enforcement and pertinent contact information. (10 points maximum).

Criterion (2), the strength of the Problem Identification based on verifiable, current and applicable data to indicate the extent of the traffic safety problem. (45 points maximum).

Criterion (3), the quality of the proposed solution plan based on aggressive but attainable Performance Measures and Strategies. (35 points maximum).

Criterion (4), details on necessity and reasonableness of the budget requested. (10 points maximum).

Notification of the Selection

Once the selection committee concludes its evaluation, it will notify those Tribes it recommends for participation and funding by letter. Upon notification, each selected Tribe must provide a duly authorized Tribal resolution. The resolution must be on file before grants funds can be expended by or reimbursed to the Tribe.

Notification of Non-Selection

The Program Director will notify each Tribe of non-selection.

Uniform Administrative Requirements for Grant-in-Aid

Uniform grant administration procedures have been established on a national basis for all grant-in-aid programs by 2 CFR 200, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government.'' NHTSA and the Federal Highway Administration (FHWA) have codified uniform procedures for State Highway Safety Programs in 23 CFR part 1300 and the ''Highway Safety Grant Funding Policy for NHTSA/FHWA Field Administered Grants'' are the established cost principles applicable to grants and contracts through the BIA and with Tribal governments. A copy of the Grant Funding Policy document can be obtained from the BIA IHSP office or at *https://one.nhtsa.gov/nhtsa/whatsup/tea21/tea21programs/index.htm.*

The BIA IHSP office has been established and is designated to establish operating procedures consistent with the applicable provisions of these rules and any others that govern these grant funds.

Auditing of Highway Safety Projects will be included in the Tribal A–133 single audit requirement. Copies of Tribal audits must be available for inspection by the highway safety program staff. Tribes must provide monthly program status reports and a corresponding reimbursement claim to the BIA Indian Highway Safety Program, 1001 Indian School, Suite 251, Albuquerque, NM 87104, in order to be reimbursed for program costs. These are to be submitted no later than 15 working days beyond the reporting month.

Paperwork Reduction Act

OMB Control Number 1076–0190 currently authorizes the collection of information requested in this notice, with an expiration of September 30, 2021.

Project Monitoring

During the program year, it is the responsibility of the BIA IHSP office to review the implementation of Tribal traffic safety plans and programs, monitor the progress of their activities and expenditures and provide technical assistance as needed. This assistance may be on-site, by telephone and/or a review of monthly progress claims.

Project Evaluation

Each project funded is required to submit an annual report that meets the minimum criteria as set forth in 23 CFR part 1300.35. The BIA IHSP will conduct an annual performance evaluation for each Highway Safety Project funded. Pursuant to 23 CFR part 1300.35, the evaluation will measure the actual accomplishments to the planned activity and how the project and activities funded contributed to the overall goal of the IHSP. Program staff will evaluate progress from baseline data as reported by the Tribe. BIA IHSP staff will evaluate the project on-site at the discretion of the IHSP Director.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Delegated Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2021–06725 Filed 3–31–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–XXX–L19100000–BJ0000–LRCSKX00300A]

Filing of Plats of Survey, Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file plats of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. This survey, which was executed at the request of the Bureau of Indian Affairs was necessary for the management of these lands.

DATES: Protests must be received by the BLM prior to the scheduled date of official filing by May 3, 2021.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY957, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

A person or party who wishes to protest one or more plats of survey identified below must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat. Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Sonja Sparks, BLM Wyoming Chief Cadastral Surveyor at 307–775–6225 or *s75spark@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Wyoming State Office, Cheyenne, Wyoming.

Sixth Principal Meridian, Nebraska

All plats of survey in this notice of official filing were accepted March 12, 2021.

T. 25 N., R. 5 E., Group No. 188, dependent resurvey and survey

Copies of the preceding described plat and field notes are available to the public at a cost of $4.20 per plat and $0.15 per page of field notes. Requests can be made to *blm_wy_survey_records@blm.gov* or by telephone at 307–775–6222.

Dated: March 24, 2021.

Sonja S. Sparks,

Chief Cadastral Surveyor, Division of Minerals & Lands.

[FR Doc. 2021–06678 Filed 3–31–21; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0153]

Agency Information Collection Activities; Conveyance of Federally-Owned Mineral Interests

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 1, 2021.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0153 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Susie Greenhalgh by email at *Lgreenhalgh@blm.gov,* or by telephone at 202–302–4288. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies 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 especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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: Section 209(b) of the Federal Land Policy and Management Act (43 U.S.C. 1719) authorizes the Secretary of the Interior to convey Federally-owned mineral interests to non-Federal owners of the surface estate. The respondents in this information collection are non-Federal owners of surface estates who apply for underlying Federally-owned mineral interests. This information collection enables the BLM to determine if the applicants are eligible to receive title to the Federally-owned mineral interests beneath their lands. Regulations at 43 CFR part 2720 establish guidelines and procedures for

the processing of these applications. OMB's approval for the information collections approved under OMB control number 1004–0153 is scheduled to expire on August 31, 2021. In accordance with OMB's regulations at 5 CFR 1320.12, *Clearance of collections of information in current rules,* this request is for OMB to renew this OMB control number for an additional three years.

Title of Collection: Conveyance of Federally-Owned Mineral Interests (43 CFR part 2720).

OMB Control Number: 1004–0153.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Owners of surface estates (*i.e.,* individuals, businesses, or state, local, or tribal governments) that want to obtain underlying Federally-owned mineral estates.

Total Estimated Number of Annual Respondents: 5.

Total Estimated Number of Annual Responses: 5.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 5.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $250.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2021–06684 Filed 3–31–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031642; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Diablo Valley College, Pleasant Hill, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Diablo Valley College, a campus of Contra Costa Community College District, has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Diablo Valley College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Diablo Valley College at the address in this notice by May 3, 2021.

ADDRESSES: Susan Lamb, President, Diablo Valley College, 321 Golf Club Road, Pleasant Hill, CA 94523, telephone (925) 969–2001, email *slamb@dvc.edu.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Diablo Valley College, Pleasant Hill, CA. The human remains and associated funerary objects were removed from various locations in Contra Costa County, CA, including Concord, Lafayette, Oakley, Alamo, Danville, and San Ramon.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the institution that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Diablo Valley College professional staff in consultation with representatives of the Scotts Valley Band of Pomo Indians of California and the Confederated Villages of Lisjan, a non-federally recognized Indian group (hereafter referred to as ''The Consulted Tribes and Groups'').

The Buena Vista Rancheria of Me-Wuk Indians of California and the Tule River Indian Tribe of the Tule River Reservation were invited to consult but deferred to The Consulted Tribes and Groups. The Big Valley Band of Pomo Indians of the Big Valley Rancheria, California; Bridgeport Indian Colony [previously listed as Bridgeport Paiute Indian Colony of California]; California Valley Miwok Tribe, California; Federated Indians of Graton Rancheria, California; Habematolel Pomo of Upper Lake, California; Hopland Band of Pomo Indians [previously listed as Hopland Band of Pomo Indians of the Hopland Rancheria, California]; Mechoopda Indian Tribe of Chico Rancheria, California; Sherwood Valley Rancheria of Pomo Indians of California; Wilton Rancheria, California; Yocha Dehe Wintun Nation, California [previously listed as Rumsey Indian Rancheria of Wintun Indians of California; and four non-federally recognized Indian groups (Amah Mutsun Tribal Band of Mission San Juan Bautista; Indian Canyon Mutsun Band of Costanoan; Northern Valley Yokuts; and the Muwekma Ohlone Indian Tribe of the SF Bay Area) were invited to consult but did not participate. Hereafter, the non-participating Indian Tribes and groups are referred to as ''The Invited Tribes and Groups''.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, two individuals were removed from an unknown site in Contra Costa County. In 1961, the human remains were donated to Diablo Valley College by a person identified only as ''Perryman.'' The human remains consist of a lower mandible and an upper cap skull. The sex and age of the individuals are unknown. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from Knightsen Mound, close to Oakley. In 1964, the human remains were donated to Diablo Valley College by Jerry Wentling. The human remains consist of a skull, mandible, and bone chips. The sex and age of the individual are unknown. No known individual was identified. The three associated funerary objects include one lot of olivella shell beads, one shell bead necklace, and one shell piece.

At an unknown date, human remains representing, at minimum, one

individual were removed ''approximately 75 yards off the main highway and Stone Valley Road'' in Alamo. In 1964, the human remains were donated to Diablo Valley College by Norm LaFleur. The human remains consist of skull fragments. No known individual was identified. No associated funerary objects are present.

In 1956, human remains representing, at minimum, five individuals were removed during an anthropological excavation at Galindo Creek in Concord. In 1964, the human remains were donated to Diablo Valley College by Charles Sapper. The human remains consist of a full skull, skull pieces, a mandible, miscellaneous skull caps glued from four to five skulls, and miscellaneous skeletal materials. The sex and age of the individuals are unknown. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing, at minimum, one individual were removed from a site containing graves near Hough Avenue in Lafayette. In 1965, the human remains were donated to Diablo Valley College by Rick Bonnington. The human remains consist of broken skull pieces. The sex and age of the individual are unknown. No known individual was identified. No associated funerary objects are present.

Sometime in the 1960s, human remains representing, at minimum, one individual collected from Cypress Road on Bethel Island, in Oakley. In March 1970, the human remains were donated to Diablo Valley College by Barbara Sanhuhl Fletcher. The human remains consist of a skull. No known individual was identified. The one associated funerary object is a grinding stone.

At an unknown date or dates, human remains representing, at minimum, four individuals were removed from unknown sites in Alamo, Danville, and San Ramon. During 1972 and 1973, the human remains were donated to Diablo Valley College by Rick Hicks. The human remains consist of two skulls in pieces; a mandible; fragile bones; vertebrae; foot bones; and the skull and skeleton belonging to an infant of indeterminate sex (the sex and age of the other three individuals are unknown). No known individuals were identified. No associated funerary objects are present.

During 1973 and 1974, human remains representing, at minimum, one individual were removed from the ''La Serena archaeological excavation site'' in Alamo. In August of 1977, the human remains were donated to Diablo Valley College by S. Herrmann. The human remains consist of a skull and mandible, and human vertebrae. The sex and age of the individual are unknown. No known individual was identified. No associated funerary objects are present.

Based on collection research, archeological evidence, geographic location, ethnographic information, and oral history evidence, the sites from which the human remains and associated funerary objects listed in this notice were removed are located within the territory traditionally occupied by the Scotts Valley Band of Pomo Indians of California and the Confederated Villages of Lisjan, a non-federally recognized Indian group.

Determinations Made by Diablo Valley College

Officials of Diablo Valley College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Scotts Valley Band of Pomo Indians of California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Susan Lamb, President, Diablo Valley College, 321 Golf Club Road, Pleasant Hill, CA 94523, telephone (925) 969–2001, email *slamb@dvc.edu,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Scotts Valley Band of Pomo Indians of California and, if joined to a request from the Scotts Valley Band of Pomo Indians of California, the Confederated Villages of Lisjan, may proceed.

Diablo Valley College is responsible for notifying The Consulted Tribes and Groups and The Invited Tribes and Groups that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06656 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031613; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Field Museum of Natural History, Chicago, IL; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Field Museum of Natural History has corrected an inventory of human remains, published in a Notice of Inventory Completion in the **Federal Register** on January 5, 2010. This notice corrects the minimum number of individuals, number of associated funerary objects, and cultural affiliation. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Field Museum at the address in this notice by May 3, 2021.

ADDRESSES: Helen Robbins, Repatriation Director, Field Museum of Natural History, 1400 S Lake Shore Drive, Chicago, IL 60605–2496, telephone (312) 665–7317, email *hrobbins@fieldmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Field Museum of Natural History, Chicago, IL. The human remains and associated funerary objects were removed from the Channel Islands in

Santa Barbara and Los Angeles Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals, number of associated funerary objects, and cultural affiliation published in a Notice of Inventory Completion in the **Federal Register** (75 FR 435, January 5, 2010). Following a re-inventory of the human remains and associated funerary objects from the sites in question, the Field Museum of Natural History determined that the minimum number of individuals should be decreased by one and the number of associated funerary objects should be increased by the addition of two previously unidentified associated funerary objects. Also, further consultation yielded evidence to establish a cultural affiliation of the items with additional Indian Tribes. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (75 FR 435, January 5, 2010), column 1, paragraph 3, sentence 1 is corrected by substituting the following sentence:

A detailed assessment of the human remains and associated funerary objects was made by the Field Museum of Natural History professional staff in consultation with representatives of the La Jolla Band of Luiseno Indians, California [previously listed as La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation]; Pala Band of Mission Indians [previously listed as Pala Band of Luiseno Mission Indians of the Pala Reservation, California]; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseno Mission Indians of Rincon Reservation, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; and the Soboba Band of Luiseno Indians, California (hereafter referred to as ''The Tribes'').

In the **Federal Register** (75 FR 435, January 5, 2010), column 1, paragraph 4, sentence 2 is corrected by substituting the following sentence:

In 1893, human remains representing a minimum of five individuals from that removal were purchased by the Field Museum of Natural History from Ward's Natural Science Establishment of Rochester, NY (Field Museum of Natural History catalog numbers 42700–42703, accession number 407).

In the **Federal Register** (75 FR 435, January 5, 2010), column 2, paragraph 4, sentence 1 is corrected by substituting the following sentence:

At an unknown date, the Field Museum of Natural History acquired human remains representing a minimum of three individuals and two associated funerary objects from Santa Catalina Island, Los Angeles County, CA, from an unknown source (Field Museum of Natural History catalog number 42706, accession 3910).

In the **Federal Register** (75 FR 435, January 5, 2010), column 2, paragraph 4, sentence 4 is corrected by substituting the following sentence:

Two associated funerary objects are present consisting of fragments of non-human animal bone.

In the **Federal Register** (75 FR 435, January 5, 2010), column 2, paragraph 5, sentences 2 and 3 are corrected by substituting the following sentences:

For the human remains from San Miguel Island and the unknown Channel Island location, geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, and historical evidence indicate a shared group identity between these human remains and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California. Archeological investigations have identified a cultural continuity for the Chumash Indians that traces their presence on the Channel Islands back 7,000 to 9,000 years.

In the **Federal Register** (75 FR 435, January 5, 2010), column 2, paragraph 5, is corrected by adding the following sentence to the bottom of the paragraph:

For the human remains from San Nicolas and Santa Catalina Islands, geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, and historical evidence indicate a shared group identity between these human remains and The Tribes.

In the **Federal Register** (75 FR 435, January 5, 2010), column 3, paragraph 1, is corrected by substituting the following paragraph:

Officials of the Field Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001 (9–10), the human remains described above are reasonably believed to be the physical remains of 13 individuals of Native American ancestry;
- Pursuant to 25 U.S.C. 3001 (3)(A), the two objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony;
- Pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains from both San Miguel Island and the unknown Channel Island location and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; and
- Pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the human remains from San Nicolas and Santa Catalina Islands and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Helen Robbins, Field Museum of Natural History, 1400 S Lake Shore Drive, Chicago, IL 60605, telephone (312) 665–7317, email *hrobbins@fieldmuseum.org,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Field Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06657 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031606; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the

associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by May 3, 2021.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN, and stored at the Alabama Museum of Natural History (AMNH) at the University of Alabama. The associated funerary objects were removed from the following archeological sites: 1LU5, 1LU25, 1LU59, 1LU67, and 1LU72 in Lauderdale County, and 1CT8 and 1CT17 in Colbert County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]; Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Mississippi Band of Choctaw Indians; Poarch Band of Creeks [previously listed as Poarch Band of Creek Indians of Alabama]; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

The sites listed in this notice were excavated as part of TVA's Pickwick reservoir project by AMNH, using labor and funds provided by the Works Progress Administration (WPA). Details regarding these excavations and sites may be found in *An Archaeological Survey of Pickwick Basin in the Adjacent Portions of the States of Alabama, Mississippi and Tennessee,* by William S. Webb and David L. DeJarnette. The associated funerary objects listed in this notice have been in the physical custody of AMNH since excavation, but they are under the control of TVA.

Human remains and other associated funerary objects from these sites were previously listed in Notices of Inventory Completion published in the **Federal Register** (81 FR 60377–60380, September 1, 2016; 82 FR 39904–39906, August 22, 2017; and 83 FR 65735–65738, December 21, 2018) and were transferred to The Chickasaw Nation. During a recent improvement in the curation of the TVA archeological collections at AMNH, additional associated funerary objects were found.

In February 1937, excavations took place at the Smithsonia Landing site, 1LU5, in Lauderdale County, AL. Excavation commenced after TVA acquired the land encompassing site 1LU5 on May 4, 1936. This shell midden site had been disturbed by a historic riverboat landing and associated buildings. This disturbance and rising reservoir water levels led to limited excavations revealing a Late Archaic (4000—1000 B.C.) occupation. The recently rediscovered associated funerary objects include 113 shell beads from burial 2 at this site.

From April 29, 1938, to November 8, 1940, excavations by the AMNH took place at the Perry site, 1LU25, in Lauderdale County, AL. TVA had acquired this site for the Pickwick Reservoir project on February 19, 1937. The Perry site was the largest excavation on TVA land in Alabama. The site, located on an island in the Tennessee River, was an extensive shell midden, village, and burial ground. There were two major occupations at 1LU25, the first one occurring during the terminal Middle through Late Archaic periods (4000–1000 B.C.) and the second one occurring during the Kogers Island phase of the Mississippian period (A.D. 1200–1450). The 37 recently discovered associated funerary objects include 32 animal bones, one bone pin, one piece of graphite, one chert preform, and two shell beads.

From September 22, 1936, to September 30, 1937, the Bluff Creek site, 1LU59, was excavated in Lauderdale County, AL. TVA had acquired this site for the Pickwick Reservoir project on December 23, 1936, and the excavation was conducted with Federal funds in anticipation of reservoir construction. This shell mound site, at the confluence of Bluff Creek and the Tennessee River, was an accumulation of mussel shell and village midden, rather than an intentionally constructed earthwork. Based on the material culture, this site was occupied during the Late Archaic (4000–1000 B.C.), Early Woodland (1000–100 B.C.), Middle Woodland (Copena phase, A.D. 100–500), and Late Woodland (McKelvey phase, A.D. 500–1000). Shell-tempered ceramics from the Mississippian period are found in the upper portion of this shell midden. The recently rediscovered 74 associated funerary objects include 19 animal bones, eight Baytown Plain var. McKelvey sherds, one unmodified piece of chert, four eroded grog-tempered sherds, one fire cracked rock, nine Mississippi Plain sherds, 21 Mulberry Creek Cord Marked sherds, two shell beads, three smoothed, grog-tempered sherds, one stamped, grog-tempered sherd, one Wheeler Check stamped sherd, two Wheeler punctate sherds, and two Whithers Fabric Marked sherds.

From June to September of 1936, excavations took place at the Long Branch site, 1LU67, in Lauderdale County, AL. Excavation commenced after TVA purchased three parcels of land encompassing this site on January 11, 1935, September 16, 1935, and February 8, 1936. Site 1LU67 was located immediately adjacent to the Tennessee River. Although described as a mound, this site appears to have been an accumulation of discarded shell, village midden, and alluvial soils, rather than an intentionally constructed earthwork. This shell midden extended to a depth of 11 feet below the surface. The Long Branch site had multiple occupations, including during the Middle Archaic (6000–4000 B.C.), Late Archaic (4000–1000 B.C.), Early Woodland (500–100 B.C.), Middle Woodland (100 B.C.-A.D. 500), Late Woodland (A.D. 500–1000), and Mississippian (A.D. 900–1500). It is not possible to determine from which level of occupation a burial unit originated. The 84 associated funerary objects include 27 animal bones or bone fragments, one chert flake, one Mulberry Creek Plain sherd, two projectile points, and 53 shell fragments.

From January to February 1938, excavations took place at the Union Hollow site, 1LU72, in Lauderdale County, AL. Excavation commenced after TVA purchased the land encompassing this site for the Pickwick Reservoir project on October 5, 1936. Site 1LU72 was located immediately adjacent to the Tennessee River. This shell mound was an accumulation of discarded shell, village midden, and alluvial soils, rather than an intentionally constructed earthwork. This shell midden extended to a depth of 10 feet below surface. Early flooding of the Pickwick reservoir abbreviated excavations at this site. The Union Hollow site had multiple occupations, including during the Late Archaic (4000–1000 B.C.), Early Woodland (500–100 B.C.), and Mississippian (A.D. 1200–1500). The recently found associated funerary objects include eight Mississippi Plain ceramic sherds.

From December 27, 1938, to June 27, 1939, excavations by the AMNH took place at the Little Bear Creek site, 1CT8, in Colbert County, AL. TVA had acquired this site for the Pickwick Reservoir project on August 20, 1936. This shell midden site was located at the confluence of Little Bear Creek and the Tennessee River. While no radiocarbon dates were obtained for this site, the excavated artifacts indicate that all major occupations took place during the Late Archaic (4000–1000 B.C.). Ceramics, while not abundant, were found in the upper 2–3 feet. Some of the ceramics suggest minor occupations during the Colbert (300 B.C.–A.D. 100) and McKelvey (A.D. 500–1000) phases. Distinctive shell-tempered vessels associated with some burials indicate a Mississippian Kogers Island phase occupation (A.D. 1200–1500). The 10 recently found associated funerary objects include one bone awl, one chipped stone hoe, one chipped stone drill, one Little Bear Creek PP/K, one Mulberry Creek PP/K, one unidentified PP/K, three preforms, and one White Springs PP/K.

From January 25 to February 22, 1934, associated funerary objects were removed by the AMNH from 1CT17 in Colbert County, AL. TVA had acquired this land for the Pickwick Reservoir project on June 19, 1936, and the excavation was conducted with Federal funds in anticipation of reservoir construction. This shell mound and village site was located on the left descending bank of the Tennessee River, and was an accumulation of mussel shell and village midden, rather than an intentionally constructed earthwork. There are no radiocarbon dates from this site. Projectile points from 1CT17 resemble those found in Late Archaic (4000–1000 B.C.) occupations at nearby sites. Although stratification of the ceramics recovered from the excavation is not clear, the ceramics exhibit temper and surface modifications characteristic of the Early and Middle Woodland period (300 B.C.–A.D. 500). In addition, a few shell-tempered ceramics from the Mississippian period were found in the upper portion of this shell midden. The three recently found associated funerary objects include one antler tool and two deer mandibles.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 329 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of these associated funerary objects.
- The Treaty of September 20, 1816, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06661 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031605; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by May 3, 2021.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the

control of the Tennessee Valley Authority, Knoxville, TN. The associated funerary objects were removed from archeological site 1JA305 in Jackson County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Poarch Band of Creeks [previously listed as Poarch Band of Creek Indians of Alabama]; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Objects

Human remains and associated funerary objects from site 1JA305 were listed in a Notice of Inventory Completion published in the **Federal Register** on May 3, 2019 (84 FR 19111–19113, May 3, 2019). Pursuant to 43 CFR 10.11(c)(2)(i) and (c)(4), all the cultural items listed in that notice were transferred to the Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation. Recently, during a curation improvement project, additional associated funerary objects from this site were discovered at the Alabama Museum of Natural History.

In 1973, excavations took place at the Widows Creek site, 1JA305, in Jackson County, AL, as part of the expansion of TVA's Widows Creek power plant. TVA purchased the land encompassing this site on September 12, 1943. Multiple calibrated radiocarbon dates from this site indicated Early Woodland (600–100 B.C.) and Late Woodland (A.D. 500–1100) occupations. The recently identified associated funerary objects discussed in this notice include one lot of whole and fragmented snail shell from burial 2.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of these cultural items.
- Pursuant to 43 CFR 10.11(c)(4), the Tennessee Valley Authority has agreed to transfer control of the associated funerary objects to the Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Tribes may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06660 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031612; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Museum of Riverside (Formerly Known as the Riverside Metropolitan Museum), Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Museum of Riverside has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Museum of Riverside. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Museum of Riverside at the address in this notice by May 3, 2021.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Museum of Riverside, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Museum of Riverside, Riverside, CA. The human remains were removed from an unknown location in Southern California.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Museum of Riverside professional staff with assistance from Karimah Richardson, Autry Museum of the American West and Rebekah Loveless, Loveless Linton, Inc., in consultation with representatives of the Kumeyaay Cultural Repatriation Committee on behalf of the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California [previously listed as Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation]; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation.

The Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine Reservation]; Cabazon Band of Mission Indians, California; Cahuilla Band of Indians [previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California]; La Jolla Band of Luiseno Indians, California [previously listed as La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation]; Los Coyotes Band of Cahuilla and Cupeno Indians, California [previously listed as Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation]; Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]; Pala Band of Mission Indians [previously listed as Pala Band of Luiseno Mission Indians of the Pala Reservation, California]; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; Rincon Band of Luiseno Mission Indians of Rincon Reservation, California; San Manuel Band of Mission Indians, California [previously listed as San Manual Band of Serrano Mission Indians of the San Manual Reservation]; Santa Rosa Band of Cahuilla Indians, California [previously listed as Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation]; and the Torres Martinez Desert Cahuilla Indians, California [previously listed as Torres-Martinez Band of Cahuilla Mission Indians of California] were invited to consult but did not participate. Hereafter, all Indian Tribes listed in this section are referred to as ''The Tribes.''

History and Description of the Remains

Prior to 1925, human remains representing, at minimum, two individuals (Accession RMM A3–74 and RMM A9–26) were removed from unknown locations likely in Southern California. The collector (1844–1911) was a founding donor of the Museum of Riverside. In 1900, the collector moved to Southern California, and in 1901, he began collecting Indian baskets, artifacts, and human remains. In 1925, the human remains were donated by the collector's family to the Museum. The human remains include one skull and mandible (A3–74) and one piece of bone embedded in asphaltum with 86 beige colored shell beads (A9–26). Structural analysis of the skull and mandible concluded that the human remains were likely female and of Native American ancestry. No known individual was identified. No associated funerary objects are present.

Available information suggests these human remains were removed from Southern California based on collection practices and donor records. With no additional information available, this geographic information likely traces a relationship of shared group identity between the human remains and The Tribes.

Determinations Made by the Museum of Riverside

Officials of the Museum of Riverside have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Robyn G. Peterson, Ph.D., Museum Director, Museum of Riverside, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Museum of Riverside is responsible for notifying The Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06658 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031611; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: American Museum of Natural History, New York, NY; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The American Museum of Natural History has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on September 8, 2020. This notice corrects the minimum number of individuals. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native

Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by May 3, 2021.

ADDRESSES: Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the American Museum of Natural History, New York, NY. The human remains and associated funerary objects were removed from Fox Farm, May's Lick vicinity, in Mason County, KY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals published in a Notice of Inventory Completion in the **Federal Register** (85 FR 55486–55487, September 8, 2020). Museum staff discovered an inadvertent omission of one set of human remains from the original Notice of Inventory Completion. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (85 FR 55486, September 8, 2020), column 3, paragraph 2, sentence 1 is corrected by substituting the following sentence:

> In 1895, human remains representing, at minimum, 188 individuals were removed from May's Lick Vicinity, Fannie Fox Farm, Fox Farm Mason County, KY.

In the **Federal Register** (85 FR 55486, September 8, 2020), column 3, paragraph 2, sentence 4 is corrected by substituting the following sentence:

> The human remains include 32 adult males; seven adults who may be male; 33 adult females; seven adults who may be female; 33 adults of indeterminate sex; three individuals whose age and sex are indeterminate; and 73 subadults. No known individuals were identified.

In the **Federal Register** (85 FR 55487, September 8, 2020), column 1, paragraph 1, sentence 1 is corrected by substituting the following sentence:

> Pursuant to 25 U.S.C. 3001(9) the human remains described in this notice represent the physical remains of 188 individuals of Native American ancestry.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The American Museum of Natural History is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06659 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031649; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Princeton University, Princeton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Princeton University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Princeton University. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Princeton University at the address in this notice by May 3, 2021.

ADDRESSES: Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–8805, email *bjust@princeton.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Princeton University, Princeton, NJ. The human remains were removed from Henry County, IN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Princeton University professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Kaw Nation, Oklahoma; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Omaha Tribe of Nebraska; Ottawa Tribe of Oklahoma;

Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Quapaw Nation (previously listed as The Quapaw Tribe of Indians); Saginaw Chippewa Indian Tribe of Michigan; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; and The Osage Nation (previously listed as Osage Tribe) (hereafter referred to as ''The Consulted Tribes'').

An invitation to consult was extended to the Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; Wyandotte Nation; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians and the Grand River Band of Ottawa Indians (hereafter referred to as ''The Invited Tribes and Groups'').

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from an unknown location in Henry County, IN. In 2004, Princeton transferred the now defunct Princeton Museum of Natural History paleontology collection to Yale University in New Haven, CT. On July 30, 2008, someone at Yale identified human remains (other number W8211) among the transferred collection and alerted Princeton. During the week of February 10, 2020, Princeton retook physical custody of the human remains. No known individual was identified. No associated funerary objects are present.

Determinations Made by Princeton University

Officials of Princeton University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on repute.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; Miami Tribe of Oklahoma; and the Stockbridge Munsee Community, Wisconsin.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of the Miami Tribe of Oklahoma.
- According to other authoritative government sources, the land from which the Native American human remains were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Omaha Tribe of Nebraska; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); and the Shawnee Tribe.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Little Shell Tribe of Chippewa Indians of Montana; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Omaha Tribe of Nebraska; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Shawnee Tribe; and the Stockbridge Munsee Community, Wisconsin (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–8805, email *bjust@princeton.edu,* by May 3, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Princeton University is responsible for notifying The Consulted Tribes, The Invited Tribes and Groups, and The Tribes that this notice has been published.

Dated: March 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–06655 Filed 3–31–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–531–532 and 731–TA–1270–1273 (Review)]

Polyethylene Terephthalate (PET) Resin From Canada, China, India, and Oman; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the countervailing duty orders on polyethylene terephthalate (''PET'') resin from China and India and the antidumping duty orders on PET resin from Canada, China, India, and Oman would be likely to lead to continuation

or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted April 1, 2021. To be assured of consideration, the deadline for responses is May 3, 2021. Comments on the adequacy of responses may be filed with the Commission by June 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 6, 2016, the Department of Commerce (''Commerce'') issued countervailing duty orders on imports of PET resin from China and India (81 FR 27978) and antidumping duty orders on imports of PET resin from Canada, China, India, and Oman (81 FR 27979). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Canada, China, India, and Oman.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product,* consisting of certain PET resin that is coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all U.S. producers of PET resin.

(5) The *Order Date* is the date that the antidumping and countervailing duty orders under review became effective. In these reviews, the *Order Date* is May 6, 2016.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2021. Pursuant to § 207.62(b) of the Commission's rules,

eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–486, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S.

importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–06358 Filed 3–31–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–462 and 731–TA–1156–1158 (Second Review) and 731–TA–1043–1045 (Third Review)]

Polyethylene Retail Carrier Bags From China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the countervailing duty order on polyethylene retail carrier bags from Vietnam and the antidumping duty order on polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted April 1, 2021. To be assured of consideration, the deadline for responses is May 3, 2021. Comments on the adequacy of responses may be filed with the Commission by June 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: *Background.*—On August 9, 2004, the Department of Commerce (''Commerce'') issued antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (69 FR 48201, 48203, and 48204). On May 4, 2010, Commerce issued a countervailing duty order on imports of polyethylene retail carrier bags from Vietnam (75 FR 23670) and antidumping duty orders on imports of polyethylene retail carrier bags from Indonesia, Taiwan, and Vietnam (75 FR 23667). Following first five-year reviews by Commerce and the Commission, effective July 7, 2010, Commerce issued a continuation of the antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (75 FR 38978). Following first five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam and second five-year reviews of the orders concerning China, Malaysia, and Thailand by Commerce and the Commission, effective May 5, 2016,

Commerce issued a continuation of the countervailing duty order on imports of polyethylene retail carrier bags from Vietnam and antidumping duty orders on imports of polyethylene retail carrier bags from China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam (81 FR 27087). The Commission is now conducting second five-year reviews of the orders concerning Indonesia, Taiwan, and Vietnam and third five-year reviews of the orders concerning China, Malaysia, and Thailand pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its full first five-year review determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations and its full first and second five-year review determinations concerning China, Malaysia, and Thailand, the Commission found one *Domestic Like Product* consisting of the range of polyethylene retail carrier bags corresponding to Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its full first five-year review determinations concerning Indonesia, Taiwan, and Vietnam, and in its original determinations and its full first and second five-year review determinations concerning China, Malaysia, and Thailand, the Commission found a single *Domestic Industry* consisting of all U.S. producers of polyethylene retail carrier bags.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also,

in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–485, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2014.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in number of bags and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in number of bags and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or

countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in number of bags and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2014, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–06357 Filed 3–31–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–282 (Fifth Review)]

Petroleum Wax Candles From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted April 1, 2021. To be assured of consideration, the deadline for responses is May 3, 2021. Comments on the adequacy of responses may be filed with the Commission by June 11, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On August 28, 1986, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of petroleum wax candles from China (51 FR 30686). Following first, second, third, and fourth five-year reviews by Commerce and the Commission, Commerce issued continuations of the antidumping duty order on imports of petroleum wax candles from China, effective September 23, 1999 (64 FR 51514), August 10, 2005 (70 FR 56890), January 6, 2011 (76 FR 773), and May 26, 2016 (81 FR 33466), respectively. The Commission is now conducting a fifth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its expedited first five-year review determination, the

Commission defined the *Domestic Like Product* as consisting only of petroleum wax candles composed of more than 50 percent petroleum wax. In its full second five-year review determination and its expedited third and fourth five-year review determinations, the Commission defined the *Domestic Like Product* as candles with fiber or paper-cored wicks and containing any amount of petroleum wax, except for candles containing more than 50 percent beeswax.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first five-year review determination, the Commission defined the *Domestic Industry* as producers of petroleum wax candles. In its full second five-year review determination and its expedited third and fourth five-year review determinations, the Commission defined the *Domestic Industry* as consisting of all domestic producers of candles with fiber or paper-cored wicks and containing petroleum wax, except for candles that contain more than 50 percent beeswax, consistent with its revised domestic like product definition.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 11, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–484, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation

of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2014.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the

Domestic Like Product that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2014, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 23, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–06356 Filed 3–31–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–815]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: ThinkPur, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before June 1, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No—DEA–XXX in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (API) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on January 11, 2020, ThinkPur, LLC, 46 FM 3351 North, Bergheim, Texas 78004 applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–06688 Filed 3–31–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–817]

Importer of Controlled Substances Application: Sharp Clinical Services, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Sharp Clinical Services, Inc., has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 3, 2021. Such persons may also file a written request for a hearing on the application on or before May 3, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 15, 2021, Sharp Clinical Services, Inc., 2400

Baglyos Circle, Bethlehem, Pennsylvania 18020–8024, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
3,4-Methylenedioxy methamphetamine	7405	I

The company plans to import the listed controlled substances for clinical trials. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–06687 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for California, Colorado, Hawaii, Puerto Rico, and Washington

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a changes in benefit period eligibility under the EB program that have occurred since the publication of the last notice regarding the States' EB status:

• Colorado's state law allows for the temporary adoption of the optional total unemployment rate (TUR) trigger during periods of 100% Federal financing. Recent TUR data released by the Bureau of Labor Statistics reflected Colorado's TUR as meeting the conditions necessary to be triggered ''on'' EB, however the state was in a mandatory 13-week ''off'' period beginning November 28, 2020. That mandatory ''off'' period was expired February 27, 2021, and as such Colorado is triggered ''on'' to EB effective February 28, 2021.

• The State of California enacted legislation waiving the mandatory 13-week ''off'' period and making the application of the TUR trigger retroactive to March 18, 2020. As such, the state will trigger back ''on'' a high unemployment period with an effective date of June 7, 2020.

• Based on the data submitted by Hawaii for the week ending February 28, 2021, Hawaii's 13-week insured unemployment rate (IUR) was 4.89 percent, falling below the 5.0 percent IUR threshold necessary to remain ''on'' EB. Therefore, the EB period for Hawaii ended on March 6, 2021. The state will remain in an ''off'' period for a minimum of 13 weeks.

• Based on the data submitted by Puerto Rico for the week ending February 27, 2021, Puerto Rico's 13-week IUR was 4.96 percent, falling below the 5.0 percent IUR threshold necessary to remain ''on'' EB. Therefore, the EB period for Puerto Rico ended on March 20, 2021. The state will remain in an ''off'' period for a minimum of 13 weeks.

