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Title 3—

The President

Proclamation 10186 of April 22, 2021

Earth Day, 2021

By the President of the United States of America

A Proclamation

On April 22, 1970, millions of Americans rallied together to protect the right of all of us to live free from environmental hazard and harm. On that first Earth Day, they gathered all across America—on college campuses, in public parks, and State capitals—galvanized by a vision of a healthier, more prosperous Nation where all people could thrive. Their untiring spirit sparked a national movement for environmental protection that endures today in the bedrock laws that protect the air we breathe, the water we drink, and treasured wild places and wildlife.

Earth Day was primarily conceived and brought to life by a dedicated public servant: the late Senator Gaylord Nelson of Wisconsin. Senator Nelson and his wife, Carrie Lee—who herself passed away just last month—were both dear friends who changed my life; it was Senator Nelson who helped persuade me to remain in the Senate after losing my first wife and daughter in a car accident in 1972. Senator Nelson changed the world, too, by building a legacy of environmental protection through Earth Day and all of the progress that has come in its wake—not because it was popular, but because it was the right thing to do for our children and grandchildren.

Over half a century later, that legacy lives on in the chorus of courageous young people across the world who are rising up to demand action on climate change. They recognize the enormous economic opportunity to build a brighter, more prosperous future, and the dire economic, societal, and national security consequences of failing to act. Our youth remind us that a better world is within our grasp. Today, I say to young people fighting for a brighter future: We hear you. We see you. We will not let you down.

In recent years, climate change has upended the lives of millions of Americans. Record cold weather knocked out the electric grid in Texas this winter, killing at least 111 people and disrupting the lives and livelihoods of millions more. Wildfires tore through more than 5 million acres across the American West—an area roughly the size of the entire State of New Jersey burned to the ground. Last year, back-to-back hurricanes and powerful tropical storms battered the Gulf and East Coasts in the worst Atlantic hurricane season in recorded history. Record floods, hurricane-speed windstorms, and severe droughts devastated families and communities across the Midwest. People have lost homes and irreplaceable memories of their loved ones, small businesses built from years of tireless labor and sacrifice, farmland meant to be passed on to the next generation, and so much more.

At the same time, Black, Latino, Indigenous, and other communities of color continue to be hit hardest by the impacts of climate change. They bear the highest burden of pollution, face higher rates of heart and lung disease, are least likely to have safe drinking water in their homes, and suffer increased risk of death from COVID–19. These communities have also frequently been shut out of government decisions that directly bear on their interests. We have an obligation to correct these historic wrongs and to build a future where all people have clean air to breathe, clean water to drink, healthy communities in which they can live, work, and learn, and a meaningful voice in their future.

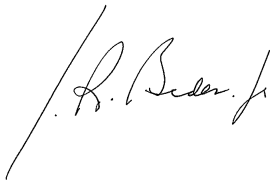
That is why my Administration is advancing the most ambitious climate agenda in our Nation's history. Our clean energy plan will create millions of good-paying union jobs, ensure our economic competitiveness, and improve the health and security of communities across America. By making those investments and putting millions of Americans to work, the United States will be able to cut our greenhouse gas emissions in half by 2030.

Our success in confronting the climate crisis will not be ours alone. It will be shaped, bolstered, and ultimately won by a united pledge from global leaders to set the world on a path to a clean energy future. Today, on the fifth anniversary of the United States ratifying the Paris Agreement, we have brought nations from across the world together to meet the moment and raise our climate ambitions.

More than 50 years ago, a generation rallied to confront the environmental crises they faced. They took action in hopes that those in power would listen. Today, a new generation is sounding the alarm louder than ever, demanding that world leaders act. It is in all our interests to rise to that challenge and let our legacy be one of action.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 22, 2021, as Earth Day. I encourage all Americans to engage in programs and activities that will promote an understanding of environmental protection, the urgency of climate change, and the need to create a healthier, safer, more equitable future for all people.

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



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Rules and Regulations

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DEPARTMENT OF LABOR

2 CFR Part 2900

RIN 1205–AC03

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

AGENCY: Department of Labor.

ACTION: Final rule; technical amendments.

SUMMARY: The Department of Labor (DOL or Department) is making technical amendments to regulations most recently finalized on December 30, 2015. This document updates cross-references and terminology used in the Department's regulations to conform to changes made to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) on August 13, 2020. All regulatory language included here is consistent with either the policies in the Uniform Guidance or the Department's existing policies and practices.

DATES: Effective April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Laura P. Watson, Administrator, Office of Grants Management, Employment and Training Administration, United States Department of Labor, 200 Constitution Ave. NW, Rm N4716, Washington, DC 20210; telephone 202–693–3333.

SUPPLEMENTARY INFORMATION: Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes Federal agencies to dispense with notice and comment procedures for rules when an agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d)(3) of the APA requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by an agency for good cause found and published with the rule.