• Based on the data submitted by Washington for the week ending February 20, 2021, Washington's 13-week IUR was 4.95 percent, falling below the 5.0 percent IUR threshold necessary to remain ''on'' EB. Therefore, the EB period for Washington ended on March 13, 2021. The state will remain in an ''off'' period for a minimum of 13 weeks.

The trigger notice covering state eligibility for the EB program can be found at: *http://ows.doleta.gov/unemploy/claims_arch.as.*

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693–2991 (this is not a toll-free number) or by email: *Stengle.Thomas@dol.gov.*

Signed in Washington, DC.

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2021–06712 Filed 3–31–21; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew With Changes an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request establishment and clearance of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by June 1, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Room W 18000, Alexandria, Virginia 22314; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email. Comments, including any personal information provided become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

SUPPLEMENTARY INFORMATION:

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 shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; (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.

Title of Collection: National Science Foundation's Education and Training Application Pilot.

OMB Number: 3145–0248.

Expiration Date of Approval: November 30, 2021.

Abstract

The National Science Foundation (NSF) seeks to develop and pilot test an electronic data collection system that supports applications to education and training opportunities funded by NSF and allows tracking of participants' program experiences and career outcomes over time. The pilot aims to provide NSF with information to inform decisions in developing an effective and low-burden approach to collect data needed to monitor programs, report to NSF leadership, and comply with congressional requirements.

The main goal of the current project is to build upon a system originally developed for the NSF Research Experiences for Undergraduates (REU) program. The work involves revising and enhancing the system based on the lessons from the initial REU pilot and conducting further testing to prepare it for adoption for the REU program and other education and training programs at NSF. The original REU data system was designed to collect data required by Congress in the America COMPETES Reauthorization Act of 2010, which states that students in the REU program must ''be tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least three years thereafter'' (Section 514[a][6] of Pub. L. 111–358). A study conducted by the Science and Technology Policy Institute determined the need for NSF to create new data collection because ''the status quo of [REU] participants providing demographic information to NSF's Research Performance Report System, coupled with voluntary tracking of participants' career choices by the REU [principal investigators], was clearly insufficient to meet the [congressional] mandate''.[i] To respond to the America COMPETES mandate, NSF commissioned a data system for the REU program. The current project is the evolution of this early test that originated with the REU program to leverage the system and scale its pilot test to include other NSF programs that similarly invest in human capital development. The new system—The Education and Training Application (ETAP)—supports NSF's learning agenda and is in alignment with the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. 115–435), which requires NSF to collect, use, or acquire data to support decision making.

In addition to developing and enhancing the system, the present study will pilot test collecting data from a sample of Sites that volunteer to participate. (A Site is an instance of an NSF award offering an education and training opportunity at a given point in time.) By participating in this study, principal investigators (PIs) from these Sites will experience the data collections firsthand and provide feedback to help NSF improve the system before expanding its use. For example, PIs will have an opportunity to determine whether the system facilitates managing applications more efficiently than the usual process, comment on whether the system is user friendly, assess the usefulness of data reports the system produces, and suggest enhancements to the system.

Four key activities define the pilot:

1. Testing a web-based approach to obtain basic background and participation information while supporting applications to individual Sites. Specifically, PIs choose whether they will be running a competitive application process for their Site (for example, an REU Site award recruiting participants nationally) or noncompetitive application (for example, an REU Supplement award that invites its participants). Data collected from applicants will therefore depend on the type of application process for their Sites of interest. The system will include the following:

- Common registration form. All applicants will need to register to apply and participate in an NSF-funded opportunity participating in the pilot. Individuals who are participating in awards that do not have a competitive application process will only need to complete a profile with basic demographic and contact information and provide other information not captured in the profile but that is required for program monitoring and evaluation purposes, such as students' current enrollment or class standing (if applicable).
- Additional application requirements. Individuals wishing to apply for awards that run competitive applications will be able to use the ETAP to apply to multiple NSF awards through a fully operational electronic application. They will first complete the common registration form (described above), which collects basic demographic and contact information needed for analysis and tracking purposes. Next, they will proceed to the application form, through which they will submit additional information that competitive Sites require as part of their applications, such as resume, transcripts, and contact information for their references. PIs and other authorized staff will use the system to provide information needed by prospective applicants (such as the application deadline), retrieve applicant information, record application decisions and participation status among admitted applicants, and produce reports of data submitted by applicants to their Sites.

2. Gathering program experiences and satisfaction. After participating in the NSF program, participants will be administered an exit survey to capture program experiences and participants' attitudes and opinions.

3. Obtaining and integrating educational and employment information. Following a sample of students who had used the predecessor system (REU data system) to apply to the NSF award, this study will do the following:

- Obtain information on educational outcomes from administrative data (National Student Clearinghouse) that NSF can purchase at low cost to the government and no burden to students.
- Administer a short survey to obtain information on employment outcomes.
- Obtain information on research productivity outcomes (such as publications or patents) from Web of Science, Scopus, and the United States Patent and Trademark Office. (NSF already subscribes to these administrative databases, so they are accessible through NSF systems.)

4. Conducting usability testing and gathering user feedback. This testing will focus on new system enhancements

[i] Zuckerman, B., J. Doyle, A. Mudd, T. Jones, and G. Davis. ''Assessment of the Feasibility of Tracking Participants from the National Science Foundation's Research Experiences for Undergraduates (REU) Sites Program.'' Final report. Washington, DC: STPI, 2016.

or functionality and seeks to obtain in-depth feedback from users on the common registration form, additional application requirements, and data reports available.

Estimate of Burden: At present, most education and training opportunities funded by NSF use applications that are submitted directly to each Site, if such applications are required as is the case with the REU Sites program. Sites might run competitive and noncompetitive applications to select their program participants. We estimate that individuals applying for noncompetitive Sites will spend 3.25 hours submitting information through the ETAP system; for competitive Sites, this estimate is 7 hours. We estimate that individuals writing letters of reference for students will spend 0.5 hours drafting a letter in support of a student's application to a competitive Site. We estimate that PIs (or their designated users) will spend 4.7 hours using the system to track and manage applications to their Site.

Respondents: Individuals.

Estimated Number of Respondents: 66,499.

Estimated Total Annual Burden on Respondents: 146,710 hours.

Frequency of Responses: Three rounds of data collection.

Dated: March 26, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–06664 Filed 3–31–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's ad hoc Committee on Nominating the NSB Class of 2022–2028, hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Monday, April 5, 2021, from 3:30–5:00 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's welcome and remarks; presentation of the Committee charge; discussion of timeline; discussion and approval of NSB C/O 2022–2028 nominee attributes; questions; and action item review.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–06787 Filed 3–30–21; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0059]

Environmental Assessments and Findings of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing this notice regarding the issuance of a Final Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for its review and approval of the initial and updated decommissioning funding plans (DFPs) submitted by independent spent fuel storage installation (ISFSI) licensees for the ISFSIs listed in the ''Discussion'' section of this document.

DATES: The EA and FONSI referenced in this document are available on April 1, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0059 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0059. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christian Jacobs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6825, email: *Christian.Jacobs@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the initial and updated DFPs submitted by ISFSI licensees. The NRC staff has prepared a Final EA and FONSI determination for each of the initial and updated ISFSI DFPs in accordance with the NRC regulations in Part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation requires each holder of, or applicant for, a license under 10 CFR part 72 to submit a DFP for the NRC's review and approval. The DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff will later publish its financial analyses of the DFP submittals which will be available for public inspection in ADAMS.

II. Discussion

The following table includes the plant name, docket number, licensee, and

ADAMS Accession Number for the Final EA and FONSI determination for each of the individual ISFSIs. The table also includes the ADAMS Accession Numbers for other relevant documents, including the initial and updated DFP submittals. For further details with respect to these actions, see the NRC staff's Final EA and FONSI determinations which are available for public inspection in ADAMS and at *https://www.regulations.gov* under Docket ID NRC–2021–0059. For additional direction on accessing information related to this document, see the **ADDRESSES** section of this document.

FINDING OF NO SIGNIFICANT IMPACT

Facility	Monticello Nuclear Generating Plant.
Docket No.	72–58.
Licensee	Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy (Xcel).
Proposed Action	The NRC's review and approval of Xcel's initial and updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c).
Environmental Impact of Proposed Action.	The NRC staff has determined that the proposed action, the review and approval of Xcel's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Xcel's initial and updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Monticello Nuclear Generating Plant. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Monticello Nuclear Generating Plant ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	Xcel Energy, 2012. ISFSI Decommissioning Planning, dated December 14, 2012. ADAMS Accession No. ML12353A292. Xcel Energy, 2015. ISFSI DFPs, dated December 11, 2015. ADAMS Accession No. ML15348A143. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Monticello Nuclear Generating Plant ISFSI DFP, dated September 26, 2016. ADAMS Accession No. ML16270A075. U.S. Nuclear Regulatory Commission. Final EA and FONSI for the Northern States Power Company's Initial and Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Monticello Nuclear Generating Plant ISFSI, dated March 25, 2021. ADAMS Accession Package No. ML21055A733.
Facility	Prairie Island Nuclear Generating Plant, Units 1 and 2.
Docket No.	72–10.
Licensee	Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy (Xcel).
Proposed Action	The NRC's review and approval of Xcel's initial and updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c).
Environmental Impact of Proposed Action.	The NRC staff has determined that the proposed action, the review and approval of Xcel's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Xcel's initial and updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Prairie Island Nuclear Generating Plant, Units 1 and 2. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Prairie Island Nuclear Generating Plant, Units 1 and 2, ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	Xcel, 2012. Responses to Request for Supplemental Information—Prairie Island ISFSI License Renewal Application (TAC No. L24592), dated February 29, 2012. ADAMS Accession No. ML12065A073. Xcel Energy, 2015. ISFSI DFPs, dated December 11, 2015. ADAMS Accession No. ML15348A143. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Prairie Island Nuclear Generating Plant ISFSI DFP, dated August 17, 2017. ADAMS Accession No. ML17226A177.

FINDING OF NO SIGNIFICANT IMPACT—Continued

	Minnesota Department of Health, 2017. Review of the Draft EA and FONSI for the Prairie Island Nuclear Generating Plant ISFSI DFP, dated September 14, 2017. ADAMS Accession No. ML17278A157. U.S. Nuclear Regulatory Commission. Final EA and FONSI for Northern States Power Company's Initial and Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Prairie Island Nuclear Generating Plant, Units 1 and 2, ISFSI, dated March 25, 2021. ADAMS Accession Package No. ML21055A596.
Facility	La Crosse Boiling Water Reactor.
Docket No.	72–46.
Licensee	Dairyland Power Cooperative (DPC).
Proposed Action	The NRC's review and approval of DPC's initial and updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c).
Environmental Impact of Proposed Action.	The NRC staff has determined that the proposed action, the review and approval of DPC's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment.
Finding of No Significant Impact	The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of DPC's initial and updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of La Crosse Boiling Water Reactor. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the La Crosse Boiling Water Reactor ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required.
Available Documents	DPC, 2013. La Crosse Boiling Water Reactor DFP for ISFSI, dated March 12, 2013. ADAMS Accession No. ML13100A127. DPC, 2016. La Crosse Boiling Water Reactor Funding Plan for ISFSI, dated March 14, 2016. ADAMS Accession No. ML16102A101. DPC, 2018. Response to Request for Additional Information by the Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards 2016 DFP for La Crosse Boiling Water Reactor, dated March 21, 2018. ADAMS Accession No. ML18102A531. U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648. U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062. U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the La Crosse Boiling Water Reactor ISFSI DFP, dated September 26, 2016. ADAMS Accession No. ML16271A057. U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Dairyland Power Cooperative's DFP Update for La Crosse Boiling Water Reactor ISFSI, dated March 8, 2018. ADAMS Package Accession No. ML18067A084. U.S. Nuclear Regulatory Commission. Final EA and FONSI for Dairyland Power Cooperative's Initial and Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for La Crosse Boiling Water Reactor ISFSI, dated March 25, 2021. ADAMS Accession Package No. ML21056A369.

Dated: March 29, 2021.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–06749 Filed 3–31–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423; NRC–2021–0085]

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. NPF–49, issued to Dominion Energy Nuclear Connecticut, Inc., for operation of the Millstone Power Station, Unit 3 (MPS3). The proposed amendment would revise the renewed facility operating license and technical specifications (TSs) to support a measurement uncertainty recapture power uprate from 3,650 megawatts thermal (MWt) to 3,709 MWt. For this amendment request, the NRC proposes to determine that it involves no significant hazards consideration. Because this amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation. The proposed amendment was previously noticed on January 26, 2021 (86 FR 7115), and is being re-noticed to include the instructions for requesting access to SUNSI.

DATES: Submit comments by May 3, 2021. A request for a hearing or petitions for leave to intervene must be filed by June 1, 2021. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by April 12, 2021.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic

comment submission through the Federal Rulemaking Website:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0085. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Richard Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1030, email: *Richard.Guzman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0085 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0085.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• Attention: The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0085 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Renewed Facility Operating License No. NPF–49, issued to Dominion Energy Nuclear Connecticut, Inc., for operation of MPS3, located in New London County, Connecticut.

The proposed amendment would revise the renewed facility operating license and TSs to support a measurement uncertainty recapture power uprate from 3,650 MWt to 3,709 MWt. This is an increase of approximately 1.6 percent rated thermal power (RTP). The increase in thermal power is based on the use of Cameron Technology US LLC (currently known as Sensia, formerly known as Caldon) instrumentation to improve plant calorimetric heat balance measurement accuracy.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change will increase the maximum MPS3 RTP from 3650 MWt to 3709 MWt. Nuclear Steam Supply System (NSSS) and Balance of Plant (BOP) systems, components, programs, and analyses that could be affected by the proposed change to the RTP were evaluated using revised design parameters. The evaluations determined that all structures, systems and components (SSCs) are capable of performing their design function at the proposed uprated RTP of 3709 MWt. An evaluation of the accident analyses demonstrates that the applicable analysis acceptance criteria are still met with the proposed changes. While power level is an input assumption to equipment design and accident analyses, it is not a transient or accident initiator. Accident initiators are not affected by the MUR Power Uprate, and plant safety barrier challenges are not created by the proposed changes.

The proposed change does not involve any change to the design or functional requirements of the safety and support systems. That is, the increased power level neither degrades the performance of, nor challenges the abilities of safety systems to meet limits assumed in the plant safety analysis.

The radiological consequences of operation at the uprated power conditions have been assessed. The proposed change to RTP does not affect release paths, frequency of release, or the analyzed source term for any accidents previously evaluated in the MPS3 Final Safety Analysis Report [(FSAR)]. SSCs required to mitigate transients will remain capable of performing their design functions with the proposed changes. Analyses performed to assess the effects of mass and energy releases remain valid. The source term used to assess radiological consequences was reviewed and determined to bound operation at the proposed power level.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed changes. SSCs

required for transient mitigation will remain capable of fulfilling their intended design functions. The proposed changes have no significant adverse effect on any safety-related SSCs and do not significantly change the performance or integrity of any safety-related system.

The proposed changes do not adversely affect any current system interfaces or create any new interfaces that could result in an accident or malfunction of a different kind than previously evaluated. Operating at RTP of 3709 MWt does not create any new accident initiators or precursors. Credible malfunctions are bounded by the current accident analysis of record (AOR) or recent evaluations demonstrating that applicable criteria are still met with the proposed changes.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margins of safety associated with the MUR Power Uprate are those pertaining to core thermal power. These include fuel cladding, reactor coolant pressure boundary, and containment barriers. Core analyses demonstrate that MUR Power Uprate implementation will not significantly impact the current nuclear design basis. Impacts to components associated with the reactor coolant boundary structural integrity, and factors such as pressure-temperature limits (provided in MPS3 TS ¾.4.9), and pressurized thermal shock (PTS) described in MPS3 FSAR Section 5.2.3.3.3 were determined to be bounded by the current AOR. The increase in neutron fluence above the current AOR is less than 2%. This fluence is still less than the fluence assumed in the current Pressure-Temperature Limits and PTS analyses.

Systems will continue to operate within their design parameters and remain capable of performing their intended safety functions following implementation of the proposed change. The current MPS3 safety analyses, including the design basis radiological accident dose calculations, bound the effects of the proposed MUR Power Uprate.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, if circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. If the Commission takes this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal

privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated November 19, 2020 (ADAMS Accession No. ML20324A703).

Attorney for licensee: William S. Blair, Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: James G. Danna.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

Continued

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: March 26, 2021.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2021–06686 Filed 3–31–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0235]

Information Collection: Financial Protection Requirements and Indemnity Agreements

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Financial Protection Requirements and Indemnity Agreements.''

DATES: Submit comments by June 1, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0235. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0235 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0235.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML21013A489 and ML21013A488.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0235 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Part 140 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Financial Protection Requirements and Indemnity Agreements.''
2. *OMB approval number:* 3150–0039.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Annually, and on occasion, as needed for applicants and licensees to meet their responsibilities called for in Sections 170 and 193 of the Atomic Energy Act of 1954.
6. *Who will be required or asked to respond:* Each applicant for or holder of a license issued under 10 CFR parts 50 or 54, to operate a nuclear reactor, or the applicant for or holder of a combined license issued under 10 CFR parts 52 or 54, as well as licensees authorized to possess and use plutonium in a plutonium processing and fuel fabrication plant. In addition, licensees authorized to construct and operate a uranium enrichment facility in accordance with 10 CFR parts 40 and 70.
7. *The estimated number of annual responses:* 208.
8. *The estimated number of annual respondents:* 104.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* The total reporting and recordkeeping burden is 753 (727 hours reporting + 26 hours recordkeeping).
10. *Abstract:* 10 CFR part 140 specifies the information to be submitted by licensees that enables the NRC to assess (a) financial protection required by licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to Section 170 of the Atomic Energy Act of 1954, as amended, and (b) the liability insurance required opinion. On the basis of the EA included in Section II of this document and incorporated by reference into this finding, the NRC concludes that the proposed action would not have significant effects on the quality of the human environment. The NRC's evaluation considered information provided in the licensee's application as well as the NRC's independent review of other relevant environmental documents. Based on its findings, the NRC has determined not to prepare an environmental impact statement for the proposed action.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: March 29, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–06752 Filed 3–31–21; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Survey of Nonparticipating Single Premium Group Annuity Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval of information collection, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information with modifications. The purpose of this information collection is to survey insurance company rates for pricing annuity contracts to obtain information

needed to set actuarial assumptions. The American Council of Life Insurers conducts this voluntary survey for PBGC. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by June 1, 2021.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the website instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.* Refer to Survey of Insurance Company Rates or OMB control number 1212–0030 in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to the Survey of Insurance Company Rates or OMB control number 1212–0030. All comments received will be posted without change to PBGC's website, *https://www.pbgc.gov,* including any personal information provided.

Copies of the collection of information may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–326–4040.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, 202–229–3839; or Gregory Katz (*katz.gregory@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, 202–229–3829. TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–229–3839 or 202–229–3829.

SUPPLEMENTARY INFORMATION: PBGC's regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used to determine the actuarial present value of benefits under single-employer plans in involuntary or distress terminations (29 CFR part 4044) and the value of benefits and certain assets under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR part 4281). In each month immediately preceding the start of a new calendar quarter, PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next quarter.

The interest rates are intended to reflect current conditions in the annuity markets. To determine these interest rates, PBGC gathers premium rate data from insurance companies that are providing annuity contracts to terminating pension plans through a quarterly survey. The American Council of Life Insurers (ACLI) distributes the survey and provides PBGC with ''blind'' data (*i.e.,* PBGC is unable to match responses with the insurance companies that submitted them). PBGC also uses the information from the survey in determining the interest rates it uses to value benefits payable to participants and beneficiaries in PBGC-trusteed plans for purposes of PBGC's financial statements.

PBGC is proposing several changes to the survey distributed by ACLI:

- Addition of a question asking for specific information about the interest assumptions underlying the annuity premium rates reported in parts I and II of the survey. This information is needed to allow PBGC to better analyze annuity price data provided in the survey.
- Increases to the dollar ranges in the questions on respondents' group annuity business in part III to allow the survey to continue to capture the variability and range of business accepted by respondents as the prices of plan termination annuity contracts increase with inflation.
- Changes to the instructions to clarify that respondents should provide pricing information only for full plan terminations (and transactions priced consistently with full plan terminations), that the annuity rates provided should include reductions for investment expenses but exclude administrative expenses and reductions for competitive bidding, and that respondents should assume that plan provisions are straightforward and do not contain significant levels of anti-selection, expensive options, or subsidies.
- Addition of a confirmation that administrative expenses are excluded from pricing information and an option to comment on any exceptions. This is needed for PBGC to compare pricing information amongst survey responses when respondents are unable to completely exclude administrative expenses from pricing information.
- Consolidation and simplification of former parts III and IV into a new part III and elimination of questions asking for information PBGC no longer uses. These changes streamline and simplify the response process.
- Modification of a question asking for the volume of respondents' plan termination annuity business so that it requests annual data instead of quarterly data to reduce volatility in survey responses.
- Addition of a question soliciting feedback on how PBGC could improve the survey process.
- Addition of flexibility to conduct the survey electronically.

This voluntary survey is directed at insurance companies most, if not all, of which are members of ACLI. The survey is conducted quarterly and approximately 20 insurance companies will be asked to participate. PBGC estimates that about six insurance companies will respond to the survey each quarter, and that each survey will require approximately 30 minutes to complete and return. The total burden is estimated to be 12 hours (30 minutes per survey four surveys per year six respondents per quarter).

The existing collection of information was approved under OMB control number 1212–0030 (expires August 31, 2021). PBGC intends to request that OMB approve PBGC's use of this form for 3 years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. PBGC is soliciting public comments to—

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including 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.

Issued in Washington DC by.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–06729 Filed 3–31–21; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of Information Collection: CyberCorps®: Scholarship for Service Registration System; OMB No. 3206–0246

AGENCY: Office of Personnel Management.

ACTION: 60–Day notice and request for comments from the general public and other Federal agencies on request for extension, without change, of a previously approved collection for which approval will expire September 19, 2021.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, as amended by the Clinger-Cohen Act, this notice announces the Office of Personnel Management (OPM), Human Resources Solutions (HRS) intends to submit to the Office of Management and Budget (OMB) a request for review of a previously approved Information Collection Request (ICR), 3206–0246, Scholarship for Service Registration, for which approval will expire September 19, 2021.

DATES: Comments are encouraged and should be received within 60 calendar days from the date of this publication. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to: Office of Personnel Management, Mid-Atlantic Services Branch, Attention: Stephanie Travis, 200 Granby Street, Suite 500, Norfolk, VA 23510–1886, or via electronic email to: *sfs@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting: Office of Personnel Management, Mid-Atlantic Services Branch, Attention: Stephanie Travis, 200 Granby Street, Suite 500, Norfolk, VA 23510–1886, or via electronic email to: *sfs@opm.gov*, or via telephone at: 202–606–1800.

SUPPLEMENTARY INFORMATION: The CyberCorps®: Scholarship for Service (SFS) Program was established by the National Science Foundation, in collaboration with the Office of Personnel Management and the Department of Homeland Security, in accordance with the Cybersecurity Enhancement Act of 2014 (Pub. L. 113–274) as amended by the National Defense Authorization Act FY18 (15 U.S.C. 7442). This initiative reflects the critical need for Information Technology (IT) professionals, industrial control system security professionals, and security managers in government. Students identified by their institutions for SFS Scholarships must meet selection criteria based on prior academic performance, likelihood of success in obtaining the degree, and suitability for government employment. Each scholarship recipient, as a condition of receiving a scholarship under the program, enters into an agreement under which the recipient agrees to work during the summer between academic terms and work for a period equal to the length of the scholarship, following receipt of the student's degree, in the cyber security mission of:

(1) An executive agency (as defined in the United States Code, Title 5, Section 105;

(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

(3) an interstate agency;

(4) a State, local, or Tribal government; or

(5) a State, local, or Tribal government-affiliated non-profit that is critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)). Approval of the CyberCorps®: Scholarship for Service (SFS) Registration system is necessary to continue management and operation of the program in accordance with the Cybersecurity Enhancement Act of 2014 (Pub. L. 113–274) as amended by the National Defense Authorization Act FY18 (15 U.S.C. 7442), and to facilitate the timely registration, selection and placement of program-enrolled students in government agencies.

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Ways in which we can minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of Personnel Management, Human Resources Solutions, CyberCorps®: Scholarship for Service Program.

Title: Scholarship for Service (SFS) Program internet Site.

OMB Number: 3206–0246.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 761.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 761 hours.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–06201 Filed 3–31–21; 8:45 am]

BILLING CODE 6325–43–P

POSTAL SERVICE

Change in Class of General Applicability for Competitive Products

AGENCY: Postal Service™.

ACTION: Notice of a change in class of general applicability for competitive products.

SUMMARY: This notice sets forth changes in class of general applicability for Priority Mail Express.

DATES: May 23, 2021.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: On February 8, 2021, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established classification changes for a competitive product, namely, Priority Mail Express. The Governors' Decision and the record of proceedings in connection with such decision are

reprinted below in accordance with section 3632(b)(2).

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

Decision of the Governors of the United States Postal Service on Changes in Class of General Applicability for Competitive Product (Governors' Decision No. 21–1)

February 8, 2021

Statement of Explanation and Justification

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 (''PAEA''), we establish changes in a class of general applicability for the Postal Service's shipping services (competitive products), namely, Priority Mail Express. The changes are reflected in the attached draft Mail Classification Schedule (MCS) sections, with classification changes shown in legislative format.

The Postal Service intends to make certain changes to the Priority Mail Express product to update the guaranteed delivery times available to customers. The base service will now provide 6:00 p.m. delivery commitments for all origin-destination ZIP Code pairs. All current 12:00 p.m., 3:00 p.m., and 5:00 p.m. delivery commitments will be moved to 6:00 p.m. These changes are intended to better align the product with operational capabilities, reduce the need for extraordinary operational efforts and deviations, and maintain a competitive end-of-day offering in the shipping services market. These delivery time changes will be accomplished via updates to the Domestic Mail Manual (DMM), which will be issued in conjunction with this Governors' Decision and associated Commission filing.

In accordance with these changes, the Postal Service will be eliminating the 10:30 a.m. delivery option and the associated fee from the Priority Mail Express product in the MCS. All other aspects of the Priority Mail Express product in the MCS will remain unchanged.

We have reviewed management's proposal and have evaluated the classification changes in accordance with 39 U.S.C. 3632–3633 and 39 CFR 3035. We approve the changes, finding that they are appropriate, and are consistent with the regulatory criteria as indicated by management.

Order

The classification changes set forth herein shall be effective on April 18, 2021, or as deemed advisable by management thereafter. We direct the Secretary to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2), and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:

/s/ _____

Robert M. Duncan,

Chairman, Board of Governors.

UNITED STATES POSTAL SERVICE OFFICE OF THE BOARD OF GOVERNORS

CERTIFICATION OF GOVERNORS' VOTE ON GOVERNORS' DECISION NO. 21–1

Consistent with 39 U.S.C. 3632(a), I hereby certify that, on February 8, 2021, the Governors voted on adopting Governors' Decision No. 21–1, and a majority of the Governors then holding office voted in favor of that Decision.

/s/ _____

Date: February 8, 2021.

Michael J. Elston

Secretary of the Board of Governors.

BILLING CODE 7710–12–P

2105 Priority Mail Express

* * *

2105.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service
- Sunday/Holiday Delivery
- ~~10:30 am Delivery~~
- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Collect On Delivery (1505.7)
  - Priority Mail Express Insurance (1505.9)
  - Return Receipt (1505.13)
  - Special Handling (1505.18)
- Competitive Ancillary Services (2545)
  - Adult Signature (2545.1)
  - Package Intercept Service (2545.2)
  - Premium Data Retention and Retrieval Service (2545.3)

2105.6 Prices

* * *

Pickup On Demand Service

Add $25.00 for each Pickup On Demand stop.

Sunday/Holiday Delivery

Add $12.50 for requesting Sunday or holiday delivery.

~~*10:30 am Delivery*~~

~~Add $5.00 for requesting delivery by 10:30 am.~~

IMpb Noncompliance Fee

Add $0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add $0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

[FR Doc. 2021–06674 Filed 3–31–21; 8:45 am]
BILLING CODE 7710–12–C

POSTAL SERVICE

Transfer of Bound Printed Matter Parcels to Competitive Product List

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service is providing notice that it has filed a request with the Postal Regulatory Commission to transfer Bound Printed Matter Parcels from the Market Dominant Product List to the Competitive Product List.

DATES: April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Markes Lucius at (202) 268–6170 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: On March 26, 2021, the United States Postal Service® filed with the Postal Regulatory Commission a request to transfer Bound Printed Matter Parcels from the Market Dominant Product List to the Competitive Product List, pursuant to 39 U.S.C. 3642. Documents pertinent to this request are available at *http://www.prc.gov,* Docket No. MC2021–78.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2021–06650 Filed 3–31–21; 8:45 am]
BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–139, OMB Control No. 3235–0128]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension: Rule 12f–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 12f–1 (17 CFR 240.12f–1) under the Securities Exchange Act of 1934 (''Act'') (15 U.S.C. 78a *et seq.*).

Rule 12f–1 (''Rule''), originally adopted in 1979 pursuant to Sections 12(f) and 23(a) of the Act, and as further modified in 1995 and 2005, sets forth the requirements for filing an exchange application to reinstate unlisted trading privileges (''UTP'') in a security in which UTP has been suspended by the Commission pursuant to Section 12(f)(2)(A) of the Act. Under Rule 12f–1, an exchange must submit one copy of an application for reinstatement of UTP to the Commission that contains specified information, as set forth in the Rule. The application for reinstatement, pursuant to the Rule, must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported pursuant to an effective transaction reporting plan contemplated by Rule 601 of Regulation NMS, the date of the Commission's suspension of unlisted trading privileges in the security on the exchange, and any other pertinent information related to whether the reinstatement of UTP in the subject security is consistent with the maintenance of fair and orderly markets and the protection of investors. Rule 12f–1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges in a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by Rule 12f–1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

There are currently 24 national securities exchanges subject to Rule 12f–1. The burden of complying with Rule 12f–1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 24 responses annually for an aggregate annual hour burden for all respondents of approximately 24 hours (24 responses × 1 hour per response). Each respondent's related internal cost of compliance for Rule 12f–1 would be approximately $221.00, or, the cost of one hour of professional work of a paralegal needed to complete the application. The total annual cost of compliance for all potential respondents, therefore, is approximately $5,304 (24 responses × $221.00 per response).

Compliance with Rule 12f–1 is mandatory. Rule 12f–1 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–1 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer,

Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 29, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06732 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91420; File No. SR–ISE–2021–04]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend ISE's Pricing Schedule at Options 7, Section 9, Part C To Reduce the Options Regulatory Fee

March 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2021, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE's Pricing Schedule at Options 7, Section 9, Part C to reduce the Options Regulatory Fee or ''ORF''.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on April 1, 2021.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, ISE assesses an ORF of $0.0020 per contract side as specified in ISE's Pricing Schedule at Options 7, Section 9, Part C. The Exchange proposes to reduce the ORF from $0.0020 per contract side to $0.0018 per contract side as of April 1, 2021, in order to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

Collection of ORF

Currently, ISE assesses its ORF for each customer option transaction that is either: (1) Executed by a member on ISE; or (2) cleared by an ISE member at The Options Clearing Corporation (''OCC'') in the customer range,[3] even if the transaction was executed by a non-member of ISE, regardless of the exchange on which the transaction occurs.[4] If the OCC clearing member is an ISE member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA [5]); and (2) if the OCC clearing member is not an ISE member, ORF is collected only on the cleared customer contracts executed at ISE, taking into account any CMTA instructions which may result in collecting the ORF from a non-member.[6]

In the case where a member both executes a transaction and clears the transaction, the ORF is assessed to and collected from that member. In the case where a member executes a transaction and a different member clears the transaction, the ORF is assessed to and collected from the member who clears the transaction and not the member who executes the transaction. In the case where a non-member executes a transaction at an away market and a member clears the transaction, the ORF is assessed to and collected from the member who clears the transaction. In the case where a member executes a transaction on ISE and a non-member clears the transaction, the ORF is assessed to the member that executed the transaction on ISE and collected from the non-member who cleared the transaction. In the case where a member executes a transaction at an away market and a non-member clears the transaction, the ORF is not assessed to the member who executed the transaction or collected from the non-member who cleared the transaction because the Exchange does not have access to the data to make absolutely certain that ORF should apply. Further, the data does not allow the Exchange to identify the member executing the trade at an away market.

ORF Revenue and Monitoring of ORF

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset ORF.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of member customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that members mark orders with the correct account origin code.

[4] The Exchange uses reports from OCC when assessing and collecting the ORF.

[5] CMTA or Clearing Member Trade Assignment is a form of ''give-up'' whereby the position will be assigned to a specific clearing firm at OCC.

[6] By way of example, if Broker A, an ISE member, routes a customer order to CBOE and the transaction executes on CBOE and clears in Broker A's OCC Clearing account, ORF will be collected by ISE from Broker A's clearing account at OCC via direct debit. While this transaction was executed on a market other than ISE, it was cleared by an ISE member in the member's OCC clearing account in the customer range, therefore there is a regulatory nexus between ISE and the transaction. If Broker A was not an ISE member, then no ORF should be assessed and collected because there is no nexus; the transaction did not execute on ISE nor was it cleared by an ISE member.

include support from such areas as Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 42% of the total regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 58% of total regulatory costs for 2021.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of its members, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

Proposal

Based on the Exchange's most recent review, the Exchange is proposing to reduce the amount of ORF that will be collected by the Exchange from $0.0020 per contract side to $0.0018 per contract side. The Exchange issued an Options Trader Alert on February 8, 2021 indicating the proposed rate change for April 1, 2021.[7]

The proposed decrease is based on recent options volumes which included an increase in retail investors. With respect to options volume, the Exchange experienced a significant increase particularly in the fourth quarter of 2020. For example, total options contract volume in November 2020 was 71% higher than the total options contract volume in November 2019.[8] Below is industry data from OCC[9] which illustrates the significant increase in volume during the fourth quarter of 2020.

	October	November	December	Q4 2020
Total	633,365,184	673,660,858	753,568,354	2,060,594,396
Customer	587,707,301	630,297,252	708,037,956	1,926,042,509
Total ADV	28,789,326.55	33,683,042.90	34,253,107.00	32,196,787.44
Customer ADV	26,713,968.23	31,514,862.60	32,183,543.45	30,094,414.20

With respect to customer options volume across the industry, total customer options contract average daily volume in December 2020 was 88.6% higher than total customer average daily volume in December 2019.[10]

There can be no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations and prior practice, nor can the Exchange predict with certainty whether options volume will remain at the current level going forward. The Exchange notes however, that when combined with regulatory fees and fines, the revenue being generated utilizing the current ORF rate results in revenue that is running in excess of the Exchange's estimated regulatory costs for the year.[11] Particularly, as noted above, the options market has seen a substantial increase in volume in 2020, due in large part to the extreme volatility in the marketplace as a result of the COVID–19 pandemic. This unprecedented spike in volatility resulted in significantly higher volume than was originally projected by the Exchange (thereby resulting in substantially higher ORF revenue than projected). The Exchange therefore proposes to decrease the ORF in order to ensure it does not exceed its regulatory costs for the year. Particularly, the Exchange believes that decreasing the ORF when combined with all of the Exchange's other regulatory fees and fines, would allow the Exchange to continue covering a material portion of its regulatory costs, while lessening the potential for generating excess revenue that may otherwise occur using the current rate.[12]

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission and notifying[13] its members via an Options Trader Alert.[14]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because customer transactions will be subject to a lower ORF fee than the current rate. Moreover, the proposed reduction is necessary in order for the Exchange to not collect revenue in excess of its anticipated regulatory costs, in combination with other regulatory fees and fines, which is consistent with the Exchange's practices.

The Exchange had designed the ORF to generate revenues that would be less than the amount of revenue collected from the ORF of the Exchange's regulatory costs to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs, which is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above, however, after review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent a

[7] *See* Options Trader Alert 2021–9.

[8] *See* data from OCC at: *https://www.businesswire.com/news/home/20201202005584/en/OCC-November-2020-Total-Volume-Up-71-Percent-From-a-Year-Ago.*

[9] *See* data from OCC at: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Account-Type.*

[10] *See* data from OCC at: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Account-Type.*

[11] The Exchange notes that notwithstanding the excess ORF revenue collected to date, it has not used such revenue for non-regulatory purposes.

[12] The Exchange notes that its regulatory responsibilities with respect to member compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation.

[13] The Exchange will provide members with such notice at least 30 calendar days prior to the effective date of the change.

[14] The Exchange notes that in connection with this proposal, it provided the Commission confidential details regarding the Exchange's projected regulatory revenue, including projected revenue from ORF, along with a projected regulatory expenses.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4).

[17] 15 U.S.C. 78f(b)(5).

reduction in ORF, it may be collecting revenue in excess of its regulatory costs. Indeed, the Exchange notes that when taking into account the recent options volume, which included an increase in customer options transactions, it estimates the ORF will generate revenues that may cover more than the approximated Exchange's projected regulatory costs. Moreover, when coupled with the Exchange's other regulatory fees and revenues, the Exchange estimates ORF to generate over 100% of the Exchange's projected regulatory costs. As such, the Exchange believes it's reasonable and appropriate to decrease the ORF amount from $0.0020 to $0.0018 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all members on all their transactions that clear in the customer range at the OCC.[18] The Exchange believes the ORF ensures fairness by assessing higher fees to those members that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* member proprietary transactions) of its regulatory program. Moreover, the Exchange notes that it has broad regulatory responsibilities with respect to activities of its members, irrespective of where their transactions take place. Many of the Exchange's surveillance programs for customer trading activity may require the Exchange to look at activity across all markets, such as reviews related to position limit violations and manipulation. Indeed, the Exchange cannot effectively review for such conduct without looking at and evaluating activity regardless of where it transpires. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group (''ISG'')[19] the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. Accordingly, there is a strong nexus between the ORF and the Exchange's regulatory activities with respect to customer trading activity of its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[20] of the Act and subparagraph (f)(2) of Rule 19b–4[21] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[22] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–ISE–2021–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–ISE–2021–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml.*) Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE,

[18] If the OCC clearing member is an ISE member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and (2) if the OCC clearing member is not an ISE member, ORF is collected only on the cleared customer contracts executed at ISE, taking into account any CMTA instructions which may result in collecting the ORF from a non-member.

[19] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

[22] 15 U.S.C. 78s(b)(2)(B).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–ISE–2021–04, and should be submitted on or before April 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06673 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34236]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

March 26, 2021.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of March 2021. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on April 20, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

Atlas U.S. Tactical Income Fund, Inc. [File No. 811–23623]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities under the Investment Company Act of 1940.

Filing Date: The application was filed on February 22, 2021, and amended on March 25, 2021.

Applicant's Address: kevin.bettsteller@dlapiper.com.

Broadview Funds Trust [File No. 811–22885]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Madison Small Cap Fund, a series of Madison Funds, and on August 30, 2019 made a final distribution to its shareholders based on net asset value. Expenses of $289,892 incurred in connection with the reorganization were paid by the applicant's investment adviser and the acquiring fund's investment adviser.

Filing Dates: The application was filed on September 19, 2019, and amended on February 4, 2021, and March 12, 2021.

Applicant's Address: stevef@madisonadv.com.

City National Rochdale Structured Claims Fixed Income Fund LLC [File No. 811–22358]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 19, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $56,216 incurred in connection with the liquidation were paid by the applicant's members on a pro-rata basis.

Filing Date: The application was filed on December 9, 2020.

Applicant's Address: laurie.dee@morganlewis.com.

FS Global Credit Opportunities Fund-A [811–22798]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to FS Global Credit Opportunities Fund, and on December 14, 2020 made a final distribution to its shareholders based on net asset value. Expenses of $587,027 incurred in connection with the reorganization were paid by the acquiring fund.

Filing Date: The application was filed on February 24, 2021.

Applicant's Address: legalnotices@fsinvestments.com.

FS Global Credit Opportunities Fund-ADV [811–23138]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to FS Global Credit Opportunities Fund, and on December 14, 2020 made a final distribution to its shareholders based on net asset value. Expenses of $587,027 incurred in connection with the reorganization were paid by the acquiring fund.

Filing Date: The application was filed on February 24, 2021.

Applicant's Address: legalnotices@fsinvestments.com.

FS Global Credit Opportunities Fund-D [811–22797]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to FS Global Credit Opportunities Fund, and on December 14, 2020 made a final distribution to its shareholders based on net asset value. Expenses of $587,027 incurred in connection with the reorganization were paid by the acquiring fund.

Filing Date: The application was filed on February 24, 2021.

Applicant's Address: legalnotices@fsinvestments.com.

FS Global Credit Opportunities Fund-T [811–23139]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to FS Global Credit Opportunities Fund, and on December 14, 2020 made a final distribution to its shareholders based on net asset value. Expenses of $587,027 incurred in connection with the reorganization were paid by the acquiring fund.

Filing Date: The application was filed on February 24, 2021.

Applicant's Address: legalnotices@fsinvestments.com.

FS Global Credit Opportunities Fund-T2 [811–23243]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to FS Global Credit Opportunities Fund, and on December 14, 2020 made a final distribution to its shareholders based on net asset value. Expenses of $587,027 incurred in connection with the reorganization were paid by the acquiring fund.

Filing Date: The application was filed on February 24, 2021.

Applicant's Address: legalnotices@fsinvestments.com.

Man FRM Alternative Multi-Strategy Fund LLC [811–10083]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On July 30, 2019, November 1, 2019, and July 14, 2020, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of approximately $162,000 incurred in connection with the liquidation were paid by the applicant. Applicant also has retained $151,195.40 for the purpose of paying outstanding liquidation expenses.

Filing Dates: The application was filed on December 11, 2020 and amended on March 4, 2021.

Applicant's Address: Karen.Spiegel@srz.com.

Putnam High Yield Trust [811–02796]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Putnam High Yield Fund, and on May 8, 2017 made a final distribution to its shareholders based on net asset value. Expenses of $309,330 incurred in connection with the reorganization were paid by the applicant and the acquiring fund.

Filing Date: The application was filed on February 2, 2021.

Applicant's Address: Bryan.Chegwidden@ropesgray.com.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06654 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91421; File No. SR–NASDAQ–2021–012]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Waive the Entry Fee and the All-Inclusive Annual Listing Fee for Any Company Not Listed on a National Securities Exchange That Is Listing Upon Closing of Its Acquisition of a Special Purpose Acquisition Company Listed on Nasdaq

March 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to waive the Entry Fee and the All-Inclusive Annual Listing Fee for any company not listed on a national securities exchange that is listing upon closing of its acquisition of a special purpose acquisition company listed on Nasdaq.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to amend Listing Rules 5910 and 5920 to waive the Entry Fees and Listing Rule IM–5900–4 to waive the All-Inclusive Annual Listing Fee for any company not listed on a national securities exchange that is listing upon closing of its acquisition of a special purpose acquisition company (''Acquisition Company'') listed on Nasdaq.

When an Acquisition Company consummates its business combination, it is typically the legal acquirer in the transaction and, provided it meets the continued listing standards applied in connection with a business combination by a listed Acquisition Company, it can remain listed on the Exchange.[3] Following the business combination, the company is not required to pay any additional listing fees for any shares issued in connection with its business combination, so there are no listing fees payable in connection with a business combination between a Nasdaq-listed Acquisition Company and a company which is not listed on a national securities exchange where the Nasdaq-listed Acquisition Company is the acquirer in the transaction. Similarly, Nasdaq does not have any provision for charging prorated annual fees with respect to shares of currently listed companies issued during the course of a calendar year (such shares are reflected in the full year annual fee bill for the next subsequent calendar year). As such, there are no fees imposed upon the consummation of a business combination by a Nasdaq-listed Acquisition Company in which it is the surviving legal entity. By contrast, if a company that is not listed on Nasdaq or another national securities exchange merges with a Nasdaq-listed Acquisition Company and the non-listed company is the acquirer in the transaction, the non-listed company is treated as a new listing and must pay the Entry Fees and the prorated All-Inclusive Annual Listing Fee, subject to certain credits.[4]

Nasdaq does not believe that this disparate treatment of two substantially identical transactions is appropriate.

[3] Among the continued listing requirements applicable to an Acquisition Company under IM–5101–2 is the requirement that the combined company must meet all initial listing requirements following a business combination.

[4] Listing Rule IM–5900–1(b) provides for certain credits that benefit a non-Nasdaq company that lists in connection with its acquisition of a Nasdaq listed company.

The decision whether to structure a business combination with the Acquisition Company as the legal acquirer rather than the other party does not result in the listing of a substantively different entity. Accordingly, the Exchange believes there is no basis for charging fees purely on the basis of the structure of the business combination chosen by the parties. To address the existing disparity in fees Nasdaq proposes to modify the Rule 5900 Series to provide a waiver to the entry and annual fees otherwise owed by any company not listed on a national securities exchange that is listing upon closing of its acquisition of an Acquisition Company listed on Nasdaq.

Specifically, Listing Rule IM–5900–4 currently includes a waiver of the prorated All-Inclusive Annual Listing Fee for any issuer that is not listed on a national securities exchange immediately prior to its initial listing on Nasdaq but is listing its Primary Equity Securities upon closing of its acquisition of a company listed on another national securities exchange pursuant to special rules for acquisition companies whose business plan is to complete one or more acquisitions. Nasdaq proposes to extend this waiver so that it will apply in cases where a company that is not itself listed on a national securities exchange immediately prior to its initial listing on the Exchange is listing upon the closing of its acquisition of an Acquisition Company which had a class of equity securities listed on Nasdaq prior to the closing of such acquisition.

Listing Rule IM–5900–1(b) provides for certain credits that benefit a non-Nasdaq company that lists in connection with its acquisition of a Nasdaq listed company.[5] Nasdaq proposes to clarify that a company that received a waiver of the All-Inclusive Annual Listing Fee for the remainder of the calendar year in which the listing occurs, as described above, is not eligible for any credits under Listing Rule IM–5900–1(b).

Similarly, Listing Rules 5910(a)(7)(iii) (for companies listing on the Nasdaq Global and Global Select Markets) and 5920(a)(8)(iii) (for companies listing on the Nasdaq Capital Market) provide that the Entry Fees shall not be applicable with respect to any securities that are listed on another national securities exchange but not listed on Nasdaq, if the issuer of such securities is acquired by an unlisted company and, in connection with the acquisition, the unlisted company lists exclusively on the Nasdaq. The Exchange also proposes to extend this waiver so that it will apply in cases where a company that is not itself listed on a national securities exchange immediately prior to its initial listing on the Exchange is listing upon closing of its acquisition of an Acquisition Company which had a class of equity securities listed on Nasdaq prior to the closing of such acquisition. To that end, Nasdaq proposes to adopt Listing Rules 5910(a)(7)(v) (for companies listing on the Nasdaq Global and Global Select Markets) and 5920(a)(8)(v) (for companies listing on the Nasdaq Capital Market) to provide that the Entry Fees shall not be applicable with respect to any securities that are listed on Nasdaq by a previously unlisted company in connection with its acquisition of a company listed under IM–5101–2 (an acquisition company whose business plan is to complete one or more acquisitions).

The Exchange does not expect there to be a significant number of listings in which this proposed fee waiver will be applicable. Consequently, the proposed rule change would not affect the Exchange's commitment of resources to its regulatory oversight of the listing process or its regulatory programs.

Finally, Nasdaq proposes to update the title of Listing Rule IM–5900–4 to clarify its applicability, as modified by this proposed amendment and to identify the paragraphs of this rule with letters to improve its readability. Nasdaq also proposes to update Listing Rules 5910 and 5920 to make conforming and formatting changes.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As a preliminary matter, Nasdaq competes for listings with other national securities exchanges and companies can easily choose to list on, or transfer to, those alternative venues. As a result, the fees Nasdaq can charge listed companies are constrained by the fees charged by its competitors and Nasdaq cannot charge prices in a manner that would be unreasonable, inequitable, or unfairly discriminatory.

The Exchange believes that the proposed fee waivers are equitable as they are being implemented to avoid an anomalous fee outcome arising from the manner in which an Acquisition Company business combination has been structured.

The Exchange believes that the proposal is not unfairly discriminatory, because the proposed waivers are intended to eliminate a current distinction within the rules and avoid the impact on a small group of issuers of an anomalous fee outcome arising from the manner in which an Acquisition Company business combination has been structured. Nasdaq does not have any provision for charging the Entry Fees or the prorated All-Inclusive Annual Listing Fee with respect to shares of currently listed companies issued during the course of a calendar year (such shares are reflected in the full year annual fee bill for the next subsequent calendar year). As such, there are no fees billed in connection with the issuance of additional shares upon consummation of a business combination by a Nasdaq-listed Acquisition Company in which it is the surviving legal entity. By contrast, if a company that is not listed on Nasdaq or another national securities exchange merges with a Nasdaq-listed Acquisition Company and the non-listed company is the acquirer in the transaction, the non-listed company is treated as a new listing and must pay the Entry Fees and the prorated All-Inclusive Annual Listing Fee in relation to all shares issued and outstanding at the time of initial listing, subject to certain credits.[8]

An Acquisition Company is a shell company with no business operations. Consequently, the parties to a business combination between an Acquisition Company and an operating company

[5] Listing Rule IM–5900–1(b) provides that companies will receive a credit or waiver when a non-Nasdaq company completes a merger with a Nasdaq company and the non-Nasdaq company is the surviving entity and lists on Nasdaq. If the Nasdaq company previously paid its All-inclusive Annual Listing Fee, the surviving non-Nasdaq entity will, upon listing on Nasdaq, receive a credit for the All-Inclusive Annual Listing Fee previously paid by the Nasdaq company, prorated for the months remaining in the year after the merger. If the Nasdaq company has not paid its All-inclusive Annual Listing Fee for the year, the Nasdaq company will receive a waiver of the All-Inclusive Annual Listing Fee applicable to the months remaining in the year after the merger and must pay the remaining balance of its All-Inclusive Annual Listing Fee, representing the fee for the period it was listed.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Listing Rule IM–5900–1(b) provides for certain credits that benefit a non-Nasdaq company that lists in connection with its acquisition of a Nasdaq listed company.

have significant flexibility in how they choose to structure the business combination, including in determining which entity will be the legal acquirer. Accordingly, the Exchange is proposing to amend its fee structure to reflect the incidental nature of the resulting Acquisition Company business combination and to avoid treating companies undergoing similar business combinations disparately.

By contrast to an Acquisition Company business combination, there are typically more significant limitations on the ability of the parties to a merger between two operating companies to make decisions about which entity will be the acquirer, including, for example, the desire to maintain the acquirer's SEC registration and concerns about how to present the combined entity to the market. As such, it is much more likely that the listing fee implications of how the transaction is structured would be a major consideration for the parties to an Acquisition Company business combination than would be the case in a merger between two operating companies. As the implications of the proposed fee waivers for decisions relating to the transaction structures utilized by unlisted companies listing in connection with the acquisition of an Acquisition Company are typically greater than for other companies listing in conjunction with merger transactions, the proposed waivers are not unfairly discriminatory.

Nasdaq believes that the proposed rule change to clarify that a company that received a waiver of the All-Inclusive Annual Listing Fee for the remainder of the calendar year in which the listing occurs, as described above, is not eligible for any credits under Listing Rule IM–5900–1(b) does not change the substance of Listing Rule IM–5900–1(b) and protects investors and the public interest by clarifying the applicability of the rule and making it easier to understand.

Finally, Nasdaq believes that the proposed rule change to identify paragraphs with letters and to update the title of Listing Rule IM–5900–4, to describe the applicability of this rule to waiver of certain annual fees ''in Conjunction with a Non-Exchange Listed Issuer Business Combination with an Acquisition Company,'' does not change the substance of this rule and protects investors and the public interest by clarifying the applicability of the rule and making it easier to understand. Similarly, Nasdaq believes that conforming and formatting changes to Listing Rules 5910 and 5920 do not change the substance of these rules and protect investors and the public interest by making them easier to understand.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The proposed waiver will be available to all similarly situated issuers on the same basis. The Exchange does not believe that the proposed waivers will have any meaningful effect on the competition among issuers listed on the Exchange.

The Exchange operates in a highly competitive market in which issuers can readily choose to list new securities on other exchanges and transfer listings to other exchanges if they deem fee levels at those other venues to be more favorable. Because competitors are free to modify their own fees in response, and because issuers may change their listing venue, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition. Nasdaq notes that the NYSE is its primary competitor for listing companies and that the NYSE has already adopted a waiver of its comparable listing fees in the scenarios similar to those covered in this proposal.[9]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–NASDAQ–2021–012 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number *SR–NASDAQ–2021–012.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–NASDAQ–2021–012* and should be submitted on or before April 22, 2021.

[9] *See* Securities Exchange Act Release No. 89773 (September 4, 2020), 85 FR 55902 (September 10, 2020) (SR–NYSE–2020–40).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06669 Filed 3–31–21; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91423; File No. SR–CboeBYX–2020–021]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of Amendments No. 3 and No. 4, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 3 and No. 4, To Introduce Periodic Auctions for the Trading of U.S. Equity Securities

March 26, 2021.

I. Introduction

On July 17, 2020, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to introduce periodic auctions in U.S. equity securities. The proposed rule change was published for comment in the **Federal Register** on August 4, 2020.[3]

On September 10, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On October 27, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, and on October 28, 2020 the Exchange filed Amendment No. 2 to the proposed rule change, which replaced in its entirety the proposed rule change as modified by Amendment No. 1. On October 30, 2020, the Commission noticed the filing of Amendment No. 2 and instituted proceedings under Section 19(b)(2)(B) of the Exchange Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On January 26, 2021, the Commission designated a longer period for Commission action on the proposed rule change.[8] On February 10, 2021, the Exchange filed Amendment No. 3 to the proposed rule change, which amended and superseded the proposed rule change as modified by Amendment No. 2. On March 18, 2021, the Exchange filed Amendment No. 4 to the proposed rule change, which amended the proposed rule change as modified by Amendment No. 3.[9] The Commission has received comment letters on the proposed rule change, including a response by the Exchange.[10] The Commission is publishing this notice to solicit comments on Amendments No. 3 and No. 4 from interested persons and is approving the proposed rule change, as modified by Amendments No. 3 and No. 4, on an accelerated basis.

II. The Exchange's Description of the Proposed Rule Change, as Modified by Amendments No. 3 and No. 4

In its filing with the Commission and subsequent letter responding to comments, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amendment No. 3 to SR–CboeBYX–2020–021 amends and replaces in its entirety the proposal as originally submitted on July 17, 2020 and amended pursuant to Amendment No. 1 on October 27, 2020 and Amendment No. 2 on October 28, 2020. Amendment No. 4 to SR–CboeBYX–2020–021 partially amends the proposal as modified by Amendment No. 3.

The purpose of the proposed rule change is to introduce periodic auctions for the trading of U.S. equity securities (''Periodic Auctions'').[11] As proposed, Periodic Auctions of one hundred milliseconds would be conducted throughout the course of the trading day when there are matching buy and sell Periodic Auction Orders, as defined below, that are available to trade in such an auction. Periodic Auctions would not interrupt trading in the continuous market, and would be price forming auctions that are executed at the price level that maximizes the total number of shares in both the auction book and the continuous market that are executed in the auction. The Exchange's parent company, Cboe Global Markets, Inc. (''Cboe''), has been a global leader in the implementation of periodic auctions, and currently runs the largest periodic auction book for the trading of European equities. The proposed Periodic Auctions that the Exchange would implement are based on the model that Cboe offers to clients in Europe, with targeted changes to adapt this model for the U.S. equities market. The Exchange believes that its implementation of Periodic Auctions would enhance the ability for investors to source liquidity in all equity securities traded on the Exchange. As discussed below, this includes both equity securities that trade in lower volume (*i.e.,* ''thinly-traded securities'') where liquidity is naturally more scarce, but also more actively traded securities, including where available liquidity may be diminished due to increased volatility or other market conditions.[12]

Today, U.S. equities market participants are largely limited to two significant liquidity events where orders are pooled and executed at a single point in time—*i.e.,* the opening and closing auctions. During the rest of the trading day, liquidity may be more limited, particularly for market participants that are seeking to trade larger orders. As proposed, Periodic Auctions would offer a new price forming auction that could be utilized

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89424 (July 29, 2020), 85 FR 47262.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89820, 85 FR 57891 (September 16, 2020). The Commission designated November 2, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 90288, 85 FR 70678 (November 5, 2020).

[8] *See* Securities Exchange Act Release No. 90993, 86 FR 7753 (February 1, 2021) (designating April 1, 2021 as the date by which the Commission shall approve or disapprove the proposal).

[9] All of the amendments to the proposed rule change, including Amendments No. 3 and No. 4, can be can be found on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2020-021/srcboebyx2020021.htm.*

[10] Comments on the proposed rule change, including the Exchange's response, can be found on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2020-021/srcboebyx2020021.htm.*

[11] The term ''Periodic Auction'' shall mean an auction conducted pursuant to Proposed Rule 11.25. *See* Proposed Rule 11.25(a)(4).

[12] As discussed in the following section, while Periodic Auctions would be available in all securities traded on the Exchange, the Exchange believes that this trading mechanism would be particularly valuable for securities that trade in lower volume and consequently suffer from wider spreads and less liquidity displayed in the public markets.

by investors seeking liquidity, including block-size liquidity, during the course of the trading day. The Exchange believes that concentrating available liquidity in Periodic Auctions that would take place when the Exchange has received matching auctionable buy and sell orders would assist investors in obtaining needed liquidity, particularly in the case of investors seeking to execute larger orders that would be difficult to execute without market impact in the continuous market. In addition, since the proposed Periodic Auctions would be price forming, these auctions would perform a valuable price discovery function, which may be particularly helpful for investors when trading securities that typically trade with wider spreads, including thinly-traded securities.

a. Commission Statement on Thinly-Traded Securities

On October 17, 2019, the Commission issued a Statement on Market Structure Innovation for Thinly Traded Securities (''Statement'').[13] The Statement requested comment on potential innovations that could improve market quality in thinly-traded securities, and sought further feedback on the regulatory changes that may be needed to facilitate such innovation. Cboe submitted a comment letter in response to the Statement on December 20, 2019.[14] As expressed in that comment letter, Cboe shares the Commission's interest in improving market quality in this segment of the U.S. equities market, and believes that the best way to accomplish this goal is through innovation and targeted approaches that invite investor choice.[15] At that time, Cboe suggested a handful of different approaches that national securities exchanges could take to improve market quality in thinly-traded securities, without requiring anti-competitive and ultimately harmful changes to U.S. equities market structure.[16] Following the submission of that comment letter, Cboe has continued to work on the design of potential market structure innovations that it could implement to improve market quality in thinly-traded and other securities that suffer from diminished market quality, consistent with the Commission's request. As a result of those efforts, the Exchange is now proposing to implement Periodic Auctions.

As discussed above, Periodic Auctions would be available in all securities traded on the Exchange, where it may benefit market participants and investors by providing a deeper pool of liquidity with which to trade, as well as providing important price discovery and other benefits. At the same time, the Exchange believes that the proposed introduction of Periodic Auctions would be particularly valuable in thinly-traded securities that currently suffer from diminished market quality compared to their more actively-traded counterparts. As expressed in Cboe's comment letter on the Commission's Statement, Cboe continues to believe that a successful approach to improving market quality in thinly-traded securities should focus on the difficulties that market participants face in trading these securities in the public markets today. In that letter, Cboe discussed three difficulties that market participants currently face in trading thinly traded securities: (1) Sourcing liquidity, (2) the availability of price improvement opportunities, and (3) the potential for significant market impact in securities that are less liquid and trade infrequently. As discussed later in this proposed rule change, the Exchange believes that Periodic Auctions would provide an effective means of addressing each of these issues, and may therefore serve to improve market quality in this currently underserved segment of the U.S. equities market. Further, the Exchange believes that Periodic Auctions, as designed, would provide a competitive mechanism for the execution of orders in thinly-traded securities, and may therefore bring order flow in such securities back into the public market, subject to fair access and pursuant to transparent exchange rules.

b. Order Entry and Cancellation

The Exchange would offer Periodic Auction Only Orders and Periodic Auction Eligible Orders,[17] both of which indicate a member's desire to initiate a Periodic Auction, if possible, as well as Continuous Book Orders that would not initiate a Periodic Auction but would be eligible to participate in such an auction when it is executed.[18] Thus, as provided in Proposed Rule 11.25(b), Users [19] may enter Periodic Auction Orders, *i.e.,* Periodic Auction Only Orders or Periodic Auction Eligible Orders,[20] that are eligible to initiate Periodic Auctions pursuant to Proposed Rule 11.25(c), as discussed later in this proposed rule change, and Continuous Book Orders that may participate in such Periodic Auctions if present on the Continuous Book at the time a Periodic Auction is completed. As explained in more detail below, the ability to choose between Periodic Auction Only Orders, Periodic Auction Eligible Orders, and Continuous Book Orders would allow members to control how their orders are handled in Periodic Auctions—*e.g.,* whether the order is able to initiate a Periodic Auction, or not, and whether the order participates on the Continuous Book, or not. The choice of different methods of participating in Periodic Auctions would therefore provide flexibility to members based on their individual business needs, or the needs of their customers. Regardless of the type of order submitted, orders entered on the Exchange that are present when a Periodic Auction is completed would generally be eligible to participate in that execution. The proposed introduction of Periodic Auctions would therefore benefit both Users explicitly seeking to use this functionality, as well as other Users that may benefit from any increased liquidity routed to the Exchange in order to participate in such Periodic Auctions.

General Requirements for Order Entry and Cancellation. Periodic Auction Orders and Continuous Book Orders may be modified and/or cancelled at any time, including during the Periodic Auction Period,[21] at the discretion of

[13] *See* Securities Exchange Act Release No. 87327 (October 17, 2019), 84 FR 56956 (October 24, 2019) (File No. S7–18–19).

[14] *See* Letter from Adrian Griffiths, Assistant General Counsel, Cboe to Vanessa Countryman, Secretary, Commission dated December 20, 2019, *available at https://www.sec.gov/comments/s7-18-19/s71819-6574727-201085.pdf.*

[15] *Id.*

[16] *Id.*

[17] A ''Periodic Auction Only Order'' is a Non-Displayed Limit Order entered with an instruction to participate solely in Periodic Auctions pursuant to Proposed Rule 11.25. A ''Periodic Auction Eligible Order'' is a Non-Displayed Limit Order eligible to trade on the Continuous Book that is entered with an instruction to also initiate a Periodic Auction, if possible, pursuant to Proposed Rule 11.25. *See* Proposed Rule 11.25(b)(1)–(2).

[18] The term ''Continuous Book Order'' shall mean an order on the BYX Book that is not a Periodic Auction Order, and the term ''Continuous Book'' shall mean System's electronic file of such Continuous Book Orders. *See* Proposed Rule 11.25(a)(2).

[19] The term ''User'' means any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* BYX Rule 1.5(cc).

[20] The term ''Periodic Auction Order'' shall mean a ''Periodic Auction Only Order'' or ''Periodic Auction Eligible Order'' as those terms are defined in Proposed Rules 11.25(b)(1)–(2), and the term ''Periodic Auction Book'' shall mean the System's electronic file of such Periodic Auction Orders. *See* Proposed Rule 11.25(a)(6).

[21] The term ''Periodic Auction Period'' would be defined in Proposed Rule 11.25(a)(8) as the fixed time period of 100 milliseconds for conducting a Periodic Auction. The Exchange would permit cancellations of Periodic Auction Orders while a Periodic Auction Period is ongoing in the security. During the ordinary course of trading, market

Continued

the User. Periodic Auctions are designed to allow seamless participation in a price forming auction process without impacting continuous trading, and market participants would therefore remain able to manage orders that they have entered to participate in such auctions during the course of the trading day. Since some Users may not wish to cancel Periodic Auction Orders inadvertently during the course of an ongoing Periodic Auction, however, the Exchange would provide an optional instruction that would allow such Users to instruct the Exchange not to cancel a Periodic Auction Order during a Periodic Auction Period if it is marketable at the Periodic Auction Book Price.[22]

Given that Periodic Auctions are designed, in part, to facilitate the sourcing of larger blocks of liquidity that may not be available in continuous trading, the Exchange would also implement certain size restrictions that would be applicable to Periodic Auction Orders. Specifically, Periodic Auction Orders would have to be for a size of 100 shares or more in securities priced below $500 based on the consolidated last sale price, *i.e.,* the last sale price that is disseminated by the securities information processor, or if no consolidated last sale price is available, the previous day's closing price.[23] The Exchange would not implement similar size restrictions for higher-priced securities, where such a size requirement would generally require a higher minimum notional value to participate in a Periodic Auction. For example, Amazon.com, Inc. (''AMZN'') closed at $ 3,292.23 on January 22, 2021. Requiring that a Periodic Auction Order in AMZN be for at least 100 shares would require that the User be willing to trade a notional value of $329,223. Given the large notional associated with such high-priced securities, the Exchange would not apply the proposed size requirement to securities priced at or above $500. Based on the Exchange's analysis of trading activity from January 4–22, 2021, only 61 U.S. equity securities traded at prices of $500 or more, accounting for 0.53% of total traded volume during that period. As such, the Exchange believes that the proposed $500 threshold would exclude only the highest priced securities from the Exchange's proposed minimum size requirements.

Periodic Auction Only Orders. A ''Periodic Auction Only Order'' would be defined in proposed Rule 11.25(b)(1) as a Non-Displayed Limit Order entered with an instruction to participate solely in Periodic Auctions pursuant to Proposed Rule 11.25. The Periodic Auction Only Order is an optional order type that is designed for market participants that want to access liquidity that is available in one or more Periodic Auctions and do not wish to participate in the continuous market. As such, a Periodic Auction Only Order would not be eligible for execution on the Continuous Book. Instead, such orders would remain on the Periodic Auction Book for participation in Periodic Auctions until executed or cancelled.

Periodic Auction Only Orders would only be accepted with a time-in-force of Regular Hours Only (''RHO'') or immediate-or-cancel (''IOC''). Specifically, Periodic Auction Only Orders entered outside of Regular Trading Hours must include a time-in-force of RHO as the Exchange would conduct Periodic Auctions only during Regular Trading Hours,[24] and not during the Early Trading,[25] Pre-Opening,[26] or After Hours Trading Sessions.[27] Orders entered with a time-in-force of RHO are cancelled at the end of Regular Trading Hours on the trading day in which the order is entered, and do not persist to the next trading day. Periodic Auction Only Orders entered during Regular Trading Hours may be either RHO or IOC. If entered with a time-in-force of IOC, the order must include an instruction pursuant to Proposed Rule 11.25(b) not to cancel the order during a Periodic Auction Period if it is marketable at the Periodic Auction Book Price.[28] As previously discussed, with the inclusion of this instruction, an order that initiates a Periodic Auction would be considered ''locked-in'' and would not be cancellable by the entering User during the course of an ongoing Periodic Auction Period unless it is not marketable at the Periodic Auction Book Price. An IOC order entered with this instruction would therefore be able to immediately initiate a Periodic Auction on entry. And, if it does so, it would not be cancelled for the duration of the Periodic Auction Period, except in circumstances where the Periodic Auction Book Price indicates that the order might not be executable, thereby ensuring that Periodic Auction Only Orders entered with these attributes would ordinarily be eligible to participate in Periodic Auctions that they initiate.

The Exchange believes that the Periodic Auction Only Order may be particularly valuable for market participants that are seeking to execute larger orders that they may not be willing to expose for trading on the Continuous Book. Thus, the Exchange would permit Users to specify a minimum execution quantity for their Periodic Auction Only Orders. A Periodic Auction Only Order entered with a minimum execution quantity would be executed in a Periodic Auction only if the minimum size specified can be executed against one or

participants often work orders simultaneously in multiple venues. In fact, a number of Exchange members, including global trading firms that currently use the periodic auction product offered by the Exchange's affiliate, Cboe Europe, have indicated that they plan to incorporate Periodic Auctions into their normal workflow as a potential source of additional liquidity. As discussed, these firms would generally continue to work their orders across other venues, and the Exchange has therefore proposed to allow cancellations of Periodic Auction Orders, including in cases where a Periodic Auction has already been initiated. This handling would minimize potential overfills or related workflow issues that could otherwise be experienced by firms, thereby allowing them to use Periodic Auctions in the manner intended while seeking liquidity across other venues. As a self-regulatory organization, the Exchange would conduct surveillance to detect potential misuse of Periodic Auctions, including a pattern or practice of entering and cancelling Periodic Auction Orders to gain information about other Periodic Auction Orders resting on the Periodic Auction Book. While the Proposal would allow members to freely enter and cancel Periodic Auction Orders, the Exchange believes its regulatory program is appropriately designed to detect and deter use of Periodic Auction Orders that is inconsistent with applicable Exchange rules. Periodic Auction Orders must be entered with the intent to participate in Periodic Auctions. *See* Interpretations and Policies .04 to BYX Proposed Rule 11.25. A pattern or practice of submitting orders for the purpose of disrupting or manipulating Periodic Auctions, including entering and immediately cancelling Periodic Auction Orders, will be deemed conduct inconsistent with just and equitable principles of trade. *Id.*

[22] The Periodic Auction Book Price is an indicative price that is designed to provide information about the price where a Periodic Auction may ultimately be executed. *See infra* note 42. The instruction to ''lock-in'' a Periodic Auction Order would be included as a port setting that a User can use to flag any orders entered through a particular port. Users that wish to use this feature must use the port setting and would not be able to flag individual orders on an order-by-order basis.

[23] Periodic Auction Only Orders that do not meet applicable size requirements would be rejected. Periodic Auction Eligible Orders would be converted to Continuous Book Orders, and would be eligible to trade on the Continuous Book based on User instructions.

[24] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* BYX Rule 1.5(w).

[25] The term ''Early Trading Session'' means the time between 7:00 a.m. and 8:00 a.m. Eastern Time. *See* BYX Rule 1.5(ee).

[26] The term ''Pre-Opening Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time. *See* BYX Rule 1.5(r).

[27] The term ''After Hours Trading Session'' means the time between 4:00 p.m. and 8:00 p.m. Eastern Time. *See* BYX Rule 1.5(c).

[28] Periodic Auction Only Orders will be rejected if they are entered with a time-in-force of IOC but do not contain an ''lock-in'' instruction pursuant to Proposed Rule 11.25(b).

more contra-side Periodic Auction Orders or Continuous Book Orders. The Exchange offers Minimum Quantity Orders to Users that trade on the Continuous Book today.[29] The proposed instruction that could be attached to a Periodic Auction Only Order is similar to the current Minimum Quantity Orders used for trading on the Continuous Book but would only permit the default handling of that order type, and would not allow a member to alternatively specify that the minimum quantity condition be satisfied by each individual contra-side order. Periodic Auction Eligible Orders and Continuous Book Orders entered as Minimum Quantity Orders would be subject to similar restrictions.

In addition, the Exchange believes that some Users may wish to use Periodic Auctions to seek liquidity at or better than a pegged price that is based on the applicable national best bid and offer (''NBBO''). The Exchange would therefore allow a User to optionally include an instruction on its Periodic Auction Only Orders to peg such orders to either the midpoint of the NBBO (''midpoint peg''), or the same side of the NBBO (''primary peg''). Similar to pegging instructions offered for Continuous Book Orders today,[30] Periodic Auction Only Orders entered with a primary peg instruction could be pegged to the NBB or NBO, or a certain amount above the NBB or below the NBO (''offset'').[31] The inclusion of a pegging instruction for Periodic Auction Only Orders would ensure that Users have the opportunity to specify that these orders are only executed at prices defined in relation to the market for the particular security, including midpoint executions that offer price improvement compared to the applicable NBBO.

Periodic Auction Eligible Orders. A ''Periodic Auction Eligible Order'' would be defined in Proposed Rule 11.25(b)(2) as a Non-Displayed Limit Order eligible to trade on the Continuous Book that is entered with an instruction to also initiate a Periodic Auction, if possible, pursuant to Proposed Rule 11.25. The Periodic Auction Eligible Order would allow market participants to trade in the continuous market during the course of the trading day, with the ability to also initiate Periodic Auctions when there is contra-side liquidity available to trade. The Exchange notes that there may be situations where an incoming Periodic Auction Eligible Order would be able to either initiate a Periodic Auction, or alternatively trade immediately with one or more orders resting on the Continuous Book. In such instances the Periodic Auction Eligible Order would trade immediately with the Continuous Book, thereby securing a guaranteed execution for the order. However, since Periodic Auction Eligible Orders are geared towards participation in Periodic Auctions, with attendant price discovery benefits and potential price improvement opportunities, such orders would not trade on the Continuous Book during a Periodic Auction Period in the security. Although the Exchange would not halt or otherwise suspend trading on the Continuous Book while conducting a Periodic Auction, the Exchange believes that Periodic Auction Eligible Orders that are designed for use in Periodic Auctions should generally preference trading in ongoing auctions over trading on the Continuous Book.