Because this action only makes technical amendments to codified regulations in order to conform cross-references and terminology with a final rule issued by another Federal agency (Office of Management and Budget), DOL finds that notice and public comment under 5 U.S.C. 553(b) is unnecessary. For the same reason, DOL finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective in less than 30 days.

Background

On August 13, 2020, the OMB published amendments to the Uniform Guidance (2 CFR 200.0 *et seq.*) in the **Federal Register** (85 FR 49506). These revisions became effective November 12, 2020, except for the amendments to 2 CFR 200.216 and 200.340, which became effective August 13, 2020. These changes to the Uniform Guidance necessitate changes to cross-references in the Department's corresponding regulations found at 2 CFR 2900 *et seq.*

Technical Amendments

The Department is not making any new policy with the technical amendments in this final rule; all regulatory language included here is consistent with either the policies in the updated Uniform Guidance or the Department's existing policies and practices as codified in 2 CFR parts 200 and 2900, respectively.

This rule revises cross-references made in 2 CFR part 2900 to corresponding sections in 2 CFR part 200. These changes are not substantive. They are intended to align the Department's regulations with the updated Uniform Guidance. This final rule incorporates minor changes to 2 CFR part 2900 to align citations and cross-references in §§ 2900.1, 2900.2, 2900.3, 2900.5, 2900.6, 2900.8, 2900.9, 2900.10, 2900.11, 2900.14, 2900.15, 2900.16, and 2900.18. Paragraph (d) was also added to § 2900.3 to align the Department's definition of ''questioned cost'' with that found in the updated Uniform Guidance at § 200.1.

In addition to the above changes, this final rule makes certain minor changes to align the language and terminology of the Department's regulations with that of the updated Uniform Guidance, such as replacing the proprietary term ''Creative Commons Attribution license'' with the industry-recognized standard ''open license'' terminology and associated language in § 2900.13, as well as minor technical corrections and additions to improve the clarity of §§ 2900.1, 2900.4, 2900.5, 2900.6, 2900.7, 2900.12, 2900.15, and 2900.16. These include grammatical changes and corrections to punctuation.

Accordingly, the regulations in 2 CFR part 2900 are amended to include the updated information.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

The Department developed this final rule in accordance with the principles of Executive Orders (E.O.s) 12866 and 13563. E.O. 12866, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 supplements and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866.

The Office of Information and Regulatory Affairs at the Office of Management and Budget has determined that this final rule is a non-significant regulatory action under E.O. 12866. Additionally, no analysis is required under the Regulatory Flexibility Act [1] or Secs. 202 and 205 of the Unfunded Mandates Reform Act of 1999,[2] because, for the reasons discussed above, the Department is not required to engage in notice and comment under the APA.

E.O. 13132, Federalism

This final rule does not have federalism implications warranting the application of E.O. 13132. This final rule does not have substantial economic or policy-related direct effects on the States, on the relationship between the Federal Government and the States, or the distribution of power and

[1] See 5 U.S.C. 601(2) (limiting ''rules'' under the Regulatory Flexibility Act, to rules for which a general notice of proposed rulemaking is published).

[2] Public Law 104–4.

responsibilities among the various levels of government.

Paperwork Reduction Act of 1995

This action does not contain a new collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This action would not impose new recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations, and does not contain a collection of information as defined by 44 U.S.C. 3502(3).

List of Subjects in 2 CFR Part 2900

Accounting, Administrative practice and procedure, Appeal procedures, Auditing, Audit requirements, Cost principles, Grant programs, Grant programs—labor, Grants administration, Labor, Reporting and recordkeeping requirements.

Under the authority of 5 U.S.C. 301, the Department of Labor amends 2 CFR part 2900 as follows:

PART 2900—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 2900 continues to read as follows:

Authority: 5 U.S.C. 301; 2 CFR 200.

■ 2. Amend § 2900.1 by revising the second sentence to read as follows:

§ 2900.1 Budget.

* * * See § 200.407 and § 2900.16 for more information about prior written approval (prior approval) (see 2 CFR 200.1).

■ 3. Revise § 2900.2 to read as follows:

§ 2900.2 Non-Federal entity.

In the DOL, Non-Federal entity means a state, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that carries out a Federal award as a recipient or subrecipient (see 2 CFR 200.1).

■ 4. Amend § 2900.3 by revising the introductory text and by adding paragraph (d) to read as follows:

§ 2900.3 Questioned cost.

In the DOL, in addition to the guidance contained in 2 CFR 200.1, a questioned cost means a cost that is questioned by an auditor, Federal Project Officer, Grant Officer, or other authorized Awarding agency representative because of an audit or monitoring finding:

* * * * *

(d) Questioned costs are not an improper payment until reviewed and confirmed to be improper as defined in OMB Circular A–123 Appendix C (see also the definition of improper payment in 2 CFR 200.1).

■ 5. Revise § 2900.4 to read as follows:

§ 2900.4 Adoption of 2 CFR part 200.