The time-in-force included on a Periodic Auction Eligible Order would also need to allow the order to be entered and remain on the Periodic Auction Book during the course of a Periodic Auction. As a result, there would be certain limitations on the entry of Periodic Auction Eligible Orders with a time-in- IOC or fill-or-kill (''FOK''). An IOC order is defined in BYX Rule 11.9(b)(1) as a limit order that is to be executed in whole or in part as soon as such order is received. Thus, under the ordinary terms of an IOC order, if such an order were to initiate a Periodic Auction, it would generally not be available for later execution at the end of any Periodic Auction Period. To ensure that IOC orders that initiate a Periodic Auction are eligible to participate in the auction's eventual execution, the Exchange therefore proposes that Periodic Auction Eligible Orders entered with a time-in-force of IOC must include an instruction pursuant to Proposed Rule 11.25(b) not to cancel the order during a Periodic Auction Period if it is marketable at the Periodic Auction Book Price.[32] Such Periodic Auction Eligible Orders would be handled in a manner consistent with that described above with respect to Periodic Auction Only Orders. Similarly, an FOK order is defined in BYX Rule 11.9(b)(6) as a limit order that is to be executed in its entirety as soon as it is received and, if not so executed, cancelled. The Exchange is not proposing to support the use of FOK orders in Periodic Auctions, and therefore Periodic Auction Eligible Orders would not be able to be entered with a time-in-force of FOK.[33]

As previously explained, the Exchange believes that Users seeking liquidity in Periodic Auctions may wish to use such auctions to receive an execution at prices at or better than the midpoint of the NBBO. The Exchange currently offers functionality that allows members entering Mid-Point Peg Orders on the Continuous Book to forgo an execution in situations where the NBBO is locked.[34] However, in order to avoid a Periodic Auction from being initiated that may not ultimately result in an execution during a locked market, Mid-Point Peg Orders that are entered with an instruction to not execute when the NBBO is locked would not be eligible to be entered as Periodic Auction Eligible Orders.[35] This handling would mirror the handling of Periodic Auction Orders, which as proposed could be entered with a midpoint peg instruction, but would not include any further instructions that would allow the User to elect not to trade during a locked market.

Since the Exchange believes that Periodic Auctions may be beneficial to market participants trading larger orders that they may not want to be executed unless a specified minimum size can be satisfied, the Exchange would also allow for Minimum Quantity Orders to be entered as Periodic Auction Eligible Orders. As previously discussed, the Exchange currently offers two variants of this order type. By default, a Minimum Quantity Order would execute upon entry against a single order or multiple aggregated orders simultaneously. Alternatively, such orders may be entered with an instruction that the order not trade with multiple aggregated orders simultaneously, and that the minimum quantity condition instead be satisfied by each individual order resting on the Continuous Book. As proposed, Minimum Quantity Orders, as defined in Rule 11.9(c)(5), may be entered as

[29] *See* BYX Rule 11.9(c)(5).

[30] *See* BYX Rule 11.9(c)(8)(A).

[31] Since Periodic Auctions are restricted from trading outside of the applicable Protected NBBO, the offset included on such orders would have to result in the order being more aggressive than the NBBO—*i.e.,* priced higher for buy orders or lower for sell orders.

[32] Periodic Auction Eligible Orders will be rejected if they are entered with a time-in-force of IOC but do not contain an ''lock-in'' instruction pursuant to Proposed Rule 11.25(b).

[33] Although the Exchange is not proposing any special handling for IOC or FOK orders that are entered as Continuous Book Orders, the Exchange notes that such orders would not participate in Periodic Auctions as they would never be posted to the Continuous Book.

[34] *See* BYX Rule 11.9(c)(9).

[35] This restriction would not apply to Continuous Book Orders. Since Continuous Book Orders do not initiate Periodic Auctions, a Continuous Book Order entered with these instructions would be able to participate in the eventual execution of Periodic Auctions if such execution can take place in accordance with the terms of the order.

Periodic Auction Eligible Orders only if the order includes the default instruction that allows the minimum size specified to be executed against one or more contra-side orders—*i.e.,* similar to the proposed handling of Periodic Auction Only Orders entered with a minimum execution quantity instruction. Orders entered with the alternative instruction that requires the minimum size specified to be satisfied by each individual contra-side order would not be eligible to be entered as Periodic Auction Eligible Orders. As discussed later in this proposed rule change, similar restrictions would also apply to Continuous Book Orders, which would not participate in Periodic Auctions if entered with this alternative instruction.

Finally, similar to the opening process used to begin trading in a security pursuant to BYX Rule 11.23: (1) Discretionary Orders, as defined in rule 11.9(c)(10), would be eligible to participate only up to their ranked price for buy orders or down to their ranked price for sell orders; [36] and (2) all Pegged Orders and Mid-Point Peg Orders, as defined in BYX Rule 11.9(c)(8) and (9), would be eligible for execution in Periodic Auctions based on their pegged prices. The Exchange believes that this proposed handling is equally relevant to Periodic Auctions, and would ensure, where appropriate, that the order handling experienced in such Periodic Auctions is familiar to members and investors.

Continuous Book Orders. A ''Continuous Book Order'' would be defined in Proposed Rule 11.25(a)(2) as an order on the BYX Book that is not a Periodic Auction Order. Continuous Book Orders, which may participate in the eventual execution of a Periodic Auction but would not be able to initiate such an auction, would be handled in the same manner as Periodic Auction Eligible Orders solely with respect to handling of (1) Discretionary Orders, and (2) Pegged Orders and Mid-Point Peg Orders, each as discussed in the preceding paragraph. Continuous Book Orders would also be subject to the handling discussed for Periodic Auction Eligible Orders entered as Minimum Quantity Orders, with the caveat that this handling would only apply to Continuous Book Orders entered with the default instruction that permits the execution of such orders against one or more contra-side orders. As proposed, similar to the treatment of Periodic Auction Orders—including both Periodic Auction Only Orders and Periodic Auction Eligible Orders—Continuous Book Orders entered with the alternative instruction that requires the minimum size specified to be satisfied by each individual contra-side order would not be included in Periodic Auctions. However, rather than prohibiting Users from entering Minimum Quantity Orders with this instruction on the Continuous Book, where this instruction may still be valuable for investors, the Exchange would simply prohibit any orders entered with that instruction from participating in the execution of any Periodic Auctions. Finally, Continuous Book Orders that are entered as Reserve Orders, as defined in Rule 11.9(c)(1), would be eligible to participate in Periodic Auctions to the full extent of their displayed size and Reserve Quantity.[37]

c. Initiation and Publication of Periodic Auction Information

The Exchange would conduct Periodic Auctions during Regular Trading Hours to give market participants an opportunity to obtain liquidity during the course of the trading day. Instead of initiating such auctions on a set schedule, the Exchange would wait until it has executable interest that is eligible to initiate a Periodic Auction, thereby ensuring that Periodic Auctions are only performed when it may be possible for interested market participants to obtain an execution at the end of the Periodic Auction Period. Specifically, as provided in Proposed Rule 11.25(c), a Periodic Auction would be initiated in a security during Regular Trading Hours when one or more Periodic Auction Orders to buy become executable against one or more Periodic Auction Orders to sell pursuant to Proposed Rule 11.25.[38] This would begin a Periodic Auction Period of 100 milliseconds where the Exchange would match buy and sell orders for potential execution.[39]

Once the Periodic Auction Period has begun, the Exchange would consolidate any additional Periodic Auction Orders that it receives, which would be used to calculate the information disseminated at a randomized time thereafter in a Periodic Auction Message.[40] Specifically, at a randomized time in one millisecond intervals after a Periodic Auction has been initiated and before the end of the Periodic Auction,[41] the Exchange would disseminate via electronic means an initial Periodic Auction Message that includes two important pieces of information about the Periodic Auction: (1) The Periodic Auction Book Price,[42] and (2) and the total number of shares of Periodic Auction Orders that are matched at the Periodic Auction Book Price.[43] With

[36] The discretionary range of such orders would not be considered in Periodic Auctions.

[37] There are no similar requirements applicable to Periodic Auction Eligible Orders since Reserve Orders include a displayed portion and therefore would not be eligible for entry as Periodic Auction Eligible Orders. As discussed, Periodic Auction Eligible Orders, as defined, would include only Non-Displayed Limit Orders.

[38] As proposed, Periodic Auctions would operate alongside trading on the Continuous Book. The Exchange has therefore developed its system for processing Periodic Auctions with the goal of minimizing interference with trading in the continuous market. Thus, in rare circumstances where a number of Periodic Auctions could potentially be triggered at or around the same time, the Exchange may throttle the initiation of such Periodic Auctions if needed to maintain appropriate system performance and latency. Specifically, the throttle would limit the rate at which new auctions are initiated by the System by imposing configurable limits for both: (1) A sustained rate that controls the number of Periodic Auctions that can be initiated on a continuous basis, calculated by looking at System load during high utilization periods and the time it takes to initiate an auction to determine a safe maximum for the number of auctions that can be initiated each second; and (2) a burst rate that would allow the System to initiate a larger number of Periodic Auctions when either no or few auctions have been initiated for a specified time period.

[39] One relevant exception to this would be for Periodic Auctions that would otherwise end after the Regular Trading Session. As previously discussed, Periodic Auctions would only be conducted during Regular Trading Hours. As a result, such Periodic Auctions would be performed at the end of the Regular Trading Session.

[40] The ''Periodic Auction Message'' would be defined in Proposed Rule 11.25(a)(7) as a message disseminated by electronic means that includes information about any matched Periodic Auction Orders on the Periodic Auction Book, as described in Rule 11.25(c).

[41] With the randomization of sending the message, the initial Periodic Auction Message would be disseminated between 0 and 99 milliseconds following the initiation of the Periodic Auction—*e.g.,* immediately upon initiation, at the one millisecond mark, two millisecond mark, three millisecond mark, or so forth until the 99 millisecond mark. The specific time chosen would be entirely random for each Periodic Auction. As discussed in the paragraph that follows, revised Periodic Auction Messages would thereafter be disseminated in five millisecond intervals following the Exchange's dissemination of the initial Periodic Auction Message.

[42] The ''Periodic Auction Book Price'' would be defined in Proposed Rule 11.25(a)(5) as the price within the Collar Price Range at which the most shares from the Periodic Auction Book would match. In the event of a volume-based tie at multiple price levels, the Periodic Auction Book Price would be the price that results in the minimum total imbalance. In the event of a volume-based tie and a tie in minimum total imbalance at multiple price levels, the Periodic Auction Book Price would be the price closest to the Volume Based Tie Breaker. As calculated, the Periodic Auction Book Price would be expressed in the minimum increment for the security unless the midpoint of the NBBO establishes the Periodic Auction Book Price.

[43] Similar to the auction information disseminated by the Exchange's affiliate, BZX, for its opening and closing auctions, the Periodic Auction Message would be disseminated to market participants over the Exchange's proprietary depth-of-book market data feeds.

these two pieces of information, interested market participants would be informed of both the price at which Periodic Auction Orders would match based on current market conditions,[44] and the number of shares of such orders that would be matched. Although the Exchange does not believe that all Users will want or need access to this information to participate in Periodic Auctions,[45] making such information available may encourage further participation from market participants.

The calculation of the Periodic Auction Book Price would exclude Continuous Book Orders. Although Continuous Book Orders are eligible to trade in a Periodic Auction at the end of the Periodic Auction Period, they are potentially subject to execution on the Continuous Book prior to the execution of the Periodic Auction. As a result, similar to certain information disseminated by other national securities exchanges in advance of their auctions,[46] Continuous Book Orders would not be used to calculate the data elements included in the Periodic Auction Message. After its initial dissemination, a revised Periodic Auction Message would be disseminated in five millisecond intervals for the remaining duration of the auction, thereby ensuring that market participants maintain a current view of the market with which to make appropriate trading decisions throughout the Periodic Auction Period.

d. Determination of Periodic Auction Price

Periodic Auctions are designed to facilitate meaningful price discovery in securities traded on the Exchange throughout the course of the trading day. Similar to the operation of opening and closing auctions in securities listed on the Exchange's affiliate, Cboe BZX Exchange, Inc. (''BZX''),[47] as well as similar auctions conducted on other national securities exchanges, Periodic Auctions would therefore be executed at a price that maximizes the number of shares traded in the auction within designated auction collars (''Collar Price Range'').[48] Specifically, as provided in Proposed Rule 11.25(d), the Periodic Auction Price would be established by determining the price level within the Collar Price Range that maximizes the number of shares executed from the Continuous Book and Periodic Auction Book in the Periodic Auction.[49]

The Exchange would also implement certain ''tie-breakers'' that would be used to determine the applicable Periodic Auction Price if multiple price levels would satisfy the requirement to maximize the number of shares executed in the auction. These tie-breakers would be the same as the tie-breakers currently used for opening and closing auctions on BZX for that exchange's listed securities. Specifically, in the event of a volume-based tie at multiple price levels, the Periodic Auction Price would be the price that results in the minimum total imbalance—*i.e.,* the price at which the number of any executable shares to buy or sell that do not participate in the Periodic Auction is minimized.[50] In the event of a volume-based tie and a tie in minimum total imbalance at multiple price levels, the Periodic Auction Price would be the price closest to the Volume Based Tie Breaker, which would be defined in Proposed Rule 11.25(a)(9) as the midpoint of the NBBO for a particular security where the NBBO is a Valid NBBO.[51]

e. Determination of Collar Price Range

As discussed, the Periodic Auction Price would be constrained by auction collars that are designed to ensure that the execution of a Periodic Auction takes place at a price that is reasonably related to the market for the security and consistent with applicable regulatory requirements. While Periodic Auctions are designed to balance supply and demand through a competitive auction process, the Collar Price Range would restrict trading from occurring at prices that are far away from the market. Specifically, as proposed, the term ''Collar Price Range'' would be defined in Proposed Rule 11.25(a)(1) as the more restrictive of the Midpoint Collar Price Range and the Protected NBBO.[52] The Collar Price Range would be similar to the auction collars used today for BZX's opening and closing processes, with important differences to account for the fact that Periodic Auctions would be subject to the requirements of the Rule 611 of Regulation NMS (''Order Protection Rule'') and the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down'' or ''LULD'' Plan). Specifically, Periodic Auctions would be subject to a Collar Price Range that is the more restrictive of the Midpoint Collar Price Range (described below) and the Protected NBBO. This implementation would therefore ensure that such Periodic Auctions are executed at a price that is consistent with the requirements of the Order Protection Rule as well as the additional protections provided by auction collars that are similar to those currently used by the Exchanges' affiliate, BZX, for opening and closing auctions in that

[44] The Exchange would consider any relevant instructions included on Periodic Auction Orders in calculating the information included in the Periodic Auction Message. For example, the pegged price of a Periodic Auction Order that includes a pegging instruction would be used in determining the Periodic Auction Book Price, as well as the number of shares available at that price, as disseminated in the Periodic Auction Message.

[45] Periodic Auction Orders would not be tied in any way to a particular Periodic Auction. As a result, Users may freely enter Periodic Auction Orders, and such orders would be eligible to initiate a Periodic Auction, either on entry or after being posted to the Periodic Auction Book, or participate in an ongoing periodic Auction. A User's ability to participate effectively in the Periodic Auctions would therefore not be tied to their use of the Periodic Auction Message, and the Exchange believes that Periodic Auctions would be a valuable tool for such Users irrespective of whether they choose to use such information.

[46] For example, the ''Current Reference Price'' disseminated ahead of Nasdaq's closing cross is defined as the single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOC, LOC, and IO orders can be paired, subject to certain tie-breakers. *See* Nasdaq Rule 4754(a)(7)(A). Nasdaq does not include ''Close Eligible Interest'' entered on its continuous book in determining the Current Reference Price pursuant to Nasdaq Rule 4754(a)(7)(A), nor does it include such orders in its dissemination of the number of shares represented by MOC, LOC, and IO orders that are paired at the Current Reference Price. *See* Nasdaq Rule 4754(a)(7)(B).

[47] *See* BZX Rule 11.23(b)(2)(B); (c)(2)(B).

[48] The term ''Collar Price Range'' shall mean the more restrictive of the Midpoint Collar Price Range, as defined in Proposed Rule 11.25(a)(1), and the Protected NBBO. *See* Proposed Rule 11.25(a)(1). Notwithstanding the foregoing, if the Collar Price Range calculated by the Exchange would be outside of the applicable Price Bands established pursuant to the Limit Up-Limit Down Plan, the Collar Price Range will be capped at such Price Bands. *Id.*

[49] The calculation of Collar Price Range, as defined in the Proposed Rule, is described in more detail in Section V of this proposed rule change. As calculated, the Periodic Auction Price would be expressed in the minimum increment for the security unless the midpoint of the NBBO establishes the Periodic Auction Price.

[50] Selecting a price that would minimize the imbalance best reflects the value of the security based on the auction's price discovery process because it is the price level where the amount of buy and sell interest is closest to equal.

[51] As is the case on the Exchange's affiliate, BZX, for opening and closing auctions for BZX-listed securities, a NBBO would be considered a Valid NBBO where: (i) There is both a NBB and NBO for the security; (ii) the NBBO is not crossed; and (iii) the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO as determined by the Exchange and published in a circular distributed to Members with reasonable advance notice prior to initial implementation and any change thereto. *See* BZX Rule 11.23(b)(23). Where the NBBO is not a Valid NBBO, the consolidated last sale price would be used. *Id.*

[52] The term ''Midpoint Collar Price Range'' shall mean the range from a set percentage below the Collar Midpoint (as defined below) to above the Collar Midpoint, such set percentage being dependent on the value of the Collar Midpoint at the time of the auction, as described below. *See* Proposed Rule 11.25(a)(3). The ''Protected NBBO'' is the national best bid or offer that is a Protected Quotation. *See* BYX Rule 1.5(s).

exchange's listed securities. For all Periodic Auctions, the Exchange would calculate a Midpoint Collar Price Range to establish an upper and lower bound for the execution of such auctions. The Midpoint Collar Price Range would mirror the collars currently established for use in BZX auctions,[53] and would be defined in Proposed Rule 11.25(a)(3) as the range from a set percentage below the Collar Midpoint to above the Collar Midpoint,[54] such set percentage being dependent on the value of the Collar Midpoint at the time of the auction. Specifically, the Collar Price Range would be determined as follows: (1) Where the Collar Midpoint is $25.00 or less, the Collar Price Range would be the range from 10% below the Collar Midpoint to 10% above the Collar Midpoint; (2) where the Collar Midpoint is greater than $25.00 but less than or equal to $50.00, the Collar Price Range would be the range from 5% below the Collar Midpoint to 5% above the Collar Midpoint; and (3) where the Collar Midpoint is greater than $50.00, the Collar Price Range would be the range from 3% below the Collar Midpoint to 3% above the Collar Midpoint.

Finally, all Periodic Auctions would be conducted during Regular Trading Hours and therefore would be subject to the requirements of the LULD Plan. Generally, the LULD Plan sets forth procedures that provide for market-wide limit up-limit down requirements to prevent trades in individual NMS Stocks from occurring outside of specified Price Bands.[55] Consistent with the requirements of the LULD Plan, the Exchange would not execute Periodic Auctions at a price that is outside of the applicable Price Bands. Thus, if the Collar Price Range calculated by the Exchange would be outside of the applicable Price Bands established pursuant to the LULD Plan, the Collar Price Range would be capped at such Price Bands.

f. Priority and Execution of Orders

As discussed, Periodic Auction Orders and Continuous Book Orders that are executable at the end of the Periodic Auction Period would be executed at the Periodic Auction Price determined pursuant to Proposed Rule 11.25(d). Such orders would be executed in accordance with Proposed Rule 11.25(e), which describes the allocation model for Periodic Auctions. Generally, the allocation model described in this rule is intended to encourage active participation of Periodic Auction Orders, including participation of larger orders, while ensuring that Continuous Book Orders are also able to participate in resulting executions, as appropriate, in order to encourage continued liquidity on the Continuous Book. First, any displayed Continuous Book Orders that are executable at the Periodic Auction Price would be executed in price/time priority, thereby encouraging the continued submission of displayed orders. Second, after any displayed Continuous Book Orders have been executed, the Exchange would execute any Periodic Auction Orders that are executable at the Periodic Auction Price. Since Periodic Auctions are designed, in part, to facilitate the execution of larger orders, such Periodic Auction Orders would be executed in size/time priority, beginning with the largest order. Finally, any non-displayed Continuous Book Orders that are executable at the Periodic Auction Price would be executed pursuant the normal price-time priority allocation used for the execution of orders on the Continuous Book, as provided in BYX Rule 11.9(a)(2)(B). All Match Trade Prevention modifiers, as defined in BYX Rule 11.9(f), would be ignored as it relates to executions occurring during a Periodic Auction.[56]

The Exchange intends to reflect executions that occur during a Periodic Auction as auction executions on its proprietary market data feeds as happens today for other auctions conducted by the Exchange and its affiliated U.S. equities exchanges. There is no similar indicator disseminated by the securities information processors (''SIPs'') for intraday auction executions, *i.e.,* excluding opening and closing prints, and the Exchange is not able to unilaterally propose the introduction of such an indicator through a proposed rule change submitted to the Commission pursuant to Section 19(b) of the Exchange Act. Rather, pursuant to Regulation NMS, the dissemination of such information by the SIPs is governed by the operating committee(s) of the national market system (''NMS'') plan(s) that govern the dissemination of this information. In the interest of facilitating additional transparency about the nature of executions on the Exchange to subscribers of the SIP feeds, the Exchange will submit a request to the operating committee(s) of the NMS plan(s) and make best efforts to have similar information included on those feeds as soon as practicable. If approved by applicable operating committee(s), the Exchange represents that it will submit a trade modifier on executions that result from Periodic Auctions to the SIPs for dissemination to investors, similar to the manner in which it would mark such auction executions on its own proprietary feeds.

Finally, the Exchange notes that, in certain rare circumstances, the inclusion of a minimum execution quantity on one or more Periodic Auction Orders and/or Continuous Book Orders could potentially result in the Exchange being unable to process a Periodic Auction in a timely manner. Thus, as provided in Proposed Rule 11.25(f), to prevent potential capacity and/or performance issues that may impact both the execution of the auction, as well as trading on Continuous Book, in such an event the Exchange would cancel the auction after a specified number of attempts. Specifically, to prevent potential capacity and/or performance issues, the Exchange will cancel a Periodic Auction at the end of the Periodic Auction Period if it is unable to successfully process such Periodic Auction according to Rule 11.25 after a specified number of attempts determined by the Exchange and published in a circular distributed to members.

g. Regulatory and Other Considerations

The Exchange would also adopt rule language in the Interpretations and Policies to the proposed rule that describes how Periodic Auctions would be processed consistent with certain other regulatory obligations, including obligations related to member conduct, or otherwise to ensure transparent handling in certain specified circumstances. These rules would provide additional clarity and transparency to members and investors with respect to how the Exchange would process Periodic Auctions consistent with relevant obligations under the Exchange Act, or as otherwise necessary or appropriate to maintain a fair and orderly market on the Exchange.

First, as explained in Interpretations and Policies .01 to Proposed Rule 11.25, the Exchange would not conduct Periodic Auctions during a trading halt when such trading is prohibited. If a symbol is halted prior to the execution of a Periodic Auction that has already

[53] *See* BZX Rule 11.23(c).

[54] The Collar Midpoint would be the Volume Based Tie Breaker for all Periodic Auctions. As discussed later in this proposed rule change, the Volume Based Tie Breaker would generally be the midpoint of the NBBO, except where there is no Valid NBBO.

[55] *See e.g.,* LULD Plan, Preamble, *available at https://www.luldplan.com/plans.*

[56] The Exchange notes that its Match Trade Prevention features are designed for use on the Continuous Book, and may complicate the execution of an auction that requires the pooling and matching of multiple orders against other orders at a market clearing price.

been initiated pursuant to Proposed Rule 11.25(c), the Periodic Auction would be immediately cancelled without execution, consistent with applicable limitations on trading during a halt.

Second, as explained in Interpretations and Policies .02 to Proposed Rule 11.25, a Periodic Auction would not be initiated during a Crossed Market. If the market becomes crossed during a Periodic Auction that has already been initiated pursuant to Proposed Rule 11.25(c), and remains crossed at the end of the Periodic Auction Period, the Periodic Auction would be cancelled without execution.[57] If the market subsequently becomes uncrossed, resting Periodic Auction Orders may trigger a Periodic Auction pursuant to Rule 11.25(c).

Third, Interpretations and Policies .03 to Proposed Rule 11.25 would detail the proposed handling of orders consistent with Regulation SHO. As proposed, all short sale orders designated for participation in the Periodic Auction would have to be identified as ''short'' or ''short exempt'' pursuant to Rule 11.10(a)(5). Rules 201(b)(1)(i) and (ii) of Regulation SHO generally requires that trading centers such as the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to: (i) Prevent the execution or display of a short sale order of a covered security at a price that is less than or equal to the current national best bid (''NBB'') if the price of that covered security decreases by 10% or more from the covered security's closing price; and (ii) impose this price restriction for the remainder of the day and the following day.

So as to maintain compliance with Rule 201 of Regulation SHO, Periodic Auction Eligible Orders and Continuous Book Orders marked ''short'' would be subject to the Exchange's current short sale price sliding process described in BYX Rule 11.9(g)(5). BYX Rule 11.9(g)(5) establishes the Exchange's price sliding process for orders entered on the Continuous Book, and is designed to ensure that in the event a security is in a short sale circuit breaker, short sale orders entered on the Continuous Book are re-priced to a price that is above the NBB, as needed to comply with Rule 201 of Regulation SHO. Since Periodic Auction Eligible Orders and Continuous Book Orders are available for trading on the Continuous Book they would be subject to the same price sliding process as all orders that trade in the continuous market. For example, pursuant to BYX Rule 11.9(g)(5)(A), a short sale order that, at the time of entry, could not be executed or displayed in compliance with Rule 201 of Regulation SHO will be re-priced by the System at one minimum price variation above the current NBB (''Permitted Price''). Thus, a short sale order that is a Periodic Auction Eligible Order or Continuous Book Order would be re-priced upon entry to a Permitted Price that is consistent with the requirements of Regulation SHO. Such orders may also be further adjusted to reflect declines in the NBB, depending on the instructions of the Users.[58] In addition, pursuant to BYX Rule 11.9(g)(5)(B), the System may execute a displayed short sale order at a price below the Permitted Price if, at the time of initial display of the short sale order, the order was at a price above the then current NBB.[59]

Periodic Auction Only Orders, however, are designed solely for use in Periodic Auctions and do not trade on the Continuous Book. Therefore, such Periodic Auction Orders would not be managed pursuant to the price sliding process described in BYX Rule 11.9(g)(5), which is for managing orders that trade in the continuous market, as opposed to orders that would be entered in an auction mechanism, such as the proposed Periodic Auctions. As such, the Exchange would reject or cancel Periodic Auction Only Orders marked ''short'' during a short sale circuit breaker. Specifically, Periodic Auction Only Orders marked ''short'' will be cancelled when a short sale circuit breaker has been triggered pursuant to Rule 201(b)(1)(i) of Regulation SHO, and subsequently entered Periodic Auction Only Orders marked ''short'' will be rejected while the short sale circuit breaker remains in effect pursuant to Rule 201(b)(1)(ii) of Regulation SHO. This will ensure that Periodic Auction Only Orders, which as discussed would not be handled pursuant to the Exchange's price sliding process, would not trade in a Periodic Auction that could potentially be executed at an impermissible price under Regulation SHO.

Further, consistent with Rule 201(b)(iii)(B) of Regulation SHO, the Exchange's policies and procedures would be designed to permit the execution or display of a short sale order of a covered security marked ''short exempt'' without regard to whether the order is at a price that is less than or equal to the current NBB. As a result, the restrictions described in proposed Supplementary Material .03 to Rule 11.25 would not apply to orders marked ''short exempt.'' Such orders would instead be processed in the same manner as long sale orders, and may be executed in a Periodic Auction without being subject to either the Exchange's short sale price sliding process, or subject to rejection or cancellation, as appropriate.

Finally, Interpretations and Policies .04 to Proposed Rule 11.25 would describe member conduct obligations with respect to the entry of Periodic Auction Orders. As proposed, Periodic Auction Orders must be entered with the intent to participate in Periodic Auctions. A pattern or practice of submitting orders for the purpose of disrupting or manipulating Periodic Auctions, including entering and immediately cancelling Periodic Auction Orders, would be deemed conduct inconsistent with just and equitable principles of trade. The Exchange would conduct surveillance to ensure that Users do not inappropriately enter Periodic Auction Orders for impermissible purposes, such as to gain information about other Periodic Auction Orders that are resting on the Periodic Auction Book, or otherwise disrupting or manipulating Periodic Auctions.

h. Examples

The following examples illustrate the proposed operation of Periodic Auctions:

Periodic Auction Initiation

Example 1:

NBBO: $10.00 × $10.10

Order 1: Buy 100 shares @ $10.05 Midpoint Peg—Periodic Auction Only/Eligible

Order 2: Sell 100 shares @ $10.05 Midpoint Peg—Periodic Auction Only/Eligible

Periodic Auctions are initiated when one or more Periodic Auction Orders to buy are matched with one or more Periodic Auction Orders to sell. Therefore, a Periodic Auction is initiated when Order 2 matches with Order 1.

Example 2:

NBBO: $10.00 × $10.10

[57] The Exchange would not immediately cancel the auction as crossed markets are typically short-lived and the market may no longer be crossed at the end of the Periodic Auction Period, in which case the Exchange could successfully execute the auction.

[58] Pursuant to BYX Rule 11.9(g)(5)(A), the Exchange's default short sale sliding only re-prices an order upon entry. *See* BYX Rule 11.9(g)(5)(A). However, Users may to elect to have a short sale order at the Permitted Price re-priced down to the order's original limit price to reflect declines in the NBB. *Id.*

[59] This handling would only be available for Continuous Book Orders as all Periodic Auction Eligible Orders are, by definition, non-displayed.

Order 1: Buy 100 shares @ 10.05 Midpoint Peg—Continuous Book Order
Order 2: Sell 100 shares @ 10.05 Midpoint Peg—Periodic Auction Eligible

A Periodic Auction is not initiated as Order 1 is a Continuous Book Order. Instead, Order 2, which is a Periodic Auction Eligible Order, would trade immediately with the Continuous Book and execute 100 shares against Order 1 at $10.05.

Example 3:

NBBO: $10.00 × $10.10
Order 1: Buy 100 shares @ 10.05 Midpoint Peg—Periodic Auction Only
Order 2: Buy 100 shares @ 10.05 Midpoint Peg—Continuous Book Order
Order 3: Sell 100 shares @ 10.05 Midpoint Peg—Periodic Auction Eligible

A Periodic Auction is not initiated. Instead, Order 3, which is a Periodic Auction Eligible Order, would trade immediately with the Continuous Book and execute 100 shares against Order 2 at $10.05. Although Order 1 is available to initiate a Periodic Auction, a Periodic Auction Eligible Order would trade immediately with Continuous Book Orders on entry if it can do so instead of initiating a Periodic Auction.

Periodic Auction Initiation and Execution

Example 4:

NBBO: $10.00 × $10.10
Order 1: Buy 150 shares @ $10.05 Midpoint Peg—Periodic Auction Only
Order 2: Sell 100 shares @ $10.05 Midpoint Peg—Continuous Book Order
Order 3: Sell 100 shares @ $10.05 Midpoint Peg—Periodic Auction Eligible

Auction Initiation: Order 1 is a Periodic Auction Only Order and Order 2 is a Continuous Book Order. As a result, when Order 2 is entered into the Exchange, it will not initiate a Periodic Auction or trade with Order 1 immediately. Instead, a Periodic Auction is initiated when Order 3 matches with Order 1.

Execution: After 100 milliseconds the Periodic Auction would end, and orders would be executed in the auction at a price of $10.05, which is the price at which the maximum number of shares can be executed. Order 1 is the only order to buy and would trade its full size of 150 shares. Between the available sell orders, Order 3, which is a Periodic Auction Eligible Order, would have priority over Order 2, which is a Non-Displayed Continuous Book Order. As a result, Order 3 would trade its full size of 100 shares, and Order 2 would receive a partial execution for 50 shares.

Example 5:

NBBO: $10.00 × $10.01
Order 1: Buy 5,000 shares @ $10.01—Periodic Auction Only
Order 2: Sell 1,000 shares @ $10.01—Displayed Continuous Book Order
Order 3: Sell 2,000 @ $10.01—Non-Displayed Continuous Book Order
Order 4: Sell 3,000 @ $10.01—Periodic Auction Eligible

Auction Initiation: Order 1 is a Periodic Auction Only Order and Orders 2 and 3 are Continuous Book Orders. As a result, when Order 2 and 3 are entered into the Exchange, those orders will not initiate a Periodic Auction or trade with Order 1 immediately. Instead, a Periodic Auction would be initiated when Order 4 matches with Order 1.

Execution: After 100 milliseconds the Periodic Auction would end, and orders would be executed in the auction at a price of $10.01, which is the price at which the maximum number of shares can be executed. Order 1 is the only order to buy and would trade its full size of 5,000 shares. Between the available sell orders, Order 2, which is a Displayed Continuous Book Order, would have priority over Order 4, which is a Periodic Auction Eligible Order that in turn has priority over Order 3, which is a Non-Displayed Continuous Book Order. As a result, Order 2 and Order 4 would each trade their full size of 1,000 shares and 3,000 shares respectively, and Order 3 would receive a partial execution for 1,000 shares.

Periodic Auction Price Calculation

Example 6:

NBBO: $10.00 × $10.10
Order 1: Buy 500 shares @ $10.05 Non-Displayed—Periodic Auction Only
Order 2: Buy 300 shares @ $10.04 Non-Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.04 Non-Displayed—Periodic Auction Only
Order 4: Sell 200 shares @ $10.04 Non-Displayed—Periodic Auction Only

Auction Initiation: A Periodic Auction would be initiated when Order 3 is entered into the Exchange and matches with Order 1.

Execution: After 100 milliseconds the Periodic Auction would end, and orders would be executed in the auction at a price of $10.05. In this example, there are two prices at which the maximum number of shares can be executed, i.e., $10.04 or $10.05. However, an execution at $10.04 would leave a 500 share buy-side imbalance, whereas an execution at $10.05 would leave a smaller 200 share buy-side imbalance due to the fact that Order 2 cannot participate at that price. As a result, the Periodic Auction Price would be $10.05, i.e., the price that minimizes the imbalance. Orders 3 and 4 would trade their full size of 100 shares and 200 shares, respectively, with Order 1.

Example 7:

NBBO: $10.00 × $10.10
Order 1: Buy 500 shares @ $10.05 Non-Displayed—Periodic Auction Only
Order 2: Sell 200 shares @ $10.04 Non-Displayed—Periodic Auction Only

Auction Initiation: A Periodic Auction would be initiated when Order 1 and Order 2, which are both Periodic Auction Only Orders, match with each other.

Execution: After 100 milliseconds the Periodic Auction would end, and orders would be executed in the auction at a price of $10.05. In this example, there are two prices at which the maximum number of shares can be executed, i.e., $10.04 or $10.05, and in both cases there would be a buy-side imbalance of 300 shares. As a result, the Periodic Auction Price would be the price closest to the Volume Based Tie Breaker, *i.e.,* the midpoint price of $10.05. Order 1 would trade 200 shares with Order 2.

Periodic Auction Message

Example 8:

NBBO: $10.00 × $10.10
Order 1: Buy 500 shares @ $10.05 Midpoint—Periodic Auction Only
Order 2: Buy 300 shares @ $10.06 Midpoint—Periodic Auction Eligible
Order 3: Sell 800 shares @ $10.05 Midpoint—Periodic Auction Eligible
New NBBO: $10.02 × $10.10

Auction Initiation: A Periodic Auction would be initiated when Order 3 matches with Orders 1 and 2.

Auction Message: A Periodic Auction Message would be disseminated at a randomized time after the initiation of the auction, showing 800 shares matched at a price of $10.05. After a new NBBO is established, the midpoint orders would be re-priced to the new midpoint of $10.06, subject to their limit prices. As a result, Orders 2 and 3 would be re-priced to $10.06, while Order 1 would remain priced at $10.05 due to its lower limit price. The next Auction Message would therefore indicate 300 shares matched at a price of $10.06 due to the exclusion of Order 1 at the new midpoint.

i. Implementation

The implementation of Periodic Auctions after any Commission approval of the proposed functionality would follow the Exchange's rigorous software development process for

significant trading system enhancements. This will include: (1) Unit testing by the development team and systemwide integration testing by an independent quality assurance team, both of which will be incorporated into the Exchange's automated test framework; (2) at least two weeks of internal testing in the Exchange's certification environment using an automated system to generate and send orders as well as manual testing by the Exchange's trade desk; and (3) at least four weeks of customer testing in the certification environment. Each of these steps would be completed and reviewed before Periodic Auctions would be made available to customers in the Exchange's production trading system. The Exchange's certification environment would also remain available alongside the production release of Periodic Auctions for customers that want to test Periodic Auction functionality in that environment following its initial rollout.

2. Statutory Basis

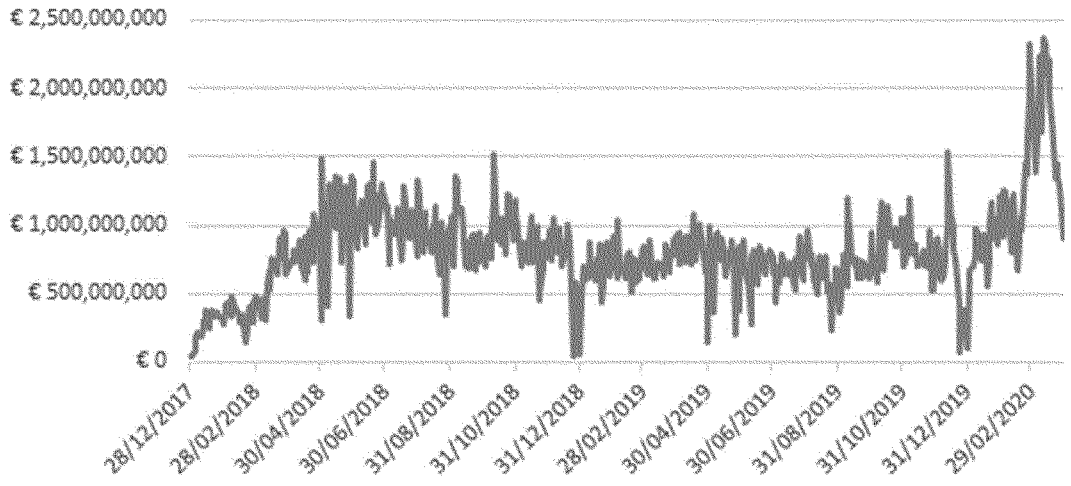
The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[60] in general, and Section 6(b)(5) of the Act,[61] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it would facilitate improved price formation and provide additional execution opportunities for investors, particularly in securities that may suffer from limited liquidity, including thinly-traded securities.

Periodic Auctions would supplement existing opening and closing auctions by consolidating buy and sell interest in a price forming auction when investors seek liquidity during the course of the trading day. Although liquidity is frequently available in size around the open and close of trading, liquidity may be more limited intraday. Thus, investors looking to trade in size may have issues getting their orders filled during the trading day, or may receive inferior execution quality due to the market impact of trading larger blocks of equity securities in a market with limited liquidity. As proposed, Periodic Auctions would allow the Exchange to consolidate volume from market participants, thereby increasing the liquidity available to investors. By creating a deeper pool of liquidity for the intraday execution of orders, including block-sized liquidity, the Exchange believes that members and investors would be able to secure better quality executions. In addition, Periodic Auctions would perform an important price discovery function, which the Exchange believes may be particularly valuable in thinly-traded securities that often trade with significantly wider spreads that negatively impact the ability for investors to ascertain market value,[62] as well as high-priced or other securities that may also trade with wider spreads today. The proposed introduction of Periodic Auctions would therefore contribute to a fair and orderly market in equity securities traded on the Exchange.

a. Periodic Auctions in Europe

The Exchange's affiliate, Cboe Europe, has had a successful history with periodic auctions in the European equities market, and the proposed introduction of Periodic Auctions for the trading of U.S. equity securities is based, in part, on the successful implementation of a similar product offered by Cboe Europe. As illustrated in Chart A, Cboe Europe's periodic auction book has grown to about 2%–2.5% of notional value traded on European equities exchanges since its introduction in October 2015. Indeed, such periodic auctions now account for an average daily value traded (''ADVT'') of about €1 billion, with two months in Q1 2020 actually exceeding this threshold, reflecting the value that this offering has provided to market participants that trade European equities.

Chart A: Average Daily Value Traded in Cboe Europe Periodic Auctions



[60] 15 U.S.C. 78f(b).

[61] 15 U.S.C. 78f(b)(5).

[62] *See* Letter from Adrian Griffiths, *supra* note 14, which illustrates the wider spreads that often impact trading in thinly traded securities. The Exchange believes that Periodic Auctions would improve price discovery in securities that tend to trade with wider spreads. As explained in that letter, volume in thinly traded securities often migrates to off-exchange venues where market participants can trade without publicly displaying their orders and while potentially minimizing market impact.

CHART B—CBOE EUROPE PERIODIC AUCTION STATISTICS

Month	Periodic auction value traded		Periodic auction market share % notional value traded on exchanges in EU
	Total monthly	Average daily	
Jan-20	€ 19,266,389,823	€ 875,883,628	2.42
Feb-20	24,377,313,487	1,218,865,674	2.52
Mar-20	36,933,642,050	1,678,801,911	2.46
Apr-20	18,370,457,305	918,522,865	2.33
May-20	15,993,488,255	761,594,679	2.13
Jun-20	18,221,339,811	828,242,719	1.91

This growth in Cboe Europe's periodic auction offering has promoted price improvement opportunities, with an analysis of periodic auctions conducted by Cboe Europe for Q1 2020 showing such periodic auctions trading about 85% of value traded at the midpoint. Although the Exchange recognizes that there are important differences in market structure between the U.S. and European equities markets, as well as relevant design differences between the two products, the Exchange believes that U.S. investors may receive similar benefits from its proposed introduction of Periodic Auctions. Moreover, the Exchange believes that such innovation should take preference over other regulatory approaches that may impede future innovation.

b. Periodic Auction Proposal

As discussed in detail in the paragraphs that follow, Periodic Auctions are designed to improve the investor experience for market participants that trade U.S. equities, and the Exchange believes that this product may therefore contribute to a free and open market and national market system. Specifically, Periodic Auctions, as designed, would provide investors with an innovative mechanism with which to secure liquidity intraday, providing additional price improvement opportunities, and allowing market participants to reduce risks that may be associated with displaying orders on a traditional limit order book. As such, Periodic Auctions may improve market quality in U.S. equity securities traded on the Exchange, and these benefits may be even more pronounced in securities that currently trade with diminished market quality. The paragraphs that follow addresses each aspect of the Periodic Auction proposal in turn.

The Exchange believes that it is consistent with the protection of investors and the public interest to introduce Periodic Auction Only Orders and Periodic Auction Eligible Orders to facilitate trading in the Periodic Auctions. Use of these order types would be voluntary, and market participants would be able to determine whether and how to participate in Periodic Auctions using these order types. Specifically, while both forms of Periodic Auction Orders would be eligible to initiate Periodic Auctions, Periodic Auction Only Orders would allow firms to indicate that they are seeking liquidity solely in Periodic Auctions, while Periodic Auction Eligible Orders would allow firms to also seek liquidity on the Continuous Book before and after the execution of a Periodic Auction. The Exchange believes that it is appropriate to offer these two methods of initiating Periodic Auctions so that market participants can decide whether to use Periodic Auctions as the sole means of sourcing liquidity, or as an additional means of accessing liquidity if an order entered onto the Continuous Book has not been executed.

Periodic Auction Only Orders would provide a means for Users to indicate that they solely wish to have their order executed in a Periodic Auction. Since Periodic Auctions would only take place during the Regular Trading Session, Periodic Auction Only Orders would be accepted with a time-in-force of RHO (either during or outside of Regular Trading Hours), or IOC (solely during Regular Trading Hours). If entered with a time-in-force of IOC, a Periodic Auction Only Order would also have to be entered with an instruction to ''lock-in'' the order to avoid situations where a Periodic Auction Only Order initiates an auction and then is immediately cancelled prior to the execution of that auction. Periodic Auction Only Orders are not eligible to trade on the Continuous Book and therefore must include instructions that would allow the order to be executed in a Periodic Auction. The requirement to ''lock-in'' the order during the course of a Periodic Auction if the order is marketable at the Periodic Auction Book Price is designed to allow a User to specify that they are only interested in participating in a Periodic Auction if they can do so immediately, while ensuring that they are actually eligible to participate in the execution of that auction, if possible. Without this requirement, a Periodic Auction could be initiated even though the order responsible for initiating that auction, by its terms, would not be eligible to participate at the end of the Periodic Auction Period, which would potentially be to the detriment both of the User entering the order and any Users that submitted contra-side orders to trade with it under the assumption that such interest was available. The Exchange believes that the proposed requirements would benefit Users that are looking for a speedy execution in Periodic Auctions, while also ensuring that Periodic Auction Only Orders entered with a time-in-force of IOC can trade at the end of the Periodic Auction Period.

The Exchange would also allow Users to include certain specified instructions on their Periodic Auction Only Orders. Specifically, such orders would be accepted with minimum execution quantity and pegging instructions. The Exchange believes that the Periodic Auction Only Order may be particularly valuable for market participants that have larger orders to be executed in Periodic Auctions that they may not be willing to expose for trading in the continuous market. As illustrated in Cboe's commenter letter in response to the Commission's statement on thinly-traded securities,[63] liquidity is often more limited in these securities, and as such market participants often look to off-exchange venues that may be able to meet their liquidity needs without displaying orders in the public market, thereby limiting the market impact of their trading activity. The Exchange believes that market participants that are looking for liquidity in size may find Periodic Auctions to be a valuable means of sourcing needed liquidity without the potential risks of displaying their orders for execution.

[63] *See* Letter from Adrian Griffiths, *supra* note 14.

Given the potential benefits to larger orders, the Exchange would permit Users to specify a minimum execution quantity for their Periodic Auction Only Orders. A Periodic Auction Only Order entered with a minimum execution quantity would be executed in a Periodic Auction only if the minimum size specified can be executed against one or more contra-side Periodic Auction Orders. The Exchange offers a Minimum Quantity Order on the Continuous Book today. The proposed instruction that could be attached to a Periodic Auction Only Order is similar to the current Minimum Quantity Order but would only permit the default handling of that order type, and would not allow a member to alternatively specify that the minimum quantity condition be satisfied by each individual contra-side order. Periodic Auction Eligible Orders and Continuous Book Orders entered as Minimum Quantity Orders would be subject to a similar restriction.

In addition, in light of the fact that market participants often value midpoint executions, or may wish to receive executions at other prices based on the applicable national best bid or offer (''NBBO''), the Exchange would also allow Users to enter a pegging instruction for such orders. Periodic Auction Only Orders would therefore accommodate instructions that the order is to be pegged to either the midpoint or same side of the market. As is the case for orders entered for trading on the Continuous Book, Periodic Auction Only Orders entered with a primary peg instruction would be pegged to the NBBO, with or without an offset, provided that only aggressive offsets would be permitted given the fact that Periodic Auctions would be restricted to trading within the Protected NBBO and would not be eligible to trade at inferior prices. Although the Exchange would not generally offer special order handling instructions for Periodic Auction Only Orders, the Exchange believes that midpoint and primary peg instructions, as described, would allow Users to more accurately capture their trading intent, and may therefore promote more active use of Periodic Auctions as a means of sourcing liquidity for such orders.

With respect to Periodic Auction Eligible Orders, the Exchange would allow Users to include an instruction on non-displayed orders entered to trade on the Continuous Book that would allow such orders to initiate a Periodic Auction if executable against contra-side Periodic Auction Orders. The Exchange would not allow Users to enter displayed orders as Periodic Auction Eligible Orders as such Periodic Auction Eligible Orders would not be available for execution during an ongoing Periodic Auction. As a result, displayed orders, which are disseminated to the market and subject to firm quote requirements under Rule 602(b)(2) of Regulation NMS,[64] would not be able to be entered as Periodic Auction Eligible Orders. However, such displayed orders could still participate in Periodic Auctions as Continuous Book Orders, and would receive execution priority when executed in that manner.

As discussed in the purpose section of the proposed rule change, the time-in-force included on a Periodic Auction Eligible Order would need to allow the order to remain executable during the course of a Periodic Auction. The Exchange has therefore proposed to: (1) Only allow IOC orders to be entered as Periodic Auction Eligible Orders if such orders include an instruction not to cancel the order during a Periodic Auction Period; and (2) disallow FOK orders from being entered as Periodic Auction Orders. The Exchange believes that both of these requirements are consistent with just and equitable principles of trade as they are designed to ensure that a Periodic Auction Eligible Order, which as discussed would be eligible for the initiation of a Periodic Auction, would not be prevented from participating in the eventual execution of such Periodic Auction due to a time-in-force that contemplates the order either being executed or cancelled immediately on entry. As discussed with respect to Periodic Auction Only Orders, without this requirement, a Periodic Auction could be initiated even though the order responsible for initiating that auction, by its terms, would not be eligible to participate at the end of the Periodic Auction Period, which would potentially be to the detriment both of the User entering the order and any Users that submitted contra-side orders to trade with it under the assumption that such interest was available.

Nevertheless, the Exchange believes that some Users may find it valuable to enter IOC orders as Periodic Auction Eligible Orders. Although such Users may be looking for a speedy execution, and would therefore generally prefer an execution on entry, or not at all, they may be willing to wait 100 milliseconds for a potential execution in a Periodic Auction, instead of having the order cancelled immediately. The Exchange would therefore allow Users to signal their intent to trade in this manner by entering the IOC order with an instruction that it should not be cancelled during a Periodic Auction. If entered in this manner, a Periodic Auction Eligible Order may trade immediately on entry on the Continuous Book, whether in full or in part, or may alternatively participate in a Periodic Auction, subject to cancellation no later than the end of any Periodic Auction Period. The Exchange does not anticipate the same use case for FOK orders, which contain an additional condition that requires the order to be executable in full, and would therefore restrict their ability to be entered as Periodic Auction Eligible Orders.

The Exchange would also not accept Mid-Point Peg Orders entered as Periodic Auction Eligible Orders if the Mid-Point Peg Order is entered with an instruction to not execute when the NBBO is locked. If the Exchange permitted Mid-Point Peg Orders with this instruction to be entered as Periodic Auction Eligible Orders, those orders could initiate a Periodic Auction but would not be available for the auction's eventual execution if the market subsequently becomes locked at that time. The Exchange believes that the proposed handling is consistent with just and equitable principles of trade as the Exchange wishes to avoid the potential for such orders to initiate a Periodic Auction that may ultimately not execute due to the inclusion of this condition. Periodic Auction Eligible Orders are designed to initiate Periodic Auctions and may encourage other Users to enter orders that could participate in the auction's execution. As a result, the Exchange believes that such orders should reflect trading interest that does not include unnecessary conditions. Users that wish to use Mid-Point Peg Orders with this instruction would still be eligible to participate in Periodic Auctions as Continuous Book Orders, which are able to participate in the eventual execution of a Periodic Auction, but would not initiate such auctions.

Similar to the proposed handling of Periodic Auction Only Orders, the Exchange would allow Periodic Auction Eligible Orders to be entered as Minimum Quantity Orders, but would only permit such orders to be entered with the default handling of that instruction. That is, Minimum Quantity Orders entered as Periodic Auction Eligible Orders would execute only if the minimum size specified can be executed against one or more contra-side Periodic Auction Orders or Continuous Book Orders. Although the Exchange does offer an alternative instruction that permits the User to

[64] *See* 17 CFR 242.602(b)(2).

request that the Exchange only execute the order against a single contra-side order, such handling is designed primarily for use on the Continuous Book, and would complicate the execution of Periodic Auctions.[65] For similar reasons, Minimum Quantity Orders are excluded from the Exchange's opening process for securities traded pursuant to unlisted trading privileges. However, as discussed, the Exchange believes that Users participating in Periodic Auctions may value the ability to specify a minimum quantity, and the Exchange has therefore proposed to allow such functionality for Periodic Auction Eligible Orders so long as the User is willing for those orders to be executed against one or more contra-side orders. The Exchange believes that this strikes the right balance between allowing Users to ensure that they only trade in a Periodic Auction if their minimum quantity criteria can be met, while excluding instructions that could unnecessarily complicate the execution of Periodic Auctions.

In addition, the Exchange would specify handling for Discretionary Orders, Pegged Orders, and Mid-Point Pegged Orders that are entered as Periodic Auction Eligible Orders. Including this information in the rule would increase transparency around the operation of the Exchange and ensure that Users are properly informed about how orders with these instructions would be handled in Periodic Auctions. The same handling is currently applied to the Exchange's opening process for securities traded pursuant to unlisted trading privileges, and treating these orders in the same manner for purposes of Periodic Auctions would ensure a consistent and familiar experience for market participants that enter such orders on the Exchange. The Exchange therefore believes that these proposed rules are consistent the maintenance of a fair and orderly market.

The Exchange also believes that it is consistent with just and equitable principles of trade to allow Continuous Book Orders, *i.e.,* orders that are not entered as either Periodic Auction Only Orders or Periodic Auction Eligible Orders, to participate in any Periodic Auction that results in an execution. Although Continuous Book Orders would not initiate a Periodic Auction, such orders would be eligible to participate in the resulting execution, thereby facilitating additional liquidity for those orders without disrupting their ability to trade normally during the course of the auction. Continuous Book Orders would remain on the Continuous Book and subject to potential execution during a Periodic Auction Period, but would be included in the final determination of the Periodic Auction Price, and participate in any resulting execution. Although the Exchange believes that a number of Users may wish to use Periodic Auction Orders that are specifically designed for participation in Periodic Auctions and have the ability to initiate those auctions, the Exchange also believes that Periodic Auctions would be valuable to Users that wish primarily to trade on the Continuous Book but may be able to secure an execution in a Periodic Auction if possible. As a result, Continuous Book Orders would generally be eligible to trade in Periodic Auctions at the end of the auction process, except in the case of Minimum Quantity Orders entered with the alternative instruction that requires the minimum size specified to be satisfied by each individual contra-side order.[66]

Such Continuous Book Orders would be subject to similar handling to Periodic Auction Eligible Orders that may also trade on the Continuous Book in addition to Periodic Auctions, including the same handling discussed above with respect to Discretionary Orders, Pegged Orders, and Mid-Point Peg Orders. The Exchange believes that this handling is consistent with just and equitable principles of trade as it would ensure consistent treatment of similar orders traded in Periodic Auctions. In addition, Continuous Book Orders that are entered as Minimum Quantity Orders would be subject to similar but not identical handling to Periodic Auction Eligible Orders. Given the value of Minimum Quantity Orders that include the alternative instruction that allows a User to specify that the minimum size specified be satisfied by each individual contra-side order, Users would continue to be able to use this instruction for trading on the Continuous Book. However, such orders, which would not be permitted to be entered as Periodic Auction Orders, would similarly not be able to participate in Periodic Auctions as Continuous Book Orders. Users that wish to include a minimum quantity on their orders could participate in Periodic Auctions as either Periodic Auction Only Orders, Periodic Auction Eligible Orders, or Continuous Book Orders, provided that for each of these order types, the order must be willing to trade against one or more contra-side orders. As discussed, the Exchange believes that this treatment is necessary in order to offer a minimum quantity instruction in an auction that pools interest and executes such interest at a single price.

The Exchange also believes that the proposed handling of Continuous Book Orders entered as Reserve Orders is consistent with the maintenance of a fair and orderly market as it will ensure a familiar and consistent experience for market participants that trade on the Exchange. Although Periodic Auction Eligible Orders must be non-displayed and therefore cannot be entered as a Reserve Order that, by rule, includes both a displayed portion and non-displayed portion, the proposed handling for Continuous Book Orders is the same as the handling applied to the Exchange's opening process securities traded pursuant to unlisted trading privileges. Thus, similar to the treatment of Discretionary Orders, Pegged Orders, and Mid-Point Peg Orders, detailing the proposed handling of Reserve Orders would both increase operational transparency and ensure consistent and familiar treatment of similar orders on the Exchange.

Periodic Auctions would be initiated throughout Regular Trading Hours when Periodic Auction Orders entered by Users are executable against each other, thereby ensuring that the initiation of an auction is tied to demonstrated interest from both buyers and sellers in the security. Once the Exchange has matched two or more Periodic Auction Orders in this manner, a Periodic Auction Period of 100 milliseconds would begin to allow orders from additional market participants to participate in the execution of the Periodic Auction. The fixed 100-millisecond auction length is based on the maximum auction duration used for periodic auctions conducted by Cboe Europe today.[67] Based on the Exchange's affiliates experience operating auctions for the trading of European equities, the Exchange believes that the proposed auction length would facilitate the prompt processing and execution of Periodic Auctions, while continuing to provide time for interested market participants to enter orders to participate in the auction.

To facilitate the pooling of Periodic Auction Orders during this period, the

[65] *See* BYX Rule 11.23(a)(2).

[66] As discussed in the following paragraph, such orders are not compatible with Periodic Auctions, and therefore would not participate in the execution of such auctions.

[67] Cboe Europe randomizes the length of the auction rather than its dissemination of the auction message. As a result, periodic auctions conducted by Cboe Europe would be for a maximum duration of 100 milliseconds, but could also be for a shorter duration.

Exchange would publish information about the auction, including (1) an indicative Periodic Auction Book Price that reflects price at which the Periodic Auction could be executed, counting only Periodic Auction Orders and excluding Continuous Book Orders that may be subject to execution prior to the end of the Periodic Auction Period; and (2) the total number of shares of Periodic Auction Orders that are matched at the Periodic Auction Book Price. This information would be first published beginning at a randomized time in one millisecond intervals, and would be refreshed in five millisecond intervals thereafter as additional orders are entered or cancelled, or other changes to market conditions are made that could impact the Periodic Auction Book Price. The Exchange believes that it is consistent with the protection of investors and the public interest to publish this information as it may inform potential trading in periodic auctions and encourage additional order flow to be entered to participate in such auctions. The Exchange also believes that sending out the initial dissemination at a randomized time after Periodic Auction Orders have been matched would facilitate the operation of a fair and orderly market. This handling would allow additional Periodic Auction Orders received during this interim period to be pooled in the initial dissemination of auction information. In addition, since market participants would not know how much time is left in the Periodic Auction Period, firms would be incentivized to respond quickly with Periodic Auction Orders to participate in the Periodic Auction, rather than potentially waiting until the end of the auction, which may reduce the value of the information proposed to be disseminated to investors and may impact price discovery.

Once the 100 millisecond Periodic Auction Period has ended, the Exchange would calculate the execution price of the auction, *i.e.,* the Periodic Auction Price, and execute Periodic Auction Orders and Continuous Book Orders that are eligible to trade at that price. The Exchange believes that the proposed methodology for determining the Periodic Auction Price is consistent with just and equitable principles of trade. Generally, the proposed methodology for calculating the Periodic Auction Price is designed to allow Periodic Auctions to facilitate price discovery while maintaining important investor protections and assuring compliance with applicable regulations. Given the important price formation function of these auctions, the Exchange would use logic for pricing Periodic Auctions that largely mirrors the logic used by its affiliate, BZX, for opening and closing auctions in that exchange's listed securities.[68]

Specifically, the Exchange would seek to execute Periodic Auctions at a price that maximizes the number of shares that can trade in the auction, subject to specified price collars that would limit executions at prices that are not reasonably related to the price of the security established by the market. The applicable price collars would also be based on the auction collars used for BZX opening and closing auctions, except that trading would be further limited by applicable LULD Price Bands and the Protected NBBO, as required pursuant to applicable regulatory requirements.[69] That is, the auction collars would generally be the same as those used for BZX auctions, but could be narrowed by applicable regulatory requirements.

Finally, the price calculation would be subject to tie-breakers that are consistent with those used for BZX opening and closing auctions in situations where there is a volume-based tie at multiple price levels. These tie-breakers would help ensure the selection of a meaningful Periodic Auction Price by selecting the price that would minimize the potential imbalance between supply and demand, and then favoring prices closer to a Volume Based Tie Breaker that is generally the midpoint of the NBBO. In sum, the proposed calculation of the Periodic Auction Price would allow the Exchange to appropriately balance supply and demand in Periodic Auctions and facilitate robust price formation similar to opening and closing auctions.

After the Exchange determines the Periodic Auction Price, any Periodic Auction Orders or Continuous Book Orders that are eligible for execution at that price would be executed based on a special allocation methodology designed for use in Periodic Auctions. First, in order to continue to incentivize the entry of displayed orders on the Exchange, Continuous Book Orders that are displayed on the Continuous Book would be executed first in price/time priority. Although the Exchange is proposing to introduce Periodic Auctions to incentivize additional liquidity, the Exchange believes that it is important to continue to encourage the entry of displayed orders on the Continuous Book. Displayed orders entered in the public market contribute to price formation, and are used as a reference price for the execution of orders on other venues. As a result, the Exchange's proposal to introduce Periodic Auctions is designed to continue to encourage the entry of displayed orders that would both trade on the Continuous Book and simultaneously benefit from priority when executed in a Periodic Auction.

Second, after Continuous Book Orders displayed on the Continuous Book have been executed, Periodic Auction Orders would be executed in size/time priority. As previously noted, the Exchange believes that Periodic Auctions may be valuable for investors that are seeking liquidity in size. As a result, the priority methodology employed by the Exchange for Periodic Auction Orders would preference larger orders, which the Exchange believes may contribute to greater depth in Periodic Auctions. In turn, the liquidity provided by these larger orders would contribute to the execution of smaller orders that may also participate in Periodic Auctions, thereby facilitating the execution of all orders, both large and small, that seek liquidity in such auctions, and furthering execution opportunities for investors that trade on the Exchange.

Finally, non-displayed Continuous Book Orders would be executed last in priority. Unlike displayed orders entered on the Continuous Book, or Periodic Auction Orders that contribute to important pricing information disseminated to market participants during the course of a Periodic Auction, non-displayed orders entered on the Continuous Book do not contribute to pre-execution price formation.[70] As a result, while these orders would be eligible to trade in Periodic Auctions, where they may benefit from additional execution opportunities, they would be subject to the lowest priority among Periodic Auction Orders and Continuous Book Orders. In addition, since these orders are not specifically seeking liquidity in Periodic Auctions, and would participate in Periodic Auctions solely as an additional source of liquidity, priority within this band would be determined based on the

[68] *See* BZX Rules 11.23(b)(2)(B), (c)(2)(B).

[69] As discussed in the purpose section of this proposed rule change, both the requirements of the LULD Plan and the Order Protection Rule apply to transactions executed during Regular Trading Hours. Although opening and closing auctions are generally exempt from these requirements, there are currently no exemptions that would apply to Periodic Auctions that perform a similar role in facilitating price discovery.

[70] Non-displayed orders would contribute to price formation at the end of a Periodic Auction as they would be considered in the determination of the Periodic Auction Price.

normal execution priority afforded to such orders on the Continuous Book. The Exchange believes that this approach is consistent with just and equitable principles of trade as it would ensure that non-displayed Continuous Book Orders receive the priority that they would normally be afforded for executions on the Continuous Book.

Similar to the Exchange's opening process for securities traded pursuant to unlisted trading privileges,[71] all Match Trade Prevention modifiers, as defined in BYX Rule 11.9(f), would be ignored as it relates to executions occurring during a Periodic Auction. The Exchange's Match Trade Prevention modifiers are designed to allow Users to better manage order flow and prevent certain undesirable executions on the Continuous Book. However, this functionality would complicate the processing of Periodic Auctions, where orders are pooled together and executed at a price that balances supply and demand in the auction. As a result, the Exchange believes that ignoring Match Trade Prevention modifiers in Periodic Auctions, similar to the handling currently used by the Exchange for its opening process,[72] is consistent with the maintenance of a fair and orderly market in securities traded in such Periodic Auctions.

The Exchange also believes that it is consistent with the maintenance of a fair and orderly market to cancel a Periodic Auction that cannot be completed after a specified number of attempts communicated to members. As discussed in the purpose section of this proposed rule change, there may be rare circumstances where the inclusion of a minimum execution quantity on one or more Periodic Auction Orders and/or Continuous Book Orders may result in the Exchange being unable to process a Periodic Auction in a timely manner. To prevent potential capacity and/or performance issues that may impact both the execution of the auction, as well as trading on Continuous Book, the Exchange would cancel the auction after a specified number of attempts, as determined by the Exchange, rather than continuing to attempt to complete the auction *ad infinitum* when there may be no possibility for eventual execution, and no guarantee that such execution could be determined and processed in a timely fashion. While the Exchange believes that these situations are likely to be infrequent, the proposed handling would serve to eliminate certain potential performance issues, and including this language in the rule would add additional transparency around the operation of the Exchange.

Finally, the Exchange believes that the proposed language being codified in the Interpretations and Policies to the proposed rule is consistent with the Exchange Act and the rules and regulations adopted thereunder. As proposed, these rules would include language that identifies how Periodic Auctions would be conducted during a crossed market, and consistent with applicable regulatory requirements related to handling of trading halts and Regulation SHO. Such rules would also describe appropriate standards of member conduct, consistent with the Exchange's obligations under the Act to regulate and surveil its market. The proposed rules included in Interpretations and Policies .01–.03 would ensure that: (1) Periodic Auctions do not take place when their execution may be complicated by the existence of a crossed market that could interfere with the auction's price discovery function, or when such execution would not be permissible due to a trading halt in a security;[73] and (2) when the security is in a short sale circuit breaker, short sale orders that are not marked ''short exempt'' would either be re-priced to a Permissible Price pursuant to BYX Rule 11.9(g)(5), *i.e.,* in the case of Periodic Auction Eligible Orders and Continuous Book Orders, or subject to rejection or cancellation, *i.e.,* in the case of Periodic Auction Only Orders, in each instance to ensure that the execution or display of such short sale orders is consistent with the requirements of Rule 201 of Regulation SHO. Further, the proposed rules included in Interpretations and Policies .04 would provide additional guidance to Users with respect to conduct that would be considered inconsistent with just and equitable principles of trade. The Exchange intends to conduct appropriate surveillance of its members to ensure that their participation in Periodic Auctions is done in a manner that is consistent with such rules. As a result, these rules would ensure that orders in Periodic Auctions would be processed in a manner that is consistent with applicable regulatory obligations and the maintenance of a fair and orderly market in securities traded on the Exchange.

c. Benefits for Thinly-Traded Securities

As mentioned in the purpose section of this proposed rule change, the Exchange believes that its proposed introduction of Periodic Auctions is responsive to the Statement that the Commission issued in October 2019 to address market quality concerns in thinly-traded securities.[74] Specifically, the Periodic Auction proposal is designed to improve liquidity and price formation in thinly-traded and other securities that suffer from diminished market quality, while also allowing the Exchange to better compete with off-exchange venues that currently offer features that investors may find beneficial for sourcing liquidity when displayed liquidity in the public markets is more scarce. Cboe offered its thoughts in response to the Statement in a comment letter submitted to the Commission on December 20, 2019. As stated in that comment letter, Cboe believes that innovation by national securities exchanges, rather than potentially harmful regulatory changes that favor a limited segment of the market, is what is ultimately needed to facilitate better market quality in thinly-traded securities. The Exchange believes that Periodic Auctions, as designed, are such an innovation, and would address the three main difficulties that market participants currently face in trading thinly traded securities: (1) Sourcing liquidity, (2) the availability of price improvement opportunities, and (3) the potential for significant market impact in securities that are less liquid and trade infrequently.

First, Periodic Auctions would assist investors in sourcing liquidity in the public markets by establishing meaningful liquidity events outside of the opening and closing auctions conducted by the primary listing exchanges. As proposed, Periodic Auctions would pool available interest from market participants and execute those orders in price forming auctions conducted at multiple points in time during the course of the trading day when there are matching Periodic Auctions to buy and sell. The Exchange therefore believes that Periodic Auctions would help investors to source liquidity, including block-size liquidity, that may be unavailable through continuous trading on a traditional limit order book. In addition, the Exchange has taken steps to encourage greater liquidity in Periodic Auctions, including prioritizing Periodic Auction Orders based on size, establishing minimum size requirements for auction

[71] *See* BYX Rule 11.23(b).

[72] *See* BYX Rule 11.23(b).

[73] Although Rule 611(b)(4) of Regulation NMS provides an exception from the trade-through requirements of that rule for situations where a protected bid is crossed with a protected offer, the Exchange believes that market participants may not desire an execution in a Periodic Auction during periods when the market is crossed.

[74] *See supra* note 13.

participation, and supporting minimum execution size instructions in the auction. These features, in combination with other features that are designed to encourage participation in Periodic Auctions generally, may increase needed liquidity in thinly-traded securities.

Second, Periodic Auctions are designed to balance supply and demand and execute available interest at a single market clearing price that would benefit both buyers and sellers by providing potential price improvement opportunities. This price formation process is broadly beneficial, but would also be particularly beneficial in thinly-traded securities where spreads are typically wider and executing transactions at a market clearing price within the spread would allow for meaningful price improvement opportunities for investors that may otherwise have to seek those opportunities in the off-exchange market. Based on Cboe Europe's experience in operating periodic auctions for the European equities market, the Exchange believes that Periodic Auctions may facilitate significant price improvement, including midpoint executions, which as discussed account for about 85% of value traded in Cboe Europe's periodic auctions.

Third, Periodic Auctions are designed to minimize the risk of market impact of transacting in thinly-traded securities by providing a mechanism that allows market participants to trade, potentially in size, without the information leakage that may otherwise be associated with displaying orders to trade on a traditional limit order book. The Exchange believes that this may encourage additional participation in Periodic Auctions as market participants can avoid publicly showing their trading interest similar to their ability to do so in various off-exchange markets that currently trade significant volume in thinly-traded securities.

d. Compliance With Other Regulatory Requirements

As discussed in more detail below, the Exchange also believes that the proposed rule change is consistent with other regulatory requirements, including the Order Protection Rule, the LULD Plan, and Rule 602 of Regulation NMS (*i.e.,* the ''Quote Rule'').

First, with respect to compliance with the Order Protection Rule, the Exchange's proposed auction collars would, as previously discussed, limit trades to prices that are within the Protected NBBO. As discussed in the purpose section of this proposed rule change, the Order Protection Rule applies to transactions executed during Regular Trading Hours. Although opening and closing auctions are generally exempt from these requirements,[75] there are currently no exceptions that would apply to Periodic Auctions that perform a similar role in facilitating price discovery. The Exchange would therefore not execute Periodic Auctions at prices that are inconsistent with the requirements of that rule. Generally, the Order Protection Rule requires trading centers to establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trade-throughs on that trading center of protected quotations in NMS stocks, unless an exception applies. A ''trade-through'' is defined in Rule 600(b)(81) of Regulation NMS as the purchase or sale of an NMS stock during regular trading hours, either as principal or agent, at a price that is lower than a protected bid or higher than a protected offer. The proposed auction collars would be applied at the time of *execution,* and would therefore prevent trades from occurring at prices that would constitute a trade-through at the time the Periodic Auction is processed, consistent with the requirements of the Order Protection Rule.

Similarly, with respect to compliance with the LULD Plan, the Exchange's proposed auction collars would also limit trades to prices that are within the LULD Price Bands established pursuant to that national market system plan. As is the case with the Exchange's utilization of the Protected NBBO in setting applicable auction collars, the LULD Price Bands would be used as an additional collar on Periodic Auctions, and would ensure that all transactions that result from a Periodic Auction would be executed within the applicable LULD Price Bands at the time the Periodic Auction is processed. The Exchange would not execute Periodic Auctions at prices that are inconsistent with the LULD Plan.

The Exchange also believes that the proposed rule change is consistent with the Quote Rule. Generally, the firm quote provisions of the Quote Rule require each responsible broker or dealer to execute an order presented to it, other than an odd lot order, at a price at least as favorable as its published bid or published offer, in any amount up to its published quotation size. Periodic Auction Orders, including both Periodic Auction Only Orders that trade solely in Periodic Auctions and Periodic Auction Eligible Orders that may also trade on the Continuous Book, would at all times be non-displayed, and therefore would not trigger the firm quote requirements of the Quote Rule. That is, there would be no ''published bid'' or ''published offer'' displayed to market participants that would be required to be ''firm'' under the Quote Rule.

Similarly, the introduction of Periodic Auctions alongside trading on the Continuous Book would not result in violations of the Quote Rule. The Exchange would not halt or otherwise suspend trading on the Continuous Book while conducting a Periodic Auction. As a result, Continuous Book Orders entered to trade with the Exchange's published quotation would continue to be able to do so in the same manner that they do today, notwithstanding the introduction of Periodic Auctions to be conducted throughout the course of the trading day. The Exchange has designed its system for trading Periodic Auctions to minimize unnecessary latency, and therefore does not believe that the introduction of Periodic Auctions would impair the ability of the Exchange to execute incoming orders entered on the Continuous Book against its published bids or offers. The Exchange will continue to monitor system performance and latency after the introduction of Periodic Auctions to ensure that it is able to process both Periodic Auctions and Continuous Book Orders efficiently and without undue latency.

In addition, the Exchange would continue to handle events processed by the matching engine in sequence, and a Continuous Book Order that is included in the Exchange's published bid or offer would trade with incoming Continuous Book Orders unless the Periodic Auction is processed prior to the matching engine's receipt of the incoming Continuous Book Order. Such executions would not run afoul of the firm quote requirements of the Quote Rule as Rule 602(b)(3) of Regulation NMS contains an explicit exemption from these requirements for broker-dealers that are in the process of effecting a transaction in that security at the time the incoming order is ''presented'' to the broker-dealer for potential execution.

Finally, the Exchange's published quotations would continue to be considered ''automated quotations'' as defined in Rule 600(b)(4) of Regulation NMS. As discussed with respect to compliance with the Quote Rule, the

[75] Rule 611(b)(3) of Regulation NMS provides an exception to the requirements of the Order Protection Rule where the transaction that constituted the trade-through was a single-priced opening, reopening, or closing transaction by the trading center.

Exchange has designed its system for trading Periodic Auctions to minimize unnecessary latency, and therefore does not believe that the introduction of Periodic Auctions would impair the ability of the Exchange to execute incoming orders entered on the Continuous Book against its published bids or offers. In this regard, the Exchange represents that any additional latency on the Continuous Book that may result from the proposed introduction of Periodic Auctions would not be material from the perspective of compliance with the Order Protection Rule. Under Regulation NMS, an ''automated'' quotation is one that, among other things, can be executed ''immediately and automatically'' against an incoming immediate-or-cancel order. Although the Commission's recent guidance related to automated quotations has focused on the introduction of intentional delay mechanisms or ''speed bumps,'' [76] which present different and more complex issues under Regulation NMS, the Exchange believes that its proposed implementation of Periodic Auctions would not frustrate the purposes of the Order Protection Rule by ''impairing fair and efficient access'' to the Exchange's quotations. In this regard, the Exchange notes that it has engaged in substantial testing of its Periodic Auction product and, based on that testing, believes that any additional latency that may be experienced on the Continuous Book as a result of the introduction of its Periodic Auction product would be minimal and *de minis [sic]* from the perspective of the Order Protection Rule.[77]

e. *Compliance With Section 11(a) of the Exchange Act*

The proposed rule change is also consistent with Section 11(a)(1) of the Act [78] and the rules promulgated thereunder. Generally, Section 11(a)(1) of the Act restricts any member of a national securities exchange from effecting any transaction on such exchange for (i) the member's own account, (ii) the account of a person associated with the member, or (iii) an account with respect to which the member or a person associated with the member exercises investment discretion (collectively referred to as ''covered accounts''), unless a specific exemption is available. Rule 11a2–2(T) under the Act,[79] known as the ''effect versus execute'' rule, provides exchange members with an exemption from the Section 11(a)(1) prohibition.

The ''Effect vs. Execute'' exemption permits an exchange member, subject to certain conditions, to effect transactions for covered accounts by arranging for an unaffiliated member to execute transactions on the exchange. To comply with Rule 11a2–2(T)'s conditions, a member: (i) Must transmit the order from off the exchange floor; (ii) may not participate in the execution of the transaction once it has been transmitted to the member performing the execution; [80] (iii) may not be affiliated with the executing member; and (iv) with respect to an account over which the member has investment discretion, neither the member nor its associated person may retain any compensation in connection with effecting the transaction except as provided in the rule. For the reasons set forth below, the Exchange believes that members entering orders into Periodic Auctions would satisfy the requirements of Rule 11a2–2(T), and that the proposal is therefore consistent with Section 11(a) of the Act and the rules thereunder.

The first condition of Rule 11a2–2(T) is that orders for covered accounts be transmitted from off the exchange floor. The Exchange's system, including the proposed system for processing Periodic Auctions pursuant Proposed Rule 11.25, would continue to receive orders electronically through remote terminals or computer-to-computer interfaces. In the context of other automated trading systems, the Commission has found that the off-floor transmission requirement is met if an order for a covered account is transmitted from a remote location directly to an exchange by electronic means.[81] Because the Exchange's system for handling Periodic Auctions would receive orders from members electronically through remote terminals or computer-to-computer interfaces, the Exchange believes that orders submitted to a Periodic Auction electronically would satisfy the off-floor transmission requirement.

The second condition of Rule 11a2–2(T) requires that neither a member nor an associated person of such member participate in the execution of its order. This requirement was originally intended to prevent members from using their own brokers on an exchange floor to influence or guide the execution of their orders.[82] The Exchange represents that Periodic Auctions would be executed automatically pursuant to the rules set forth in Proposed Rule 11.25, which would govern the operation of Periodic Auctions. Although the Exchange would disseminate Periodic Auction Messages during the Periodic Auction Period and members would generally be permitted to modify and/or cancel their orders during the auction process, the execution of a member's orders in a Periodic Auction would depend not on the member entering the order, but rather on what other orders are present, the priority of those orders, and the remaining duration of any Periodic Auction in the security. Specifically, the Periodic Auction Price at which orders would be executed in a Periodic Auction would be established at the end of the 100 millisecond Periodic Auction Period based on objective rules that balance supply and demand in the auction pursuant to Proposed Rule 11.25(d), and the priority of any orders executed at the Periodic Auction Price would be determined based on the criteria established in Proposed Rule 11.25(e), which defines the priority of orders executed in such auctions. Thus, at no time following the submission of an order is a member or associated person of such member able to acquire control or influence over the result or timing of order execution, which would instead be conducted pursuant to Proposed Rules 11.25(d)–(e), as described, based on the Periodic Auction Orders and Continuous Book Orders available to participate in the execution of the auction.[83] Once an

[76] *See* Securities Exchange Act Release No. 78102 (June 17, 2016), 81 FR 40785 (June 23, 2017) (File No. S7–03–16) (''Commission Interpretation'').

[77] Although the Commission refused to enumerate a numeric latency threshold for an intentional delay that is sufficiently *de minimis* for the purposes of the Order Protection Rule, the Staff of the Division of Trading and Markets has issued guidance stating the Staff's belief that delays of less than one millisecond would qualify as *de minimis. See* Staff Guidance on Automated Quotations under Regulation NMS (June 17, 2016), *available at https://www.sec.gov/divisions/marketreg/automated-quotations-under-regulation-nms.htm.* While the Exchange's proposal would not introduce an intentional delay, the Exchange's testing indicates that any additional latency that may result from the proposed introduction of Periodic Auctions would be well within this threshold.

[78] 15 U.S.C. 78k(a). Section 11(a)(1) prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises discretion unless an exception applies.

[79] 17 CFR 240.11a2–2(T).

[80] The member may, however, participate in clearing and settling the transaction.

[81] *See* Securities Exchange Act Release No. 15533 (January 29, 1979), 44 FR 6084 (January 31, 1979) (''1979 Release''); 14563 (March 14, 1978), 43 FR 11542 (March 17, 1978) (''1978 Release''); *see also* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (order approving MEMX LLC's exchange registration); 85828 (May 10, 2019), 84 FR 21841 (May 15, 2019) (order approving the Long-Term Stock Exchange, Inc.'s exchange registration).

[82] *Id.* (''1978 Release'').

[83] Users may modify and/or cancel their Periodic Auction Orders at any time unless the User has

order has been transmitted, the member that transmitted the order will not participate in its eventual execution.

The third condition of Rule 11a2–2(T) requires that the order be executed by an exchange member who is unaffiliated with the member initiating the order. The Commission has recognized that the requirement is satisfied when automated exchange facilities are used, as long as the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange.[84] The Exchange represents that the Periodic Auctions are designed such that no member has any special or unique trading advantage in the handling of any orders that are processed in Periodic Auctions after transmitting such orders to the Exchange.

Finally, the fourth condition of Rule 11a2–2(T) requires that, in the case of a transaction effected for an account with respect to which the initiating member or an associated person thereof exercises investment discretion, neither the initiating member nor any associated person thereof may retain any compensation in connection with effecting the transaction, unless the person authorized to transact business for the account has expressly provided otherwise by written contract referring to Section 11(a) of the Act and Rule 11a2–2(T) thereunder.[85] The Exchange recognizes that members relying on Rule 11a2–2(T) for transactions effected through a Periodic Auction must comply with this condition of the Rule, and the Exchange will enforce this requirement pursuant to its obligations under Section 6(b)(1) of the Act to enforce compliance with federal securities laws.

f. Conclusion

In conclusion, the Exchange believes that the proposed rule change would enhance the experience of investors looking to access liquidity in the public market and fill an important role in the U.S. equities market where liquidity may be more limited outside of the open and close of trading. By introducing a price forming auction for the aggregation and execution of buy and sell orders intraday, Periodic Auctions would increase execution opportunities available to investors. In turn, Periodic Auctions may improve trading outcomes for market participants that have trouble sourcing liquidity in the public markets today, including in thinly-traded securities where liquidity is often limited and trading often occurs on a number of off-exchange venues that can offer reduced market impact. As such, the Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change is designed to increase competition by introducing an additional mechanism for equities market participants to seek liquidity during the course of the trading day. Indeed, the proposed introduction of Periodic Auctions is a pro-competitive means of addressing the concerns that the Commission expressed in its Statement on thinly-traded securities. The proposal, which seeks to introduce innovative functionality on a non-primary listing exchange, would allow competition, rather than regulatory intervention designed to limit competition (*e.g.,* through the suspension or termination of unlisted trading privileges), to improve market quality in thinly-traded and other securities.

The introduction of Periodic Auctions is designed to improve execution quality for investors sourcing liquidity during the trading day, and, in particular, those that are looking to trade in size, or are looking to access liquidity in thinly-traded or other securities where liquidity may be more scarce. Providing an additional mechanism for price forming orders to be executed would promote competition between venues that seek to execute this order flow, and provide market participants and investors with greater choice with respect to how they choose to source liquidity. The equities industry is fiercely competitive as the Exchange must compete with other equities exchanges and off-exchange venues for order flow. The proposal is both evidence of this competition, and would further enable the Exchange to compete effectively in this market.

III. Discussion and Commission Findings

After careful review of the proposal and the comments, the Commission finds that the Exchange's proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[86] In particular, the Commission finds that the proposed rule change is consistent

elected to use the proposed ''lock-in'' feature. *See* Proposed Rule 11.25(b). The Commission has stated that the non-participation requirement does not preclude members from cancelling or modifying orders, or from modifying instructions for executing orders, after they have been transmitted so long as such modifications or cancellations are also transmitted from off the floor. *See* Securities Exchange Act Release No. 14563 (March 14, 1978), 43 FR 11542, 11547 (the ''1978 Release'').

[84] In considering the operation of automated execution systems operated by an exchange, the Commission noted that, while there is not an independent executing exchange member, the execution of an order is automatic once it has been transmitted into the system. Because the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange, the Commission has stated that executions obtained through these systems satisfy the independent execution requirement of Rule 11a2–2(T). *See* 1979 Release.

[85] *See* 17 CFR 240.11a2–2(T)(a)(2)(iv). In addition, Rule 11a2–2(T)(d) requires a member or associated person authorized by written contract to retain compensation, in connection with effecting transactions for covered accounts over which such member or associated persons thereof exercises investment discretion, to furnish at least annually to the person authorized to transact business for the account a statement setting forth the total amount of compensation retained by the member in connection with effecting transactions for the account during the period covered by the statement which amount must be exclusive of all amounts paid to others during that period for services rendered to effect such transactions. *See also* 1978 Release, at 11548 (stating ''[t]he contractual and disclosure requirements are designed to assure that accounts electing to permit transaction-related compensation do so only after deciding that such arrangements are suitable to their interests'').

[86] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f). One commenter asserts that exchange operators creating new matching protocols and order types on exchanges with little trading volume forces market participants ''to do their own subjective analysis to understand how these methods will affect the overall market'' and that it involves a ''painstaking assessment of every order type across each exchange that only the most sophisticated participants can master.'' Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Vanessa Countryman, Secretary, Commission, dated August 25, 2020 (''FIA PTG Letter'') at 2. The Commission does not believe that exchanges should be held to different standards for introducing new functionality based on their trading volume. The Commission has consistently encouraged trading centers to innovate and compete for order flow, consistent with the objectives of Section 11A of the Exchange Act, to assure fair competition among brokers and dealers, among exchange markets and between exchange markets and markets other than exchange markets. For example, in amending Rule 606(b)(3) of Regulation NMS, the Commission stated that the modified rule could affect competition among trading centers. The Commission stated: ''If broker-dealers change their order routing decisions to focus more on execution quality and route fewer orders to a given trading center, that trading center will have an incentive to take measures to attract and gain back order flow by innovating on execution quality.'' Securities Exchange Act Release No. 84528 (November 2, 2018), 83 FR 58338, 58400 (November 19, 2018) (S7–14–16).

with Section 6(b)(5) of the Exchange Act,[87] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. As outlined below, the Commission has carefully reviewed the proposed rule change, comments received, and BYX's response to comments to arrive at these findings.

In the current market structure for trading NMS stocks, there are multiple competing trading centers for the display and execution of orders. Congress has found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure, among other things, the economically efficient execution of securities transactions, the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities, and the practicability of brokers executing investors' orders in the best market.[88]

In the U.S. equity market structure, auctions are a fundamental form of price discovery mechanism, in which orders to buy and sell are matched at a single executing price. Traditionally, the U.S. markets open and close with an auction, and trading throughout the day is conducted via continuous trading. Consistent with Section 11A of the Exchange Act, the Commission has encouraged and welcomed beneficial innovations in the marketplace by market participants.[89] In considering market structure innovations that may provide benefits to thinly traded securities, the Commission noted that some suggested that an exchange implement periodic intraday auctions as a means of concentrating liquidity at times other than solely at the market open and market close.[90] The Exchange is proposing to add Periodic Auctions to continuous trading in an attempt to attract intra-day trading liquidity.

Two commenters support the innovation of the proposal and its potential benefits to the national market system.[91] Commenters also raise some concerns and offer suggestions regarding the proposal. One commenter characterizes Periodic Auctions as a new mechanism for non-displayed transactions and raises a concern that Periodic Auctions would encourage non-displayed trading.[92] The commenter also states that market structure considerations, including the mechanics of matching trades, are complex and that a seemingly small change in market structure can result in significant negative and often unintended consequences and costs. From this general proposition, the commenter concludes that Periodic Auctions could cause wider bid-ask spreads [93] and decreased posted size.[94] The Commission notes that while auction orders are not displayed, information about auctions is disseminated to the marketplace, including transaction information. In addition, the Periodic Auction Book Price and the total number of shares of Periodic Auction Orders that are matched at the Periodic Auction Book Price would be disseminated and trades would be reported. Although the commenter states that trading system changes can result in increased costs to market participants,[95] the Commission notes that participation in the Periodic Auctions is not required by the Exchange and that costs related to participation in or assessment of the Periodic Auctions would be determined by market participants. The Exchange asserts, in response to the commenter, that its proposal will enhance market quality by encouraging market participants to post orders on its Continuous Book because Periodic Auctions will: (1) Increase execution opportunities for such orders; and (2) provide an opportunity for such orders to receive price improvement beyond their posted prices when executed in a Periodic Auction.[96] In addition, the Exchange states that it has already conducted rigorous testing (discussed below) [97] and that, prior to implementing Periodic Auctions, it will conduct more testing of the proposed functionality. This additional testing will include: (1) Unit testing by the development team and system-wide integration testing by an independent quality assurance team, both of which will be incorporated into the Exchange's automated test framework; (2) at least two weeks of internal testing in the Exchange's certification environment using an automated system to generate and send orders as well as manual testing by the Exchange's trade desk; and (3) at least four weeks of customer testing in the certification environment.[98] The Exchange states that its certification environment will remain available alongside the production release of Periodic Auctions for members that want to test Periodic Auction functionality in that environment following its initial rollout.[99] The Commission believes that this testing may allow the Exchange and members to identify negative unintended consequences resulting from Periodic Auctions. More generally, the Commission believes that market innovations may create new opportunities for investors and have the potential to benefit the market overall. Given the anticipated enhancements to price discovery and opportunities for price improvement that Periodic Auctions may provide, the Commission finds the Exchange's proposal is consistent with the Exchange Act.

One commenter asks whether there would be any impact on price discovery

[87] 15 U.S.C. 78f(b)(5).

[88] *See* Section 11A(a)(1)(C) of the Exchange Act, 15 U.S.C. 78k(a)(1)(C).

[89] *See* Securities Exchange Act Release Nos. 61358 (January 14, 2010) (Concept Release on Equity Market Structure) ("Moreover, to the extent that a competitive advantage flows from these [highly sophisticated trading tools], does that competitive advantage help to promote and enable competition, beneficial innovation, and ultimately, enhanced market quality?") and 83663 (July 18, 2018) (Regulation of NMS Stock Alternative Trading Systems) ("Regulation ATS was designed to encourage innovation and provide enough flexibility to accommodate the business objectives of, and benefits provided by, alternative trading systems"). *See also* Securities Exchange Act Release No. 87327, *supra* note 13.

[90] *See* Securities Exchange Act Release No. 87327, *supra* note 13, 84 FR at 56957, n.15 and accompanying text.

[91] *See* letter from Ellen Greene, Managing Director, Equities & Options Market Structure, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated December 17, 2020 ("SIFMA Letter") at 1; letter from Joe Wald and Ray Ross, Managing Directors and Co-Heads of Electronic Trading, BMO Capital Markets Group, to Vanessa Countryman, Secretary, Commission, dated December 22, 2020 ("BMO Letter") at 1.

[92] *See* FIA PTG Letter, *supra* note 86, at 1.

[93] Another commenter states that it is difficult to predict whether Periodic Auctions would increase liquidity. *See* SIFMA Letter, *supra* note 91, at 2. This commenter had previously submitted a letter stating that it might comment on the substance of the proposal after reviewing the Exchange's FAQs about the operation of the Periodic Auction. *See* letter from Ellen Greene, Managing Director, Equities & Options Market Structure, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated August 28, 2020. The Exchange did post FAQs on its website and the commenter submitted its second comment letter.

[94] *See* FIA PTG Letter, *supra* note 86, at 2. Therefore, the commenter suggests that it is necessary to conduct a comprehensive and quantitative analysis to understand the consequences. *See id.*

[95] *See id.*

[96] *See* letter from Adrian Griffiths, Assistant General Counsel, Exchange, to Vanessa Countryman, Secretary, Commission, dated February 4, 2021 ("BYX Response") at 6.

[97] *See infra* note 102, and accompanying text.

[98] *See* Amendment No. 4 at 7–8.

[99] *See id.* at 8.

in the continuous order book.[100] The Exchange states that offering Periodic Auctions alongside its continuous trading would not cause any undue latency that would negatively impact trading on the Continuous Book.[101] The Exchange represents that it has conducted rigorous testing, including both an analysis of system performance related to Periodic Auctions in expected market conditions and additional stress testing, including scenarios beyond what the Exchange expects to happen in a production environment.[102] As a result, the Exchange does not believe that the proposed Periodic Auctions would have any meaningful impact on its ability to offer continuous trading alongside its proposed Periodic Auction and would not inappropriately interfere with trading on the Continuous Book.[103] The Exchange states that, based on its analysis, any additional latency that may be experienced on the Continuous Book would be minimal, and both (1) within the range of latencies experienced when the Exchange conducts other resource consumptive tasks today, such as re-pricing of pegged orders; and (2) so small as to not present any regulatory concerns under either the Quote Rule or the Order Protection Rule.[104] These statements supplement the Exchange's representation in Amendment No. 3 that, based on substantial testing, any additional latency resulting from running a Periodic Auction would be minimal and *de minimis* from the perspective of the Order Protection Rule and would be well within a threshold of one millisecond.[105] Further, to prevent potential capacity and/or performance issues, the Exchange will cancel a Periodic Auction at the end of the Periodic Auction Period if it is unable to successfully process such Periodic Auction according to Rule 11.25 after a specified number of attempts determined by the Exchange and published in a circular distributed to members.[106] Based on the Exchange's representations and the Commission's understanding of the proposed operation of the Periodic Auctions, the Commission finds that the potential for delay resulting from the Periodic Auctions as proposed would not impair fair and efficient access to the Exchange's protected quotations under the Exchange Act.[107]

Two commenters raise concerns about the potential for market participants to manipulate or otherwise misuse Periodic Auctions or the continuous book. One commenter states that market participants may route orders to other trading venues before and during the auction (based on information disseminated by the Exchange) and thereby impact the price of the auction, which could affect investors who submitted orders on BYX's continuous book because orders on the continuous book may not opt out of the auction.[108] Another commenter states that because orders may be cancelled at any time, and given the interconnectivity of the periodic auction with the continuous order book, market participants may be able to utilize the ability to cancel and the transparency surrounding orders in the periodic auction to gain and improperly use information about trading interest on the Exchange in general.[109] Supplementary Material to .04 to Proposed Rule 11.25 provides that (1) Periodic Auction Orders must be entered with the intent to participate in Periodic Auctions; and (2) a pattern or practice of submitting orders for the purpose of disrupting or manipulating Periodic Auctions, including entering and immediately cancelling Periodic Auction Orders, will be deemed conduct inconsistent with just and equitable principles of trade. The Exchange represents that it will conduct surveillance to ensure that users do not inappropriately enter Periodic Auction Orders for impermissible purposes, including to gain information about Periodic Auction Orders that are resting on the Periodic Auction Book or to otherwise disrupt or manipulate Periodic Auctions.[110] Based on the proposed standard established by Supplementary Material to .04 to Proposed Rule 11.25 as well as the Exchange's representation and the Commission's assessment of the Exchange's proposed surveillances, the Commission finds that the proposal is designed to prevent fraudulent and manipulative acts and practices.

On a related point, one commenter raises concerns about information leakage from the operation of the Periodic Auctions. The commenter suggests that having a specific liquidity code attached to a continuous book order that interacts with an auction order indicating it was executed in a Periodic Auction could provide a ''free look'' regarding an imbalance in the market and the direction of the imbalance.[111] The Exchange disagrees, asserting that disclosing when an execution occurs as part of an auction is required and important post-trade transparency, not a form of improper information leakage.[112] Responding to the commenter's specific concern about potentially signaling a potential buy or sell imbalance by including Continuous Book Orders in Periodic Auctions, the Exchange states that: (1) The Commission has approved the dissemination of actual imbalance information in other auctions for U.S. equity securities due to the value of that information in informing public price discovery; (2) the Periodic Auction Price at which orders are executed in a Periodic Auction would also be reported on each executed transaction, rendering any additional information that could be inferred about a potential imbalance in a completed auction meaningless; and (3) Periodic Auctions are actually designed to perform an important price discovery function, which is facilitated by post-trade transparency about the execution of orders in the auction.[113] While one may be able to detect that an order imbalance existed prior to a Periodic Auction based on the reported price of executions from that auction, the Commission agrees with the Exchange that one may not necessarily infer from that reported price that an imbalance persists after the auction and believes that timely dissemination of transaction information is an important element of the national market system.

The same commenter seeks confirmation that the FIX message associated with a periodic auction

[100] *See* BMO Letter, *supra* note 91, at 2. The commenter also asks what the parameters are surrounding the circumstances in which the Exchange would ''throttle'' the initiation of periodic auctions. *See id.* In response, in Amendment No. 3, the Exchange provides additional information, stating that ''the throttle would limit the rate at which new auctions are initiated by the System by imposing configurable limits for both: (1) A sustained rate that controls the number of Periodic Auctions that can be initiated on a continuous basis, calculated by looking at System load during high utilization periods and the time it takes to initiate an auction to determine a safe maximum for the number of auctions that can be initiated each second; and (2) a burst rate that would allow the System to initiate a larger number of Periodic Auctions when either no or few auctions have been initiated for a specified time period.'' Amendment No. 3 at 19, n.30.

[101] *See* BYX Response, *supra* note 96, at 10.

[102] *See id.* at 11.

[103] *See id.*

[104] *See id.*

[105] *See* Amendment No. 3, at 64, n.69.

[106] *See* proposed BYX Rule 11.25(f). *See also* Amendment No. 3 at 27.

[107] *See* Securities Exchange Act Release No. 78102 (June 17, 2016), 81 FR 40785 (File No. S7–03–16) (Commission Interpretation Regarding Automated Quotations Under Regulation NMS) (''Commission Interpretation'').

[108] *See* SIFMA Letter, *supra* note 91, at 2.

[109] *See* BMO Letter, *supra* note 91, at 2, n.4.

[110] *See* BYX Response, *supra* note 96, at 6. *See also* Amendment No. 3 at 31 and 58.

[111] *See* BMO Letter, *supra* note 91, at 3.

[112] *See* BYX Response, *supra* note 96, at 9.

[113] *See id.* at 10.

execution would not have anything indicating that it occurred in an auction, *i.e.,* the auction trade print will be a bulk print that includes all fills, but that the trade will be identified as an auction print on the Exchange's proprietary data feed.[114] The Exchange responds that it would disseminate information about executions in Periodic Auctions through both the securities information processors and its proprietary market data feeds as a single ''bulk print'' indicating the number of shares executed in the auction and the price at which those shares are executed. It also responds that its proprietary market data feeds would indicate that the execution is an auction execution.[115] The Exchange states that currently there is no similar indicator disseminated by the SIPs for intraday auction executions.[116] To facilitate additional transparency about the nature of Periodic Auction executions to subscribers of the SIP feeds, the Exchange represents that it will submit a request to the operating committee(s) of the NMS plan(s) governing the dissemination of such information and make best efforts to have similar information included on those feeds as soon as practicable.[117] The Commission notes that SIP indicators currently include those for opening and closing auctions and believes that adding an indicator to identify Periodic Auction transactions via the SIP feeds should enhance transparency.

National securities exchanges compete to attract orders through a variety of means, including by offering innovative order execution functionality. In turn, market participants have flexibility to choose how to route their orders so long as they meet their regulatory obligations, including their obligations to meet the requirements under Regulation NMS and meet best execution obligations for their customers.[118] To the extent that market participants are concerned about possible information leakage through the reporting of the execution price or the operation of the Periodic Auctions, they may seek to protect their information in a number of ways, including choosing not to post orders on the Continuous Book, or not to submit orders to Periodic Auctions.[119]

Commenters also suggest modifications to BYX's proposal that they think could be beneficial, although commenters do not raise concerns that the proposal is inconsistent with the Exchange Act if the Exchange does not incorporate these suggested modifications. One commenter suggests that initially Periodic Auctions be held only for thinly traded securities and, if there are clear improvements to liquidity, Periodic Auctions should be gradually permitted for more liquid securities.[120] The Exchange states that, while Periodic Auctions may be particularly beneficial in thinly traded securities, Periodic Auctions would be broadly beneficial to trading in other securities, including those that suffer from diminished market quality for reasons other than being thinly traded.[121] The Exchange also states that its understanding, based on the experience of national securities exchanges that have implemented trading mechanisms limited to a subset of NMS stocks, is that a number of market participants that transact in NMS stocks do not employ differentiated routing logic for different symbols.[122] Therefore, BYX believes those market participants may not incorporate Periodic Auctions into their routing logic if Periodic Auctions were limited to thinly traded securities, and this, in turn, may impact the Exchange's ability to achieve the critical mass necessary to make Periodic Auctions successful.[123]

The same commenter suggests that Continuous Book Orders be excluded from the Periodic Auctions.[124] That commenter and another commenter also suggest making Continuous Book Order participation in the Periodic Auctions optional.[125] In response, the Exchange asserts that if a user is concerned that its Continuous Book Orders could be executed in Periodic Auctions at an unfair price the user would be no worse off than if the user were to trade with an immediate-or-cancel order in the Continuous Book.[126] The Exchange states that a Continuous Book Order that is executed in a Periodic Auction would always trade at a price that is at least as good, and in many cases better than, the price it would obtain in an execution on the Continuous Book.[127] Additionally, the Exchange asserts that, because each Periodic Auction is a price forming auction, a market participant that attempted to misuse the Periodic Auctions by entering orders into the Periodic Auction to trade with Continuous Book Orders at unfair prices would incur additional risks if trading in a Periodic Auction, where it may have to trade with such orders at an improved price rather than trading immediately with such orders on the Continuous Book.[128]

One commenter suggests that the Exchange execute orders in Periodic Auctions only at the midpoint of the NBBO to both reduce a potential latency impact on the continuous order book and address the complexity that Periodic Auctions would add to the market.[129] The commenter also asserts that its suggested NBBO midpoint execution would create less potential for information leakage.[130] The Exchange responds that the Periodic Auction is not designed to execute trades at the midpoint, but that it is designed as a price forming auction to execute orders at a price that balances supply and demand in the Periodic Auctions, whether or not that price is the NBBO midpoint.[131] In addition, the Exchange states that market participants that wish to receive midpoint executions already can do so by using midpoint pegged orders and similar order types.[132]

The same commenter suggests that the Exchange provide further clarity regarding how and whether orders that trade in Periodic Auctions will receive a unique fee code indicating that they indeed were executed in a Periodic Auction.[133] The Exchange notes that the pending proposal does not address fees, states that it intends to submit a fee proposal separately, and asserts that consideration of such fee codes is inappropriate in connection with this proposal.[134]

The commenter also asks that BYX add its ''True Minimum Quantity'' instruction for orders participating in the proposed auction mechanism. The commenter states that this would better facilitate the interaction of large-size orders.[135] The Exchange's ''true minimum'' instruction allows Users trading on the Continuous Book to enter orders with a minimum size condition that must be met by a single contra-side order, instead of one or more contra-side

[114] *See* BMO Letter, *supra* note 91, at 3.

[115] *See* BYX Response, *supra* note 96, at 9.

[116] *See* Amendment No. 4 at 5.

[117] *See id.* at 5–6.

[118] *See* Securities Exchange Act Release No. 90610 (December 9, 2020) (S7–03–20) at 37–38.

[119] *See* text accompanying note 123, *infra.*

[120] *See* SIFMA Letter, *supra* note 91, at 3.

[121] *See* BYX Response, *supra* note 96, at 7.

[122] *See id.* at 7, text accompanying n.8.

[123] *See id.* at 7–8.

[124] *See* SIFMA Letter, *supra* note 91, at 3.

[125] *See* BMO Letter, *supra* note 91, at 2.

[126] *See* BYX Response, *supra* note 96, at 5.

[127] *See id.* at 4.

[128] *See id.* at 5.

[129] *See* BMO Letter, *supra* note 91, at 3.

[130] *See id.*

[131] *See* BYX Response, *supra* note 96, at 8.

[132] *See id.*

[133] *See* BMO Letter, *supra* note 91, at 3, n.5.

[134] *See* BYX Response, *supra* note 96, at 9, n.10. The Exchange also notes that the commenter will have an opportunity comment on its fee proposal if it has concerns. *See id.*

[135] *See* BMO Letter, *supra* note 91, at 4.

orders.[136] The Exchange states that introducing the true minimum instruction into a Periodic Auction would unnecessarily complicate executions; instead, the Exchange is proposing to offer a minimum quantity instruction in the Periodic Auctions, which it believes will be valuable.[137] The Commission believes that the Exchange's decision not to incorporate the various suggestions offered by commenters into its proposal does not render the proposed rule change without a rational basis or inconsistent with the Exchange Act.

The Commission finds that the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system. Periodic Auctions would supplement existing opening and closing auctions by consolidating buy and sell interest in price forming auctions during the course of the trading day. Periodic Auctions may be particularly helpful in fulfilling and improving execution quality of orders by or on behalf of market participants seeking to trade in size or in thinly traded securities. One potential issue with a periodic auction running concurrently with a continuous book is that the act of operating the periodic auction could cause latency in the operation of the continuous book that would impact market participants' ability to receive timely executions on the continuous book. As discussed above, the Exchange has conducted testing, including stress testing, of the potential latency the Periodic Auctions may introduce into the continuous book and has made representations that the impact would be minimal and *de minimis* from the perspective of the Order Protection Rule and would be well within a threshold of one millisecond.[138] As a result, the Commission concludes that the potential latency caused by the Periodic Auctions as proposed does not impair fair and efficient access to the Exchange's protected quotations under the Exchange Act. In addition, the Commission believes that the Exchange has addressed the potential for manipulation or misuse of the Periodic Auctions and that the Exchange has appropriate surveillances in place to detect and deter such manipulation or misuse.

The Commission must approve the proposed rule change, as modified by Amendments No. 3 and No. 4, which does not incorporate any of the commenters' suggestions, if it finds that it is consistent with the Exchange Act;[139] alternatively the Commission must disapprove it if it cannot make that finding.[140] For the reasons discussed above, the Commission finds that the proposed rule change, as modified by Amendments No. 3 and No. 4, is consistent with the Exchange Act[141] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendments No. 3 and No. 4 to the Proposed Rule Change

Interested persons are invited to submit written views, data, and arguments concerning whether Amendments No. 3 and No. 4 are consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBYX–2020–021 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2020–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2020–021 and should be submitted on or before April 22, 2021.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendments No. 3 and No. 4

The Commission finds good cause to approve the proposed rule change, as modified by Amendments No. 3 and No. 4, prior to the thirtieth day after the date of publication of notice of the filing of Amendments No. 3 and No. 4 in the **Federal Register**. In Amendment No. 3, the Exchange (among other things) discussed how its proposal is consistent with Rule 201 of Regulation SHO. This supplemental information in Amendment No. 3 assisted the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Exchange Act. In Amendment No. 4, the Exchange corrected Example 6. Additionally, in Amendment No. 4, in response to comments, the Exchange discussed its efforts to submit trade reports to the SIP indicating which transactions were effected during Periodic Auctions, offered additional rationale for its proposal to allow cancellations of Periodic Auction Orders during ongoing Periodic Auctions, and set forth its implementation plans for the Periodic Auction. Neither Amendment No. 3 nor No. 4 raise any novel legal issue. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,[142] to approve the proposed rule change, as modified by Amendments No. 3 and No. 4, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[143] that the proposed rule change (SR–CboeBYX–2020–021), as modified by Amendments No. 3 and No. 4, be, and

[136] *See* BYX Response, *supra* note 96, at 11. *See also* BYX Rule 11.9(c)(5).

[137] *See* BYX Response, *supra* note 96, at 11–12. BYX also states that no provision of the Exchange Act requires that the Exchange make any particular order instruction available to customers, or to allow the use of all order instructions that it has determined to offer in each and every trading mechanism that is offers to its members. *See id.* at 12.

[138] *See* Commission Interpretation, *supra* note 107.

[139] *See* Section 19(b)(2)(C)(i) of the Exchange Act.

[140] *See* Section 19(b)(2)(C)(ii) of the Exchange Act.

[141] 15 U.S.C. 78f(b)(5).

[142] 15 U.S.C. 78s(b)(2).

[143] *Id.*

it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[144]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06676 Filed 3–31–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91416; File No. SR–NYSE–2021–18]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 103B, Which Governs the Allocation of Securities to Designated Market Makers

March 26, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 15, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 103B, which governs the allocation of securities to Designated Market Makers (''DMMs''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 103B, which governs the allocation of securities to DMMs, to streamline the allocation process and facilitate the selection of DMM units by issuers of acquisition companies listed under NYSE Listed Company Manual Section 102.06 (''Acquisition Companies'').

Background

Current Rule 103B

Rule 103B(III) sets out the procedures under which DMM units are assigned to securities listed on the Exchange: An issuer may either select a DMM unit after interviewing all DMM units eligible to participate in the allocation process (Rule 103B(III)(A)), or delegate the authority for selecting its DMM unit to the Exchange (Rule 103B(III)(B)).

In addition, Rule 103B(VI)(A)(1) sets out an abbreviated DMM allocation process for listing companies that are a spin-off of or a company related to a listed company or one that lists a Related Security as defined in Rule 103B(VI)(A)(2).[4] Under Rule 103B(VI)(A)(1), such a listing company may remain with the DMM unit registered in the Related Security or acting as the assigned DMM unit to the related listed company or be allocated through the allocation process pursuant to NYSE Rule 103B, Section III. The rule further provides that if the spin-off company or company related to a listed company chooses to have its DMM unit selected by the Exchange pursuant to NYSE Rule 103B, Section III(B), and requests not to be allocated to the DMM unit that was its listed company's DMM unit, such request will be honored.

Acquisition Companies

Section 102.06 of the NYSE Listed Company Manual sets forth the listing standards for Acquisition Companies. An Acquisition Company (known in the marketplace as a special purpose acquisition company or ''SPAC'') is a special purpose company formed for the purpose of effecting a merger, capital stock exchange, asset acquisition, stock purchase, reorganization or similar business combination with one or more operating businesses or assets. The securities sold by the Acquisition Company in its initial public offering are typically units, consisting of one share of common stock and one or more warrants (or a fraction of a warrant) to purchase common stock, that are separable at some point after the IPO. Under Section 102.06 of the NYSE Listed Company Manual, among other things, an Acquisition Company must keep 90% of the gross proceeds of its IPO in an escrow account until the date of a business combination.[5] The Acquisition Company must also complete one or more business combinations, having an aggregate fair market value of at least 80% of the value of the escrow account, within 36 months of the effectiveness of the IPO registration statement.[6] Following a business combination, the combined company must meet the Exchange's requirements for initial listing of an operating company.[7]

An Acquisition Company is formed by a person or group of people acting together or by a corporate entity (in each case, a ''Sponsor''). Persons affiliated with the Sponsor manage the Acquisition Company, seek to identify an appropriate business combination, and successfully complete that transaction. The Sponsor is not usually compensated in cash by the Acquisition Company, but rather undertakes these activities because it receives an ownership interest in the Acquisition Company that it acquires for nominal consideration. In many cases, Acquisition Company Sponsors are asset management entities or are controlled by individuals who have had successful careers in the banking or asset management industries. In many

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[144] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For purposes of NYSE Rule 103B, a ''Related Security'' is defined as: (i) Any security listed on the Exchange issued by a company whose common equity securities are listed on the Exchange, other than such common equity securities; and (ii) any security listed on the Exchange by any issuer affiliated with a company whose common equity securities are listed on the Exchange. Related Securities of either a listed company whose common equity securities are listed on the Exchange or of an affiliated entity of such listed company include, but are not limited to, securities listed under NYSE Listed Company Manual Section 703.19 (except for Repackaged Securities).

[5] *See* Section 102.06 of the NYSE Listed Company Manual. Section 102.06 also contains additional quantitative requirements to list an Acquisition Company.

[6] *See generally id.* Public shareholders who object to a business combination have the right to convert their common stock into a pro rata share of the funds held in escrow. *See* Section 102.06(b) of the NYSE Listed Company Manual.

[7] This includes the requirement to maintain a minimum of 400 round lot holders. *See* Sections 102.01A and 802.01B of the NYSE Listed Company Manual.

cases, the same persons or entities have formed more than one Acquisition Company over time. As the volume of Acquisition Company listings has increased, the Exchange has observed that the number of Sponsors that form multiple Acquisition Companies has also grown.

Proposed Rule Change

The Exchange proposes to amend Rule 103B(VI)(A), governing spin-offs and listing of related companies and related securities, to permit a similar abbreviated DMM allocation process for Acquisition Companies to that currently available to issuers that spin-off entities or list related companies or securities.

Specifically, the Exchange would add a new subdivision (3) to Rule 103B(VI)(A) that would provide that a listing Acquisition Company that is either under common control with another currently-listed Acquisition Company or is controlled by person(s) who controlled a previously-listed Acquisition Company at the time of such other Acquisition Company's listing, could choose, as applicable, to be allocated to the DMM unit currently registered in such other Acquisition Company or registered in such other Acquisition Company while it was listed on the Exchange. Alternatively, the proposed rule would provide that the listing Acquisition Company could be allocated through the allocation process pursuant to NYSE Rule 103B, Section III. As proposed, the process would be substantially similar to that in place for other issuers listing multiple securities or related entities on the Exchange who also have the option under Rule 103B to remain with the DMM unit registered in the related security or acting as the assigned DMM unit to the related listed company or be allocated through the allocation process pursuant to NYSE Rule 103B, Section III. The Exchange believes that the proposed rule change tailored to Acquisition Companies would provide those issuers with the same flexibility in selecting a DMM unit as other issuers currently have under Rule 103B.

This proposal addresses the growing trend for successful Acquisition Company Sponsors to form additional SPACs over time. The Exchange believes that an Acquisition Company Sponsor should be able to decide that it wishes to engage the same DMM unit for any additional Acquisition Company listings, as the Sponsor will be familiar with the DMM unit's expertise in trading Acquisition Company securities and should be allowed to continue with that DMM unit if it is satisfied with its performance. Similarly, if a Sponsor has multiple Acquisition Companies trading on the Exchange at the same time, there are managerial efficiencies from which the Sponsor benefits in dealing with only one DMM unit, rather than multiple different DMM units.

Finally, the Exchange proposes to technical, non-substantive changes to Rule 103B(VI)(A)(1) by capitalizing the words ''Related Security'' in two places. The Exchange also proposes to make the technical, non-substantive change of re-numbering current subsections (3) through (8) of Rule 103B(VI)(A).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, as follows.

The Exchange believes that the proposed amendments to Rule 103B(VI)(A) would remove impediments to and perfect the mechanism of a free and open market and a national market system by permitting Acquisition Companies under common control with another currently-listed Acquisition Company or one controlled by person(s) who controlled a previously-listed Acquisition Company at the time of such other Acquisition Company's listing to choose to maintain the same DMM unit currently registered in the other Acquisition Company or registered in such other Acquisition Company while it was listed on the Exchange. As noted, this option already exists for other issuers under Rule 103B, and enhances the efficiency of listings by allowing issuers and DMM units to maintain their preexisting relationships with respect to the commonly owned or controlled companies. Acquisition Company issuers would benefit from the efficiencies when listing additional Acquisition Companies under NYSE Listed Company Manual Section 102.06.

Finally, the Exchange's proposal to make technical, non-substantive changes to Rule 103B(VI)(A)(1) by capitalizing the words ''Related Security'' and re-numbering current subsections (3) through (8) of Rule 103B(VI)(A) adds clarity and transparency to the Exchange's Rules and reduces potential investor confusion, which would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because it merely provides a process for the allocation of DMM units to Acquisition Companies listing on the Exchange consistent with current rules. Nor does the Exchange believe that the proposed changes would impose an undue burden on intramarket competition between the DMM units, because all eligible DMM units will participate in the original Rule 103B(III) allocation process for an Acquisition Company.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtm*l); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2021–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2021–18 and should be submitted on or before April 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06670 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91418; File No. SR–Phlx–2021–16]

Self-Regulatory Organizations; Nasdaq PHLX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx's Pricing Schedule at Options 7, Section 6, Part D To Reduce the Phlx Options Regulatory Fee

March 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 6, Part D to reduce the Phlx Options Regulatory Fee or ''ORF''.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on April 1, 2021.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Phlx assesses an ORF of $0.0050 per contract side as specified in Phlx's Pricing Schedule at Options 7, Section 6, Part D. The Exchange proposes to reduce the ORF from $0.0050 per contract side to $0.0042 per contract side as of April 1, 2021, in order to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

Collection of ORF

Currently, Phlx assesses its ORF for each customer option transaction that is either: (1) Executed by a member organization[3] on Phlx; or (2) cleared by a Phlx member organization at The Options Clearing Corporation (''OCC'') in the customer range,[4] even if the transaction was executed by a non-member organization of Phlx, regardless of the exchange on which the transaction occurs.[5] If the OCC clearing member is a Phlx member organization, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA[6]); and (2) if the OCC clearing member is not a Phlx member organization, ORF is collected

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''member organization'' means a corporation, partnership (general or limited), limited liability partnership, limited liability company, business trust or similar organization, transacting business as a broker or a dealer in securities and which has the status of a member organization by virtue of (i) admission to membership given to it by the Membership Department pursuant to the provisions of General 3, Sections 5 and 10 or the By-Laws or (ii) the transitional rules adopted by the Exchange pursuant to Section 6–4 of the By-Laws. References herein to officer or partner, when used in the context of a member organization, shall include any person holding a similar position in any organization other than a corporation or partnership that has the status of a member organization. *See* General 1, Section 1(17).

[4] Participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that member organizations mark orders with the correct account origin code.

[5] The Exchange uses reports from OCC when assessing and collecting the ORF.

[6] CMTA or Clearing Member Trade Assignment is a form of ''give-up'' whereby the position will be assigned to a specific clearing firm at OCC.

only on the cleared customer contracts executed at Phlx, taking into account any CMTA instructions which may result in collecting the ORF from a non-member organization.[7]

In the case where a member organization both executes a transaction and clears the transaction, the ORF is assessed to and collected from that member organization. In the case where a member organization executes a transaction and a different member organization clears the transaction, the ORF is assessed to and collected from the member organization who clears the transaction and not the member organization who executes the transaction. In the case where a non-member organization executes a transaction at an away market and a member organization clears the transaction, the ORF is assessed to and collected from the member organization who clears the transaction. In the case where a member executes a transaction on Phlx and a non-member organization clears the transaction, the ORF is assessed to the member organization that executed the transaction on Phlx and collected from the non-member organization who cleared the transaction. In the case where a member organization executes a transaction at an away market and a non-member organization clears the transaction, the ORF is not assessed to the member organization who executed the transaction or collected from the non-member organization who cleared the transaction because the Exchange does not have access to the data to make absolutely certain that ORF should apply. Further, the data does not allow the Exchange to identify the member organization executing the trade at an away market.

ORF Revenue and Monitoring of ORF

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset ORF.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of member[8] and member organization customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 42% of the total regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 58% of total regulatory costs for 2021.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of its members and member organizations, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

Proposal

Based on the Exchange's most recent review, the Exchange is proposing to reduce the amount of ORF that will be collected by the Exchange from $0.0050 per contract side to $0.0042 per contract side. The Exchange issued an Options Trader Alert on February 8, 2021 indicating the proposed rate change for April 1, 2021.[9]

The proposed decrease is based on recent options volumes which included an increase in retail investors. With respect to options volume, the Exchange experienced a significant increase particularly in the fourth quarter of 2020. For example, total options contract volume in November 2020 was 71% higher than the total options contract volume in November 2019.[10] Below is industry data from OCC[11] which illustrates the significant increase in volume during the fourth quarter of 2020.

	October	November	December	Q4 2020
Total	633,365,184	673,660,858	753,568,354	2,060,594,396
Customer	587,707,301	630,297,252	708,037,956	1,926,042,509
Total ADV	28,789,326.55	33,683,042.90	34,253,107.00	32,196,787.44
Customer ADV	26,713,968.23	31,514,862.60	32,183,543.45	30,094,414.20

With respect to customer options volume across the industry, total customer options contract average daily volume in December 2020 was 88.6% higher than total customer average daily volume in December 2019.[12]

There can be no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations and prior practice, nor can the Exchange predict with certainty whether options volume will remain at the current level going forward. The Exchange notes however, that when combined with regulatory fees and fines, the revenue being generated utilizing the current ORF rate results in revenue that is running in excess of the Exchange's

[7] By way of example, if Broker A, a Phlx member organization, routes a customer order to CBOE and the transaction executes on CBOE and clears in Broker A's OCC Clearing account, ORF will be collected by Phlx from Broker A's clearing account at OCC via direct debit. While this transaction was executed on a market other than Phlx, it was cleared by a Phlx member organization in the member organization's OCC clearing account in the customer range, therefore there is a regulatory nexus between Phlx and the transaction. If Broker A was not a Phlx member organization, then no ORF should be assessed and collected because there is no nexus; the transaction did not execute on Phlx nor was it cleared by a Phlx member organization.

[8] The term ''member'' means a permit holder which has not been terminated in accordance with the By-Laws and these Rules of the Exchange. A member is a natural person and must be a person associated with a member organization. Any references in the rules of the Exchange to the rights or obligations of an associated person or person associated with a member organization also includes a member. *See* General 1, Section 1(16).

[9] *See* Options Trader Alert 2021–9.

[10] *See* data from OCC at: *https://www.businesswire.com/news/home/20201202005584/en/OCC-November-2020-Total-Volume-Up-71-Percent-From-a-Year-Ago.*

[11] *See* data from OCC at: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Account-Type.*

[12] *See* data from OCC at: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Account-Type.*

estimated regulatory costs for the year.[13] Particularly, as noted above, the options market has seen a substantial increase in volume in 2020, due in large part to the extreme volatility in the marketplace as a result of the COVID–19 pandemic. This unprecedented spike in volatility resulted in significantly higher volume than was originally projected by the Exchange (thereby resulting in substantially higher ORF revenue than projected). The Exchange therefore proposes to decrease the ORF in order to ensure that it no longer exceeds its regulatory costs for the year. Particularly, the Exchange believes that decreasing the ORF when combined with all of the Exchange's other regulatory fees and fines, would allow the Exchange to continue covering a material portion of its regulatory costs, while eliminating excess ORF revenue collected and, in the future, lessening the potential for generating excess revenue that may otherwise occur using the current rate.[14]

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission and notifying [15] its members and member organizations via an Options Trader Alert. [16]

The Exchange also proposes to amend Options 7, Section 6D of the Phlx Pricing Schedule to make clear that the ORF is assessed to member organizations. The Exchange inadvertently utilized the term ''member'' within the rule text instead of ''member organization'' and in one place neglected to note ''member organization'' next to the term ''member''. A member organization is the entity transacting business as a broker or a dealer in securities on Phlx whereas a member is the permit holder.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act, [18] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, member organizations, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because customer transactions will be subject to a lower ORF fee than the current rate and the adjustment will eliminate excess ORF revenue. Moreover, the proposed reduction is necessary in order for the Exchange to no longer collect revenue, in combination with other regulatory fees and fines, in excess of its anticipated regulatory costs which is consistent with the Exchange's practices.

The Exchange had designed the ORF to generate revenues that would be less than the amount of the Exchange's regulatory costs to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs, which is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above, however, after review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent a reduction in ORF, it would continue to collect revenue in excess of its regulatory costs. Indeed, the Exchange notes that when taking into account the recent options volume, which included an increase in customer options transactions, it estimates the ORF will generate revenues that would cover more than the approximated Exchange's projected regulatory costs. Moreover, when coupled with the Exchange's other regulatory fees and revenues, the Exchange estimates ORF to generate over 100% of the Exchange's projected regulatory costs. As such, the Exchange believes it's reasonable and appropriate to decrease the ORF amount from $0.0050 to $0.0042 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all member organizations on all their transactions that clear in the customer range at the OCC.[20] The Exchange believes the ORF ensures fairness by assessing higher fees to those members and member organizations that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* member and member organization proprietary transactions) of its regulatory program. Moreover, the Exchange notes that it has broad regulatory responsibilities with respect to activities of its members and member organizations, irrespective of where their transactions take place. Many of the Exchange's surveillance programs for customer trading activity may require the Exchange to look at activity across all markets, such as reviews related to position limit violations and manipulation. Indeed, the Exchange cannot effectively review for such conduct without looking at and evaluating activity regardless of where it transpires. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group

[13] The Exchange notes that notwithstanding the excess ORF revenue collected to date, it has not used such revenue for non-regulatory purposes.

[14] The Exchange notes that its regulatory responsibilities with respect to member and member organization compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation.

[15] The Exchange will provide members and member organizations with such notice at least 30 calendar days prior to the effective date of the change.

[16] The Exchange notes that in connection with this proposal, it provided the Commission confidential details regarding the Exchange's projected regulatory revenue, including projected revenue from ORF, along with a projected regulatory expenses.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4).

[19] 15 U.S.C. 78f(b)(5).

[20] If the OCC clearing member is a Phlx member organization, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and (2) if the OCC clearing member is not a Phlx member organization, ORF is collected only on the cleared customer contracts executed at Phlx, taking into account any CMTA instructions which may result in collecting the ORF from a non-member organization.

(''ISG'')[21] the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. Accordingly, there is a strong nexus between the ORF and the Exchange's regulatory activities with respect to customer trading activity of its members and member organizations.

The Exchange's proposal to amend Options 7, Section 6D of the Phlx Pricing Schedule to make clear that the ORF is assessed to member organizations and note ''member organization'' next to the term ''member'' in one place is reasonable, equitable and not unfairly discriminatory. The proposed amendments will bring greater clarity to the ORF rule text by utilizing the defined terms ''member'' and ''member organization'' correctly.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The Exchange's proposal to amend Options 7, Section 6D of the Phlx Pricing Schedule to make clear that the ORF is assessed to member organizations and note ''member organization'' next to the term ''member'' in one place does not impose an undue burden on competition. The proposed amendments will bring greater clarity to the ORF rule text by utilizing the defined terms ''member'' and ''member organization'' correctly.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[22] of the Act and subparagraph (f)(2) of Rule 19b–4[23] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–Phlx–2021–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–Phlx–2021–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–Phlx–2021–16, and should be submitted on or before April 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06672 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

[21] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(2).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–321, OMB Control No. 3235–0358]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension: Rule 11a–3

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of

Management and Budget for extension and approval.

Section 11(a) of the Investment Company Act of 1940 (''Act'') (15 U.S.C. 80a–11(a)) provides that it is unlawful for a registered open-end investment company (''fund'') or its underwriter to make an offer to the fund's shareholders or the shareholders of any other fund to exchange the fund's securities for securities of the same or another fund on any basis other than the relative net asset values (''NAVs'') of the respective securities to be exchanged, ''unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers.'' Section 11(a) was designed to prevent ''switching,'' the practice of inducing shareholders of one fund to exchange their shares for the shares of another fund for the purpose of exacting additional sales charges.

Rule 11a–3 (17 CFR 270.11a–3) under the Act is an exemptive rule that permits open-end investment companies (''funds''), other than insurance company separate accounts, and funds' principal underwriters, to make certain exchange offers to fund shareholders and shareholders of other funds in the same group of investment companies. The rule requires a fund, among other things, (i) to disclose in its prospectus and advertising literature the amount of any administrative or redemption fee imposed on an exchange transaction, (ii) if the fund imposes an administrative fee on exchange transactions, other than a nominal one, to maintain and preserve records with respect to the actual costs incurred in connection with exchanges for at least six years, and (iii) give the fund's shareholders a sixty day notice of a termination of an exchange offer or any material amendment to the terms of an exchange offer (unless the only material effect of an amendment is to reduce or eliminate an administrative fee, sales load or redemption fee payable at the time of an exchange).

The rule's requirements are designed to protect investors against abuses associated with exchange offers, provide fund shareholders with information necessary to evaluate exchange offers and certain material changes in the terms of exchange offers, and enable the Commission staff to monitor funds' use of administrative fees charged in connection with exchange transactions.

The staff estimates that there are approximately 1,397 active open-end investment companies registered with the Commission as of October 2020. The staff estimates that 25 percent of these funds (349 funds) impose a non-nominal administrative fee on exchange transactions. The staff estimates that the recordkeeping requirement of the rule requires approximately 1 hour annually of clerical time (at an estimated $63 per hour) [1] per fund, for a total of 349 hours for all funds (at a total annual cost of $21,987).[2]

The staff estimates that 5 percent of these 1,397 funds (or 70 funds) terminate an exchange offer or make a material change to the terms of their exchange offer each year, requiring the fund to comply with the notice requirement of the rule. The staff estimates that complying with the notice requirement of the rule requires approximately 1 hour of attorney time (at an estimated $419 per hour) [3] and 2 hours of clerical time (at an estimated $63 per hour) per fund, for a total of approximately 210 hours for all funds to comply with the notice requirement (at a total annual cost of $38,150).[4] The staff estimates that such notices will be enclosed with other written materials sent to shareholders, such as annual shareholder reports or account statements, and therefore any burdens associated with mailing required notices are accounted for in the burdens associated with Form N–1A registration statements for funds.

The recordkeeping and notice requirements together impose an estimated total burden of 559 hours on all funds (at a total annual cost of $60,137).[5] The total number of respondents is 419, each responding once a year.[6] The burdens associated with the disclosure requirement of the rule are accounted for in the burdens associated with the Form N–1A registration statement for funds.

Table 1 below summarizes the currently-approved and updated burdens associated with rule 11a–3.

TABLE 1—SUMMARY OF BURDEN ESTIMATES FOR RULE 11a–3

	Internal burden	Wage rate	Cost of internal burden
CURRENTLY–APPROVED BURDEN ESTIMATES			
Recordkeeping Requirement	1 hour	$59/hr. (clerk)	$59.
Respondents	402 funds		402 funds.
Total	402 hours		$23,718.
Notice Requirement	1 hour	$392/hr. (attorney)	$392.
	2 hours	$59/hr. (clerk)	$118.
Respondents	80 funds		80 funds.
Total	240 hours		$40,800.
Total Responses (Recordkeeping + Notice)	482		

[1] This estimate of $63 per hour for clerical work and the other estimated wage rates below are derived from the Securities Industry and Financial Markets Association's (''SIFMA'') Office Salaries in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead (updated for inflation).

[2] This estimate is based on the following calculations: (1,397 funds × 25% = 349 funds); (349 × 1 (clerical hour) = 349 clerical hours); (349 × $63 = $21,987 total annual cost for recordkeeping requirement).

[3] The estimate of $419 per hour for an Attorney is derived from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead (adjusted for inflation).

[4] This estimate is based on the following calculations: (1,397 (funds) × 5% = 70 funds); (70 × 1 (attorney hour) = 70 total attorney hours); (70 (funds) × 2 (clerical hours) = 140 total clerical hours); (70 (attorney hours) + 140 (clerical hours) = 210 total hours); (70 (attorney hours) × $419 = $29,330 total attorney cost); (140 (clerical hours) × $63 = $8,820 clerical cost); ($29,330 + $8,820 = $38,150 total annual cost).

[5] This estimate is based on the following calculations: (210 (notice hours) + 349 (recordkeeping hours) = 559 total hours); ($38,150 (notice costs) + $21,987 (recordkeeping costs) = $60,137 total annual costs).

[6] This estimate is based on the following calculation: (349 funds responding to recordkeeping requirement + 70 funds responding to notice requirement = 419 total respondents).

TABLE 1—SUMMARY OF BURDEN ESTIMATES FOR RULE 11a–3—Continued

	Internal burden	Wage rate	Cost of internal burden
Total Burden (Recordkeeping + Notice)	642 hours		$64,518.
UPDATED BURDEN ESTIMATES			
Recordkeeping Requirement	1 hour	$63/hr. (clerk)	$63.
Respondents	349 funds		349 funds.
Total	349 hours		$21,987.
Notice Requirement	1 hour	$419/hr. (attorney)	$419.
	2 hours	$63/hr. (clerk)	$126.
Respondents	70 funds		70 funds.
Total	210 hours		$38,150.
Total Responses (Recordkeeping + Notice)	419		
Total Burden (Recordkeeping + Notice)	559 hours		$60,137

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are requested on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden(s) of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 29, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06731 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91425; File No. SR–PEARL–2021–09]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 2614, Orders and Order Instructions, To Adopt and Make Available the Reserve Quantity Instruction for Orders on the MIAX PEARL Equities Platform

March 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 23, 2021, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposed rule change to amend Exchange Rule 2614, Orders and Order Instructions, to adopt the Reserve Quantity instruction.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 2614, Orders and Order Instructions, to adopt the Reserve Quantity instruction that would be available to orders in equity securities traded on the Exchange's equity trading platform (referred to herein as ''MIAX Pearl Equities''). In sum, a Reserve Quantity instruction would enable a User[3] to specify that a portion of their order be displayed and another portion of their order be non-displayed. The proposed operation of the Reserve Quantity instruction is well established in the equity markets and is based on similar functionality offered at other exchanges.[4]

[3] Exchange Rule 1901 defines the term ''User'' as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Exchange Rule 2602.''

[4] *See, e.g.,* Cboe BYX Exchange, Inc. (''BYX'') and Cboe BZX Exchange, Inc. Rules 11.9(c)(1), Cboe

Continued

The Exchange understands that some market participants avoid sending large displayed orders to MIAX Pearl Equities out of concern that revealing the full size of their order may adversely impact the market for the security. Market participants submitting large volume orders may, therefore, have the desire to conceal the full size of their order to avoid anticipatory action from other market participants. As only a small portion of the order is visible at any one time, price movements and market impact would be reduced. For example, a large institutional investor may want to avoid placing a large sell order that could cause panic. On the other hand, an institutional investor looking to buy shares at the lowest possible price may want to avoid placing a large buy order that professional traders could see and attempt to increase the price of the stock.

To facilitate the liquidation or acquisition of a large position, market participants tend to submit multiple orders into the market that may only represent a fraction of the overall institutional position to be executed. Various strategies used by institutional market participants to execute large orders are intended to limit price movement of the security at issue. Displaying the full size of their interest at one time may impact the market for that security such that the execution of their order's full size may be more costly to execute. As a result, these orders may often be executed away from the Exchange in dark pools or other exchanges that offer the same functionality as proposed herein,[5] or via broker-dealer internalization.

To attract larger orders, the Exchange proposes to add new optional functionality in the form of the Reserve Quantity instruction. The proposed Reserve Quantity instruction would be set forth under new paragraph (c)(8) of Exchange Rule 2614 and be described as an instruction a User may attach to an order where a portion of the order is displayed (''Displayed Quantity'') and with a portion of the order non-displayed (''Reserve Quantity''). Upon entry, both the Displayed Quantity and the Reserve Quantity are eligible to trade with resting interest in the MIAX Pearl Equities Book or route to away markets. When resting, both the Displayed Quantity and Reserve Quantity are available for execution against incoming and Aggressing Orders.[6] The Exchange also proposes to make a related change to Exchange Rule 2614(a)(1)(A)(i) to specify that the Reserve Quantity instruction may be attached to a Limit Order.[7]

Replenishment Amounts

Exchange Rule 2614(c)(8)(A) would describe how an order's Displayed Quantity may be replenished from the Reserve Quantity. Specifically, Exchange Rule 2614(c)(8)(A) would provide that a User must select the initial Displayed Quantity (''Max Floor'') when entering an order with a Reserve Quantity.[8] The Max Floor is also used to determine the replenishment amount and must be entered in round lots.[9] If the Displayed Quantity is reduced to less than the round lot,[10] the System [11] will replenish the Displayed Quantity from the Reserve Quantity using one of two replenishment options in accordance with the User's instruction. The two proposed replenishment options are Random Replenishment and Fixed Replenishment, the descriptions of each would be set forth under proposed Exchange Rule 2614(c)(8)(A)(i), described below. Proposed Exchange Rule 2614(c)(8)(A)(ii) sets forth the default replenishment option and provides an order with a Reserve Quantity will be subject to Fixed Replenishment unless the User affirmatively elects Random Replenishment.[12]

Random Replenishment

Random Replenishment is an instruction where replenishment quantities are randomly determined by the System within a replenishment range established by the User. The User entering an order into the System subject to the Random Replenishment instruction must select a replenishment value and a Max Floor. The initial Displayed Quantity and replenishment quantities will be determined by the System by randomly selecting a number of shares within a replenishment range that is between: (i) The Max Floor minus the replenishment value; and (ii) the Max Floor plus the replenishment value.[13]

The following example illustrates the operation of Random Replenishment. A User enters an order into the System to buy 10,000 shares at $100 and the User selects Random Replenishment with a Max Floor of 1,000 shares and a replenishment value of 400 shares (''Order 1''). Under Random Replenishment, the System will generate the initial Displayed Quantity and subsequent replenished Displayed Quantities from within a replenishment range that is calculated by adding and subtracting the 400 share replenishment value from the order's Max Floor of 1,000 shares. For Order 1, 1,000 shares plus or minus 400 shares equals a replenishment range of 600 to 1,400 shares. Assume the System randomly chooses an initial Displayed Quantity of 800 shares, resulting in a Reserve Quantity of 9,200 shares. An inbound Market Order [14] to sell 800 shares (''Order 2'') is entered into the System and Order 2 executes against Order 1's 800 share Displayed Quantity. Under Random Replenishment, the Displayed Quantity of Order 1 is randomly replenished to a new round lot quantity within the replenishment range of 600 to 1,400 shares. Assume the System selects a replenishment quantity of 1,200 shares for Order 1. Order 1's Displayed Quantity will be 1,200 shares to buy at $100, resulting in a Reserve Quantity of 8,000 shares. Upon replenishment, the Displayed Quantity will receive a new time stamp and the

EDGA Exchange, Inc. (''EDGA'') and Cboe EDGX Exchange, Inc. (''EDGX'', collectively with BYX, BZX, and EDGA, the ''Cboe Equity Exchanges'') Rules 11.6(m), New York Stock Exchange LLC (''NYSE'') Rule 7.31(d)(1), NYSE Arca, Inc. (''NYSE Arca'') Rule 7.31–E(d)(1), NYSE American LLC (''NYSE American'', collectively with NYSE and NYSE Arca, the ''NYSE Exchanges'') Rule 7.31E(d)(1), Investors Exchange, Inc. (''IEX'') Rule 11.190(b)(2), The NASDAQ Stock Market LLC (''NASDAQ'') Rule 4703(h), and MEMX LLC (''MEMX'') Rule 11.6(k).

[5] *Id.*

[6] Exchange Rule 1901 defines the term ''Aggressing Order'' as ''an order to buy (sell) that is or becomes marketable against sell (buy) interest on the MIAX Pearl Equities Book. A resting order may become an Aggressing Order if its working price changes, if the PBBO or NBBO is updated, because of changes to other orders on the MIAX Pearl Equities Book, or when processing inbound messages.''

[7] Exchange Rule 2614(a)(1)(A)(i) would also provide that a displayed Limit Order with a Reserve Quantity must include a replenishment instruction and a replenishment amount, as described herein.

[8] This behavior is identical to that of the Cboe Equity Exchanges and NYSE Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1) *and* NYSE Rule 7.31(d)(1)(A).

[9] 100 shares constitutes a ''round lot'', unless specified by the primary listing market to be fewer than 100 shares. *See* Exchange Rule 2610.

[10] This behavior is identical to that of the Cboe Equity Exchanges and NYSE Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1) and NYSE Rule 7.31(d)(1)(A).

[11] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[12] This default behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1)(B).

[13] This behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1)(A). *See also* NASDAQ Rule 4703(h) (providing that the Participant may stipulate that the original and subsequent displayed size will be an amount randomly determined based on factors selected by the Participant (a ''Random Reserve'')).

[14] A Market Order is an order to buy (sell) a stated amount of a security that is to be executed at the PBO (PBB) or better. *See* Exchange Rule 2614(a)(2).

Reserve Quantity will retain its original time stamp, as described below.[15]

Fixed Replenishment

Fixed Replenishment is an instruction where the System will replenish the Displayed Quantity to equal the Max Floor designated by the User.[16] The following example illustrates the operation of Fixed Replenishment. A User enters an order into the System to buy 10,000 shares at $100 with a Max Floor of 1,000 shares and a Reserve Quantity of 9,000 shares (''Order 1''). The order defaults to Fixed Replenishment with an initial Displayed Quantity of 1,000 shares, equal to its Max Floor. An inbound Market Order to sell 400 shares is entered into the System (''Order 2''). Order 2 executes against the Order 1's Displayed Quantity of 1,000 shares, resulting in Order 1's Displayed Quantity to be decremented to 600 shares. Another order to sell 600 shares is entered (''Order 3''). Order 3 executes against Order 1's Displayed Quantity of 600 shares. Order 1's Displayed Quantity is then replenished by the System from its Reserve Quantity to the order's Max Floor of 1,000 shares, resulting in a remaining Reserve Quantity of 8,000 shares.

Exchange Rule 2614(c)(8)(A)(iii) would provide that if after a partial execution the remainder of the order is less than the replenishment amount, the Exchange will replenish the Displayed Quantity to equal the remaining size of the order.[17] The following example illustrates the proposed behavior. A User enters an order into the System to buy 200 shares at $100 with a Max Floor of 100 shares and a Reserve Quantity of 100 shares (''Order 1''). Order 1 defaults to Fixed Replenishment with an initial Displayed Quantity of 100 shares, equal to its Max Floor. An inbound Market Order to sell 150 shares is entered into the System (''Order 2''). Order 2 executes against the Order 1's Displayed Quantity of 100 shares and then executes against Order 1's Reserve Quantity of 50 shares, resulting in Order 1's Reserve Quantity to be decremented to 50 shares. The total size of Order 1 is now 50 shares (0 share Displayed Quantity + 50 shares Reserve Quantity = 50 shares). Order 1's Displayed Quantity will now equal its remaining order size of 50 shares because 50 shares is less than Order's 1 Max Floor of 100 shares.

Priority

Exchange Rule 2614(c)(8)(B) would describe the priority treatment of an order's Displayed Quantity and Reserve Quantity. Exchange Rule 2614(c)(8)(B)(i) would provide that the Displayed Quantity of the order is provided displayed priority pursuant to Exchange Rule 2616(a)(2)(A)(i) and the Reserve Quantity is provided non-displayed priority pursuant to Exchange Rule 2616(a)(2)(A)(ii).[18] The Exchange does not propose to make any changes to Exchange Rule 2616 regarding the priority of displayed and non-displayed orders.

The following example illustrates this behavior. A User enters an order to buy 6,000 shares at $30.50, the PBB,[19] with a Displayed Quantity of 1,000 shares and a Reserve Quantity of 5,000 shares (''Order 1''). Order 1 is subject to Fixed Replenishment. A User then enters a displayed order to buy 600 shares at $30.50 with no Reserve Quantity (''Order 2''). Subsequently, an order to sell 2,000 shares is entered into the System (''Order 3''). Order 3 first executes against the Order 1's Displayed Quantity of 1,000 shares, then executes against the full 600 shares of Order 2, and then executes 400 shares from Order 1's Reserve Quantity. The Displayed Quantities of Orders 1 and 2 execute in time priority, followed by the Reserve Quantity of Order 1. The Displayed Quantity of Order 1 is then replenished for 1,000 shares, leaving a Reserve Quantity of 3,600 shares.

As discussed above, Exchange Rule 2614(c)(8)(B)(ii) would provide that each time the Displayed Quantity is replenished from the Reserve Quantity, a new time stamp is created for the Displayed Quantity, while the Reserve Quantity retains its time stamp.[20]

Re-Pricing

As stated above, the Exchange proposes to amend Exchange Rule 2614(a)(1)(A)(i) to specify that the Reserve Quantity instruction may be attached to a Limit Order.[21] The Displayed Quantity of the Limit Order will be subject to the Exchange's existing standard re-pricing processes for displayed orders.[22] Exchange Rule 2614(c)(8)(C) would specify that the Reserve Quantity's working price will be adjusted pursuant to the Non-Displayed Price Sliding Process as provided for Exchange Rule 2614(g)(2).

Routing

The behavior of an order with a Reserve Quantity would be described under Exchange Rule 2614(c)(8)(D) and would provide that any quantity of an order with a Reserve Quantity that is returned unexecuted will join the Reserve Quantity. If there is no Reserve Quantity to join, the returned quantity will be assigned a new time stamp as the Reserve Quantity. In either case, such Reserve Quantity will replenish the Displayed Quantity pursuant to the replenishment options set forth under Exchange Rule 2614(C)(8)(A)(1), described above.[23]

Cancel/Replace Messages

The Exchange proposes to amend Exchange Rule 2614(e)(3) to describe what changes may be made to an order with a Reserve Quantity via a Replace Message. Currently, Exchange Rule 2614(e)(3) provides that only the price, sell long, sell short, or short exempt indicator, and size terms of the order may be changed by a Replace Message. The Exchange proposes to amend Exchange Rule 2614(e)(3) to also provide that the Max Floor of an order with a Reserve Quantity may also be changed by a Replace Message.[24] If a User desires to change any other terms of an existing order the existing order must be cancelled and a new order must be entered.

The Exchange proposes to make a related change to Exchange Rule 2616(a)(5) to describe when a modification to an order with a Reserve Quantity made pursuant to Exchange Rule 2614(e)(5) described above may result in a change to that order's timestamp. Exchange Rule 2616(a)(5) currently provides that in the event an order has been cancelled or replaced in accordance with Exchange Rule 2614(e), such order only retains its timestamp if

[15] This behavior is identical to that of the NYSE Exchanges. *See, e.g.,* NYSE Rule 7.31(d)(1)(B). *See infra* note 20 and accompanying text.

[16] This behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1)(B).

[17] This behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.6(m)(1).

[18] This proposed priority treatment is identical to the Cboe Equity Exchange and the NYSE Exchanges. *See, e.g.,* EDGX Rule 11.9(a)(6) *and* NYSE Rule 7.31(d)(1).

[19] With respect to the trading of equity securities, the term ''Protected NBB'' or ''PBB'' shall mean the national best bid that is a Protected Quotation, the term ''Protected NBO'' or ''PBO'' shall mean the national best offer that is a Protected Quotation, and the term ''Protected NBBO'' or ''PBBO'' shall mean the national best bid and offer that is a Protected Quotation. *See* Exchange Rule 1901.

[20] This proposed priority treatment is identical to the NYSE Exchanges. *See, e.g.,* NYSE Rule 7.31(d)(1)(B).

[21] The Exchange does not propose to allow a Reserve Quantity to be included with any other order type at this time.

[22] *See* Exchange Rule 2614(a)(1)(E), (F), and (H). This proposed behavior is identical to the NYSE Exchanges. *See, e.g.,* NYSE Rule 7.31(d)(1).

[23] This behavior is identical to that of the NYSE Exchanges. *See, e.g.,* NYSE Rule 7.31(d)(1)(D)(ii).

[24] This behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.10(e)(3).

such modification involves a decrease in the size of the order or a change in position from (A) sell to sell short; (B) sell to sell short exempt; (C) sell short to sell; (D) sell short to sell short exempt; (E) sell short exempt to sell; and (F) sell short exempt to sell short. The Exchange proposes to amend Exchange Rule 2616(a)(5) to also provide that a change to the Max Floor of an order with a Reserve Quantity in accordance with Exchange Rule 2614(e)(5) will not result in a change to the order's timestamp.[25] Any other modification to an order with a Reserve Quantity, including an increase in the size of the order and/or price change, will result in such order losing time priority as compared to other orders in the MIAX Pearl Equities Book and the timestamp for such order being revised to reflect the time of the modification.

Implementation

Due to the technological changes associated with this proposed change, the Exchange will issue a trading alert publicly announcing the implementation date of this proposed rule change. The Exchange anticipates that the implementation date will be in either the second or third quarter of 2021.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5),[27] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change would remove impediments to and promote just and equitable principles of trade because it would provide market participants, including institutional firms who ultimately represent individual retail investors in many cases, with optional functionality that would provide them with better control over their orders.

As discussed above, the proposed optional Reserve Quantity would allow a User to elect that only a small portion of the order is visible at any one time, potentially reducing price movements and market impact. For example, a large institutional investor may want to avoid placing a large sell order that could cause panic. On the other hand, an institutional investor looking to buy shares at the lowest possible price may want to avoid placing a large buy order that professional traders could see and attempt to increase the price of the stock. Therefore, the proposal would also provide them with greater potential to improve the quality of their order executions.

Because the Exchange does not have this functionality, the Exchange believes that market participants, such as large institutions that transact a large number of orders on behalf of retail investors, do not frequently send large orders to the Exchange to avoid potentially more expensive transactions. In this regard, the Exchange notes that the proposed new optional Reserve Quantity instruction may improve the Exchange's market by attracting more order flow. Such new order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principles of trade and benefits all market participants. Furthermore, the proposed Reserve Quantity instruction is consistent with providing market participants with greater flexibility over their orders so that they may achieve their trading goals and improve the quality of their executions.

Lastly, the Exchange believes its proposal promotes just and equitable principles of trade because the proposed operation of the Reserve Quantity instruction is well established in the equity markets and is based on similar functionality at other exchanges.[28] The Exchange does not propose to include any unique functionality as part of its proposed Reserve Quantity instruction. For example, the Exchange does not propose any unique priority treatment for orders with a Reserve Quantity as the Displayed Quantity will be provided displayed priority and the Reserve Quantity will be provided non-displayed priority under existing Exchange Rule 2616(a). The Exchange also does not propose to route an order with a Reserve Quantity any differently than other orders that are eligible to be routed to an away market center under Exchange Rule 2617(b). As described throughout the proposal, all portions of the proposed rule text are based on the rules of the Cboe Equity Exchanges or the NYSE Equity Exchanges. Therefore, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange believes that the proposal may have a positive effect on competition because it will enable the Exchange to offer functionality substantially similar to that offered by the Cboe Equity Exchanges, the NYSE Exchanges, NASDAQ, MEMX, and IEX.[29] As noted above, the Exchange believes its lack of this functionality has put it at a competitive disadvantage as market participants, such as large institutions that transact a large number of orders on behalf of retail investors, have avoided sending large orders to the Exchange to avoid potentially more expensive transactions. This proposal is designed to allow the Exchange to directly compete with other exchanges that offer similar Reserve Quantity functionality. The Exchange believes that its proposal promotes competition because it is designed to attract liquidity to the Exchange by allowing market participants to designate how much of their order is to be displayed at one time, thus providing them with functionality available to them on other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[30] and Rule 19b–4(f)(6)[31] thereunder.

[25] This behavior is identical to that of the Cboe Equity Exchanges. *See, e.g.,* EDGX Rule 11.9(a)(4).

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] *See supra* note 4.

[29] *Id.*

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2021–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2021–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–09, and should be submitted on or before April 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06671 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91413; File No. SR-NASDAQ–2021–007]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Additional Initial Listing Criteria for Companies Primarily Operating in Jurisdictions That Do Not Provide the PCAOB With the Ability To Inspect Public Accounting Firms

March 26, 2021.

On February 1, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt additional initial listing criteria for companies primarily operating in jurisdictions that do not provide the Public Company Accounting Oversight Board with the ability to inspect public accounting firms. The proposed rule change was published for comment in the **Federal Register** on February 16, 2021.[3]

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 publishes 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 this proposed rule change is April 2, 2021. The Commission is extending this 45-day time period.

The Commission finds it 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 and the comment received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 17, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2021–007).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–06668 Filed 3–31–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 91089 (February 9, 2021), 86 FR 9549. Comment on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-nasdaq-2021-007/srnasdaq2021007.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 1.38 percent for the April–June quarter of FY 2021.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

John Wade,

Chief, Secondary Market Division.

[FR Doc. 2021–06695 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 11391]

30-Day Notice of Proposed Information Collection: Foreign Diplomatic Services Applications (FDSA)

ACTION: Notice of request for public comment and submission to OMB of proposed collection information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to May 3, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Timothy R. Johnson at 3507 International Place NW, Washington, DC 20008, who may be reached on 202–895–3556 or at *JohnsonTR@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Foreign Diplomatic Services Applications (FDSA).
- *OMB Control Number:* 1405–0105.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* M/OFM.
- *Form Number:* DS–98, DS–99, DS–100, DS–101, DS–102, DS–104, DS–1504, DS–1972D, DS–1972T, DS–2003, DS–2004, DS–2005, DS–2006, DS–2008, DS- 4139, DS–4140, DS–4284, DS–4285, DS–4298, DS–4299, DS–7675.
- *Respondents:* Foreign Mission Community.
- *Estimated Number of Respondents:* 79,095.
- *Estimated Number of Responses:* 79,095.
- *Average Time per Response:* 13 minutes.
- *Total Estimated Burden Time:* 18,200 hours annually.
- *Frequency:* For each specific event; annually.
- *Obligation to Respond:* Mandatory and/or Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Collection information instruments dealing with information collection from the foreign mission community, to include the electronic data compilation (e-Gov), have been combined under one information collection request, collectively referred to as the ''Foreign Diplomatic Services Applications''. These information collection instruments provide the Office of Foreign Missions and the Office of the Chief of Protocol with the information necessary to provide and administer an effective and efficient benefits, privileges, and immunities program by which foreign missions and eligible applicants may apply for benefits from the U.S. Department of State, to which they are entitled pursuant to the Foreign Missions Act.

Methodology

Information may be received via Email or electronic submission through eGov at *https://egov.ofm.state.gov/.*

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2021–06710 Filed 3–31–21; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF THE TREASURY

Call for Nominations for Secretary Appointments to Treasury Tribal Advisory Committee

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice announces that the Designated Federal Officer of the Department of the Treasury Tribal Advisory Committee (TTAC) is seeking on behalf of the Secretary of the Treasury (Secretary) nominations for three individuals to be appointed by the Secretary as members of the TTAC. The TTAC advises the Secretary on matters related to the taxation of Indians, training and education for Internal Revenue Service (IRS) field agents who administer and enforce internal revenue laws with respect to Indian tribes, and training and technical assistance for tribal financial officers. Nominations should describe the candidate's qualifications for TTAC membership. Submittal of an application and resume for each nominee is required.

DATES: Please submit applications for appointment by the Secretary to the TTAC, the names and qualifications of individuals you would recommend for appointment to the TTAC by the Secretary, or any comments on this matter, before June 1, 2021.

ADDRESSES: Please send applications or recommendations to *TTAC@treasury.gov,* with a subject line ''Treasury Tribal Advisory Committee member application or recommendation.'' Self-nominations and re-nominations of current TTAC members are welcome. The Department of the Treasury will accept applications for Secretarial appointments to the TTAC until June 1, 2021.

FOR FURTHER INFORMATION CONTACT: Nancy Montoya, Policy Analyst, Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 1426G, Washington, DC 20220, at (202) 622–2031 (this is not a toll-free number) or by emailing *TTAC@treasury.gov.* Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This request for nominations, particularly from tribal leaders, is in furtherance of the objectives of *Executive Order 13175,* as reaffirmed by the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships).

Background

I. Description and Mandate of the TTAC

Section 3 of the Tribal General Welfare Exclusion Act of 2014 (TGWEA), Public Law 113–68, 128 Stat. 1883 (Sept. 26, 2014), directs the Secretary to establish a Tribal Advisory Committee to advise the Secretary on matters related to the taxation of Indians, the training of Internal Revenue Service field agents, and the provision of training and technical assistance to Native American financial officers.

Pursuant to Section 3 of the TGWEA and in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 1 *et seq.,* the TTAC was established on February 10, 2015, as the ''Department of the Treasury Tribal Advisory Committee.'' The TTAC's Charter provides that it shall operate under the provisions of the FACA and shall advise and report to the Secretary on:

(1) Matters related to the taxation of Indians;

(2) The establishment of training and education for internal revenue field agents who administer and enforce internal revenue laws with respect to Indian tribes of Federal Indian law and the Federal Government's unique legal treaty and trust relationship with Indian tribal governments; and

(3) The establishment of training of such internal revenue field agents, and provisions of training and technical assistance to tribal financial officers, about implementation of the TGWEA and any amendments.

Section 3(c) of the TGWEA provides that the TTAC's membership is composed of seven members in total, three members appointed by the Secretary and one member appointed by each of the following four Members of Congress: The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives and the Chairman and Ranking Member of the Committee on Finance of the Senate. Pursuant to section 3(c)(2) of the TGWEA, the first members appointed by the Secretary serve for a term of two years. All Congressional appointments and all but the first Secretary appointments are made for a term of four years. The terms of the first seven appointed TTAC members began on June 20, 2019, the date of the TTAC's first meeting.

This notice requests nominations for the three Secretary appointments whose terms expire on June 20, 2021. Recommendations for the four Congressional appointments to the TTAC expiring on June 20, 2023, should be directed to the offices of the four Members of Congress specified in the law, whose roles are identified above.

II. Application for TTAC Appointment

On behalf of the Secretary, the Designated Federal Officer of the TTAC seeks applications from individuals with experience and qualifications in the subject areas identified by the TWGEA: Indian taxation, IRS field agent training, and Native American financial officer training and technical assistance. TTAC members appointed by the Secretary will serve as volunteers for terms of four years. TTAC member travel expenses will be reimbursed within U.S. government guidelines. No person who is a federally-registered lobbyist may serve on the TTAC. All potential candidates must pass an IRS tax compliance check and a Federal Bureau of Investigation (FBI) background investigation.

To apply, an applicant must submit an appropriately detailed resume and a cover letter that includes a description of the applicant's reason for applying. An applicant must state in the application materials that he or she agrees to submit to a pre-appointment tax and criminal background investigation in accordance with Treasury Directive 21–03.

Dated: March 29, 2021.

Krishna P. Vallabhaneni,

Tax Legislative Counsel and Designated Federal Officer.

[FR Doc. 2021–06747 Filed 3–31–21; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Comments in Aid of Analyses of the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Request for comments.

SUMMARY: The Terrorism Risk Insurance Act of 2002 (TRIA) created the Terrorism Risk Insurance Program (TRIP or Program) to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events. The Secretary of the Treasury (Secretary) administers the Program, with the assistance of the Federal Insurance Office (FIO). Treasury requests comments from interested parties concerning the issues that FIO will be analyzing in connection with its next report concerning the participation of small insurers in the Program, including any competitive challenges such insurers face in the terrorism risk insurance marketplace.

DATES: Submit comments on or before May 17, 2021.

ADDRESSES: Submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov,* or by mail to the Federal Insurance Office, Attn: Richard Ifft, Room 1410 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Because postal mail may be subject to processing delays, it is recommended that comments be submitted electronically. If submitting comments by mail, please submit an original version with two copies. Comments should be captioned with ''2021 TRIA Small Insurer Study Comments.'' Please include your name, group affiliation, address, email address, and telephone number(s) in your comment.

Where appropriate, a comment should include a short Executive Summary (no more than five single-spaced pages).

FOR FURTHER INFORMATION CONTACT: Richard Ifft, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Room 1410 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, at (202) 622–2922 (not a toll-free number), Lindsey Baldwin, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, at (202) 622–3220 (not a toll free number), or Daniel McKnight, Policy Analyst, Federal Insurance Office, at (202) 622–7009 (not a toll free number). Persons who have difficulty hearing or speaking may access these numbers via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 104(h) of TRIA [1] directs the Secretary, beginning in calendar year 2016, to ''require insurers participating in the Program to submit to the Secretary such information regarding insurance coverage for terrorism losses of such insurers as the Secretary considers appropriate to analyze the effectiveness of the Program[.]'' This information and data includes information regarding: (1) Lines of insurance with exposure to such losses;

[1] Public Law 107–297, 116 Stat. 2322, codified at 15 U.S.C. 6701, note. As the provisions of TRIA (as amended) appear in a note, instead of particular sections, of the United States Code, the provisions of TRIA are identified by the sections of the law.

(2) premiums earned on such coverage; (3) geographical location of exposures; (4) pricing of such coverage; (5) the take-up rate for such coverage; (6) the amount of private reinsurance for acts of terrorism purchased; and (7) such other matters as the Secretary considers appropriate.

In addition, Section 108(h) of TRIA requires the Secretary to conduct, by June 30, 2017 and every other year thereafter, a study of small insurers (to be defined by the Secretary, as has been done under 31 CFR 50.4(z)) participating in the Program to identify any competitive challenges that small insurers face in the terrorism risk insurance marketplace. Section 108(h) also identifies specific matters that Treasury is required to analyze in the small insurers study. In addition to the data that Treasury has previously collected and will be collecting in the future, Treasury seeks comments for use in the study that Treasury must conduct concerning the participation of small insurers in the Program.

II. Solicitation for Comments on Small Insurer Participation in the Program

As discussed above, Treasury will be collecting certain data from small insurers as part of its 2021 TRIP Data Call,[2] which Treasury will use (along with data collected by Treasury during prior TRIP Data Calls) in connection with the study. Treasury welcomes comments concerning small insurer participation in the Program generally, and invites responses to the following particular issues specified in Section 108(h) of TRIA:

(1) Changes to the market share, premium volume, and policyholder surplus of small insurers relative to large insurers.

(2) How the property and casualty insurance market for terrorism risk differs between small and large insurers, and whether such a difference exists within other perils.

(3) The impact of the Program's mandatory availability requirement under Section 103(c) of TRIA on small insurers.

(4) The effect of increasing the trigger amount for the Program under Section 103(e)(1)(B) of TRIA for small insurers.

(5) The availability and cost of private reinsurance for small insurers.

(6) The impact that state workers' compensation laws have on small insurers and workers' compensation carriers in the terrorism risk insurance marketplace.

In addition, Treasury welcomes qualitative and quantitative comments on the following specific topics that may be relevant to the competitiveness of small insurers in the terrorism risk insurance marketplace.

(1) Any potential constraints on the ability of small insurers to provide coverage for nuclear, chemical, biological, and radiological (NBCR) risks.

(2) Any risk management strategies and challenges faced by small insurers in maintaining the ability to pay losses associated with insured claims that are not subject to claims for the federal share of compensation (*e.g.,* losses below the Program Trigger, within the insurer deductible, and within the insurer co- pay share).

(3) The impact, if any, on small insurer participation in the terrorism risk insurance marketplace of the 2019 reauthorization of the Program until December 31, 2027, under the sharing mechanisms in place as of Calendar Year 2020.[3]

(4) The role of small insurers in covering cyber-related acts of terrorism under the Program.

(5) The role of small insurers in covering terrorism risk under the Program for Places of Worship.[4]

(6) Any potential issues posed for small insurers in the terrorism risk insurance marketplace by market impacts resulting from the COVID–19 pandemic.

Treasury issued its first two studies of small insurers under TRIA in June 2017[5] and June 2019.[6] In those studies, Treasury addressed the statutory issues identified above, with reference to data collected by Treasury in the TRIP Data Calls, as well as other available sources. Treasury requests further comment on these issues from interested parties, particularly with respect to any issue that an interested party believes may not be fully evident solely by reference to the aggregated data collected by Treasury.

Dated: March 24, 2021.

Steven E. Seitz,

Director, Federal Insurance Office.

[FR Doc. 2021–06698 Filed 3–31–21; 8:45 am]

BILLING CODE 4810–AK–P

[2] The 2021 TRIP Data Call commenced March 12, 2021. See 86 FR 14179 (March 12, 2021).

[3] See Terrorism Risk Insurance Program Reauthorization Act of 2019, Public Law 116–94, 133 Stat. 2534.

[4] As defined in Treasury's 2020 and 2021 TRIP Data Calls. *See, e.g.,* Instructions for Terrorism Risk Insurance Program (TRIP) 2021 Data Call Small Insurers at 16–18, *https://home.treasury.gov/system/files/311/Small-Final-Instructions-2021.pdf.*

[5] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2017), *https://home.treasury.gov/system/files/311/Study_of_Small_Insurer_Competitiveness_in_the_Terrorism_R isk_Insurance_Marketplace_%28June_2017%29.pdf.*

[6] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2019), *https://home.treasury.gov/system/files/311/2019_TRIP_SmallInsurer_Report.pdf.*

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee April 20, 2021, Public Meeting

ACTION: Notice of meeting.

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) teleconference public meeting scheduled for April 20, 2021.

Date: April 20, 2021.

Time: 12:30 p.m. to 4:30 p.m. (EST).

Location: This meeting will occur via teleconference. Interested members of the public may dial in to listen to the meeting at (888) 330–1716; Access Code: 1137147.

Subject: Review and discussion of the common obverse design for the American Women Quarters Program (2022–2025) and of reverse candidate designs for the first of the 2022 American Women Quarters.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in listening in to the provided call number, this is a reminder that the public attendance is for listening purposes only. Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by email to *info@ccac.gov.*

For Accommodation Request: If you need an accommodation to listen to the CCAC meeting, please contact the

Diversity Management and Civil Rights Office by April 14, 2021 at 202–354–7260 or 1–888–646–8369 (TYY)

FOR FURTHER INFORMATION CONTACT: Jennifer Warren, United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202–354–7208.

Authority: 31 U.S.C. 5135(b)(8)(C).

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2021–06720 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Documentation Required for Identification of Veterans Who Are Members of an Indian Tribe

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Tribal Consultation session.

SUMMARY: The Department of Veterans Affairs (VA), Veterans Health Administration (VHA) will facilitate a tribal consultation session to receive attendees' feedback regarding the information and documentation that VA may utilize for identification of veterans who are members of an Indian tribe.

DATES: VA will hold the virtual tribal consultation session on Thursday, April 29, 2021, from 1:00–3:00 p.m. (Eastern Time).

ADDRESSES: Participants can access the presentation by logging into the following link: *https://vacctraining.adobeconnect.com/occ-tribal-consultation/;* for audio, please dial 1–800–767–1750, extension 52908. Participants will interact by submitting written comments and/or questions using the chat function during the presentation. Written comments may also be submitted before May 29, 2021, by any of the following methods:

- *Federal Rulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments;
- *Email: tribalgovernmentconsultation@va.gov;* or
- *Mail to:* Department of Veterans Affairs, Suite 915L, 810 Vermont Avenue NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Please email Mr. Joseph Duran, Director for Policy, VA Office of Community Care, at *Joseph.Duran2@va.gov,* or contact by telephone at 303–370–1637. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 3002 of Public Law 116–315, *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020* (the ''Act''), amended 38 U.S.C. 1730A by prohibiting VA from collecting copayments from covered Veterans for the receipt of hospital care or medical services under laws administered by VA. Pursuant to the Act, covered Veteran means a Veteran who is catastrophically disabled, as defined by VA, or an Indian or urban Indian (as defined in section 4 of the *Indian Health Care Improvement Act* (25 U.S.C. 1603)). Catastrophically-disabled Veterans have been exempt from certain copayments pursuant to section 1730A, since 2010, and this exemption is further implemented in VA's copayment regulations at §§ 17.108, 17.110 and 17.111 of title 38, Code of Federal Regulations. Veterans who are Indians or urban Indians will not be eligible for copayment exemption until January 5, 2022, as section 3002 of the Act does not take effect until 1 year from the date of enactment of the Act. In order to implement section 3002 of the Act, VA must be able to identify Indian and urban Indian Veterans in VA's system of enrollment during the registration process to assist with downstream applications for copayment billing determinations. This will be a new business process to collect official information to recognize Veterans who are Indians or urban Indians. This tribal consultation session is seeking input from tribal governments, Indians and urban Indians regarding documentation that can be used by VA's health care system to identify those Veterans who are Indians or urban Indians (as defined in 25 U.S.C. 1603). Input received during the tribal consultation session will be evaluated and as appropriate, incorporated into any rulemaking and/or policy for copayment exemptions under 38 U.S.C. 1730A.

Tribal Consultation Topics

VA seeks responses to the following questions:

1. In determining whether a Veteran is a member of an Indian tribe, could any or all of the following documentation from the Veteran provide sufficient documentation?
   - Tribal Enrollment Card;
   - Certificate of Degree of Indian; or
   - Certificate of Indian Blood from an American Indian/Alaska Native Tribe.
2. What other information and/or documentation are available for determining if a Veteran is a member of an Indian tribe? To the extent possible, please indicate the source of the information and/or how the information and/or documentation would assist VA in determining if a Veteran is a member of an Indian tribe.
3. How should VA determine whether a Veteran is a member of an Indian tribe? In making this determination, should VA:
   - Require documentation be provided by the Veteran;
   - Require that the Veteran self-certify that they meet the definition; or
   - Should this determination be made in some other manner?

Signing Authority:

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 29, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2021–06735 Filed 3–31–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the National Research Advisory Council will hold a virtual meeting on Wednesday, June 2, 2021, by WebEx. The teleconference number is 1–404–397–1596, conference ID 199 017 8011# or the meeting link is *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mc1e9b14087e6f88db874e991d6a969ca.* The meeting will convene at 11 a.m. and end at 2 p.m. EDT. This meeting is open to the public.

The purpose of the National Research Advisory Council is to advise the Secretary on research conducted by the Veterans Health Administration, including policies and programs targeting the high priority of Veterans' health care needs.

On June 2, 2021, the agenda will include a follow up discussion of diversity, equity, and inclusion activities in response to the NRAC recommendations; alternative strategies for funding research—MVP Mind and other opportunities; and lessons learned from COVID research activities. No time will be allocated at this meeting for receiving oral presentations from the public. Members of the public wanting to attend, have questions or

presentations to present may contact Dr. Marisue Cody, Designated Federal Officer, Office of Research and Development (14RD), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at 202–443–5681, or *Marisue.Cody@va.gov* no later than close of business on May 28, 2021. All questions and presentations will be presented during the public comment section of the meeting. Any member of the public seeking additional information should contact Dr. Cody at the above phone number or email address noted above.

Dated: March 26, 2021.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–06682 Filed 3–31–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

AR16—Notice of Request for Information on the Department of Veterans Affairs' Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Request for information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting information to assist in implementing the requirements of section 201 of the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019. The Act mandates VA to establish the Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program (SSG Fox SPGP) to reduce veteran suicide through a three-year community-based grant program that would provide financial assistance to eligible entities to provide or coordinate providing suicide prevention services to eligible veterans and their families. VA is required to consult with certain entities related to administering this new grant program, and through this request for information, VA seeks comments on various topics to help inform VA's development of the SSG Fox SPGP and its implementing regulations.

DATES: Comments are due on or before April 22, 2021.

ADDRESSES: Comments must be submitted through *www.Regulations.gov* and will be available for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Juliana Hallows, Associate Director for Policy and Planning—Suicide Prevention Program, Office of Mental Health and Suicide Prevention (OMHSP), 11MHSP, 810 Vermont Avenue NW, Washington, DC 20420, 202–266–4653 (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION:

Background

Section 201 of the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019 (the Act), Public Law 116–171, enacted on October 17, 2020, created a new community-based suicide prevention grant program to reduce veteran suicide. Section 201 authorizes the award of grants for no more than $750,000 per grantee per fiscal year to eligible entities to provide or coordinate providing suicide prevention services to eligible individuals and their families. An eligible individual is a person at risk of suicide who is a veteran as defined in 38 U.S.C. 101, an individual described in 38 U.S.C. 1720I(b), or an individual described in 38 U.S.C. 1712A(a)(1)(C)(i)–(iv).

The Secretary is required to implement the SSG Fox SPGP in coordination with the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) Task Force and in consultation with VA's OMHSP.

Consultation With Interested Parties

In administering the SSG Fox SPGP, VA is required to consult with certain entities to:

1. Establish the criteria for selecting eligible entities that have submitted applications;
2. Develop a framework for collecting and sharing information about eligible entities receiving grants; and
3. Develop the measures and metrics eligible entities receiving grants will use to determine the effectiveness of programming provided to improve mental health status, well-being and reduce suicide risk and deaths by suicide.

VA is also required to consult with entities in developing a plan for the design and implementing the provision of grants, including criteria for awarding such grants, and on non-traditional and innovative approaches and treatment practices. The Act requires VA to specifically consult with the following entities: (1) Veterans Service Organizations; (2) National organizations representing potential community partners in providing supportive services to address the needs of veterans and their families, including national organizations that advocate for the needs of individuals with or at risk of behavioral health conditions; represent mayors, unions, first responders, chiefs of police and sheriffs, governors, a territory of the United States or represent a Tribal alliance; (3) National organizations representing members of the Armed Forces; (4) National organizations that represent counties; (5) Organizations with which VA has a current memorandum of agreement or understanding related to mental health or suicide prevention; (6) State Departments of Veterans Affairs; (7) National organizations representing members of the Reserve Components of the Armed Forces; (8) National organizations representing members of the Coast Guard; (9) Organizations, including institutions of higher education, with experience in creating measurement tools for purposes of advising the Secretary on the most appropriate existing measurement tool or protocol for VA to utilize; (10) The National Alliance on Mental Illness; (11) a labor organization (as such term is defined in 5 U.S.C. 7103(a)(4)); (12) The Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration and PREVENTS; and such other organizations as the Secretary deems appropriate.

This request for information, described in more detail below, serves as VA's consultation as required by the Act. Responses to this request for information will be used to inform developing the SSG Fox SPGP and its implementing regulations. This notice and request for information has a comment period of 21 days, during which VA invites individuals, groups and entities to reply to the questions presented below. VA believes that 21 days is sufficient to provide comments, as the individuals, groups and entities interested in this program likely have information and opinions readily available or can quickly compile and submit such information. Commenters are encouraged to provide complete but concise responses to the questions outlined below. Please note that VA will not respond to comments or other questions regarding policy plans, decisions or issues regarding this notice. Comments received in response to this notice will be evaluated and, as appropriate, incorporated into a proposed rulemaking for grants under this law.

VA will also be holding virtual public listening sessions to provide these groups and entities an opportunity to share additional information. VA will publish information for these listening sessions in a future notice in the **Federal Register**.

Request for Information

To design and implement the SSG Fox SPGP consistent with, and pursuant to, section 201 of the Act, the Secretary seeks information on the topics and issues listed below. Commenters do not need to address every question and should focus on those that relate to their expertise or perspectives. To the extent possible, please clearly indicate which topics and issues you address in your response.

A. Distribution and Selection of Grants (Section 201(d)(h)(1) of the Act)

1. What criteria should VA establish for the selection of eligible entities that will submit applications under SSG Fox SPGP?

a. How should VA weigh organizations that have worked extensively with the veteran populations versus organizations with limited suicide prevention work with veterans?

b. How should VA consider prior experience working with vulnerable and disenfranchised populations?

2. Pursuant to the Act, the Secretary shall give preference to eligible entities that have demonstrated the ability to provide or coordinate suicide prevention services. How should VA weigh evidence of demonstrated ability to provide or coordinate suicide prevention services, in giving preference to eligible entities that have demonstrated such ability?

3. Pursuant to the Act, the Secretary may prioritize rural communities, Tribal Lands, territories of the United States, medically underserved areas, areas with a high number or percentage of minority veterans or women veterans, and the areas with a high number or percentage of calls to the Veterans Crisis Line. How should VA consider these factors in selecting applicants?

B. Administration of Grant Program: Development of Measures and Metrics (Section 201(h)(2) of the Act)

1. How should VA collect and share information about entities in receipt of grants under the SSG Fox SPGP? For example, should VA create a public grantee roster with services noted and contact information of each grantee?

2. How can shared information about entities be used to improve the provision or coordination of suicide prevention services for eligible individuals and families?

a. What measures and metrics should eligible entities, who are in receipt of grants under the SSG Fox SPGP, use to determine the effectiveness of the programs they are providing?

b. What existing measurements tool or protocols are available to determine program effectiveness?

c. Which of these should be used for purposes of measuring effectiveness of programs provided through this grant program?

3. Should VA consider measures or metrics to evaluate how grantees identify or eliminate barriers for eligible individuals seeking or obtaining suicide prevention services?

C. Training and Technical Assistance (Section 201(g) of the Act)

Section 201(g) of the Act provides that the Secretary, in coordination with the CDC, shall provide training and technical assistance to grant recipients. The required training and technical assistance will cover suicide risk identification and management, data required to be collected and shared with VA, the means of data collection and sharing, use of tools to be used to measure the effectiveness of the grants and the reporting requirements. The Secretary may provide the training and technical assistance directly or through grants or contracts with appropriate public or nonprofit entities.

1. What training and technical assistance programs and tools currently exist for the specified subject areas described above that could be utilized by VA?

2. What data collection tools and training currently exist for the specified subject areas that could be utilized by VA?

3. What tools and training currently exist for measuring the effectiveness of grants that could be utilized by VA?

4. What tools and training currently exist for managing reporting requirements that could be utilized by VA?

5. Should VA provide training and/or technical assistance directly, through grants or contracts with appropriate public or nonprofit entities, or a combination of both?

D. Referral for Care (Section 201(m) of the Act)

Section 201(m) of the Act provides that if an eligible entity in receipt of a grant under the SSG Fox SPGP determines that an eligible individual is at-risk of suicide or other mental or behavioral health condition pursuant to a baseline mental health screening conducted under subsection (q)(11)(A)(ii) of the Act with respect to the individual, the entity shall refer the eligible individual to VA for additional care under subsection (n) of the Act or any other provision of law. Section 201(m) of the Act also provides that if an eligible entity in receipt of a grant under the SSG Fox SPGP determines that an eligible individual furnished clinical services for emergency treatment under subsection (q)(11)(A)(iv) of the Act requires ongoing services, the entity shall refer the eligible individual to VA for additional care under subsection (n) of the Act or any other provision of law.

1. When an eligible entity in receipt of a grant under the SSG Fox SPGP determines that an eligible individual is at-risk of suicide or other mental or behavioral health condition pursuant to a qualifying baseline mental health screening, by what mechanism should the eligible entity refer the eligible individual to VA for additional care?

2. When an eligible entity in receipt of a grant under the SSG Fox SPGP determines that an eligible individual furnished clinical services for emergency treatment requires ongoing services, by what mechanism should the eligible entity refer the eligible individual to VA for additional care?

3. How should referrals to VA for additional care be tracked and reported by eligible entities?

E. Risk of Suicide

Section 201(q)(8) of the Act directs the Secretary to determine by regulation the degrees of risk of suicide using health, environmental, and historical risk factors enumerated in section 201(q)(8)(A)(i)–(iii). For health, these are: Mental health challenges, substance abuse (that is, substance use disorder), serious or chronic conditions or pain, or traumatic brain injury. Environmental risks factors include: Prolonged stress, stressful life events, unemployment, homelessness, recent loss, and legal or financial challenges. Historical risk factors include: Previous suicide attempts; family history of suicide; and history of abuse, neglect, or trauma. Section 201(q)(8) also provides that the Secretary may, through regulation, establish a process for determining the degrees of risk of suicide for use by grant recipients to focus the delivery of suicide prevention services.

1. What degree(s) of exposure to, or the existence of, the health, environmental, and historical risk factors enumerated in section 201(q)(8)(A)(i)–(iii) should VA utilize in determining degrees of risk of suicide?

2. What process should VA establish for use by grant recipients in determining the degrees of risk of suicide to focus the delivery of services using grant funds?

3. Are there existing measurement tools for assessing environmental, historical, and health risk factors that

grant recipients could utilize as part of their determination of degree of suicide risk?

F. Suicide Prevention Services

Section 201(q)(11)(A)(x) of the Act notes that suicide prevention services include non-traditional and innovative approaches and treatment practices, as determined appropriate by the Secretary, in consultation with appropriate entities.

1. What non-traditional and innovative approaches and treatment practices should VA consider?

Paperwork Reduction Act

This request for information constitutes a general solicitation of public comments as stated in the implementing regulations of the Paperwork Reduction Act of 1995 at 5 CFR 1320.3(h)(4). Therefore, this request for information does not impose information collection requirements (*i.e.,* 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.*).

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 11, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2021–06392 Filed 3–31–21; 8:45 am]

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50 CFR

622 17080
648 17081

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 31, 2021

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 2021

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Date of FR publication	15 days after publication	21 days after publication	30 days after publication	35 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	Apr 16	Apr 22	May 3	May 6	May 17	Jun 1	Jun 30
April 2	Apr 19	Apr 23	May 3	May 7	May 17	Jun 1	Jul 1
April 5	Apr 20	Apr 26	May 5	May 10	May 20	Jun 4	Jul 6
April 6	Apr 21	Apr 27	May 6	May 11	May 21	Jun 7	Jul 6
April 7	Apr 22	Apr 28	May 7	May 12	May 24	Jun 7	Jul 6
April 8	Apr 23	Apr 29	May 10	May 13	May 24	Jun 7	Jul 7
April 9	Apr 26	Apr 30	May 10	May 14	May 24	Jun 8	Jul 8
April 12	Apr 27	May 3	May 12	May 17	May 27	Jun 11	Jul 12
April 13	Apr 28	May 4	May 13	May 18	May 28	Jun 14	Jul 12
April 14	Apr 29	May 5	May 14	May 19	Jun 1	Jun 14	Jul 13
April 15	Apr 30	May 6	May 17	May 20	Jun 1	Jun 14	Jul 14
April 16	May 3	May 7	May 17	May 21	Jun 1	Jun 15	Jul 15
April 19	May 4	May 10	May 19	May 24	Jun 3	Jun 18	Jul 19
April 20	May 5	May 11	May 20	May 25	Jun 4	Jun 21	Jul 19
April 21	May 6	May 12	May 21	May 26	Jun 7	Jun 21	Jul 20
April 22	May 7	May 13	May 24	May 27	Jun 7	Jun 21	Jul 21
April 23	May 10	May 14	May 24	May 28	Jun 7	Jun 22	Jul 22
April 26	May 11	May 17	May 26	Jun 1	Jun 10	Jun 25	Jul 26
April 27	May 12	May 18	May 27	Jun 1	Jun 11	Jun 28	Jul 26
April 28	May 13	May 19	May 28	Jun 2	Jun 14	Jun 28	Jul 27
April 29	May 14	May 20	Jun 1	Jun 3	Jun 14	Jun 28	Jul 28
April 30	May 17	May 21	Jun 1	Jun 4	Jun 14	Jun 29	Jul 29