Under the authority listed above, the Department of Labor adopts the Office of Management and Budget (OMB) Guidance in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities (subparts A through F of 2 CFR part 200), as supplemented by this part, as Department of Labor policies and procedures for financial assistance administration. This part gives regulatory effect to the OMB guidance as supplemented by this part. The DOL also has programmatic and administrative regulations located in titles 20 and 29 of the CFR.

■ 6. Revise § 2900.5 to read as follows:

§ 2900.5 Federal awarding agency review of risk posed by applicants.

In addition to the guidance set forth in 2 CFR 200.206(b), in evaluating risks of applicants, DOL also considers audits and monitoring reports containing findings and issues of noncompliance or questioned costs, in addition to reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR 200 or the reports and findings of any other available audits (see 2 CFR 200.206(b)).

■ 7. Revise § 2900.6 to read as follows:

§ 2900.6 Advance payment.

In the DOL, except as authorized under 2 CFR 200.208, the non-Federal entity must be paid in advance (see 2 CFR 200.305(b)(1)).

■ 8. Amend § 2900.7 by revising the section heading to read as follows:

§ 2900.7 Federal payment.

* * * * *

■ 9. Revise § 2900.9 to read as follows:

§ 2900.9 Revision of budget and program plans.

In the DOL, approval of the budget as awarded does not constitute prior approval of those items requiring prior approval, including those items the Federal awarding agency specifies as requiring prior approval (see 2 CFR 200.407 and 2 CFR 200.308(a)).

■ 10. Revise § 2900.10 to read as follows:

§ 2900.10 Prior approval requests.

In addition to the guidance set forth in 2 CFR 200.308(c), for Federal awards from the Department of Labor, the non-Federal entity must request prior approval actions at least 30 days prior to the effective date of the requested action (see 2 CFR 200.407).

■ 11. Revise § 2900.11 to read as follows:

§ 2900.11 Revision of budget and program plans including extension of the period of performance.

In addition to the guidance set forth in 2 CFR 200.308(b), for Federal awards from the Department of Labor, the non-Federal entity must request prior approval for an extension to the period of performance.

■ 12. Revise § 2900.12 to read as follows:

§ 2900.12 Revision of budget and program plans approval from Grant Officers.

In the DOL, unless otherwise noted in the grant agreement or cooperative agreement, prior written approval for revision of budget and program plans must come from the Grant Officer (see 2 CFR 200.308(d)).

■ 13. Revise § 2900.13 to read as follows:

§ 2900.13 Intangible property.

In addition to the guidance set forth in 2 CFR 200.315(d), the Department of Labor requires intellectual property developed under a discretionary Federal award process to be in a format readily accessible and available for open licensing to the public. An open license allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the recipient.

■ 14. Amend § 2900.14 by revising the first sentence to read as follows:

§ 2900.14 Financial reporting.

In addition to the guidance set forth in 2 CFR 200.328, for Federal awards from the Department of Labor, the DOL awarding agency will prescribe whether the report will be on a cash or an accrual basis. * * *

■ 15. Revise § 2900.15 to read as follows:

§ 2900.15 Closeout.

In addition to the guidance set forth in 2 CFR 200.344(b), for Federal awards from the Department of Labor, the non-Federal entity must liquidate all financial obligations and/or accrued expenditures incurred under the Federal award. For non-Federal entities reporting on an accrual basis and

operating on an expenditure period, unless otherwise noted in the grant agreement or cooperative agreement, the only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT financial obligations) for goods and/or services received during the grant period.

■ 16. Amend § 2900.16 by revising the second sentence to read as follows:

§ 2900.16 Prior written approval (prior approval).

* * * Unless otherwise noted in the grant agreement or cooperative agreement, the Grant Officer is the only official with the authority to provide prior written approval (prior approval). * * *

■ 17. Revise § 2900.18 to read as follows:

§ 2900.18 Contingency provisions.

In addition to the guidance set forth in 2 CFR 200.433(c), for Federal awards from the Department of Labor, excepted citations include 2 CFR 200.334 Retention requirements for records, and 2 CFR 200.335 Requests for transfers of records.

Signed.

Martin J. Walsh,

Secretary of Labor.

[FR Doc. 2021–08731 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–FM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0300; Project Identifier MCAI–2020–01077–R; Amendment 39–21511; AD 2021–08–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332L2 helicopters. This AD was prompted by the discovery of a main gearbox (MGB) with worn ramps and broken roller cages. This AD requires installing a placard on the pilot instrument panel and replacing certain MGBs. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective May 12, 2021.

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

The FAA must receive comments on this AD by June 11, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0300.

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–2021–0300; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Union Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, 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: Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *rao.edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD 2020–0141R1, dated July 30, 2020 (EASA AD 2020–0141R1) to correct an unsafe condition for Airbus Helicopters (formerly Eurocopter France, Aerospatiale) Model AS 332 L2 helicopters. EASA AD 2020–0141R1 advises that, during an overhaul of a Model EC 225 LP helicopter with an MGB part number (P/N) 332A323001.XX equipped with main reduction gear module P/N 332A323011.XX in post-modification (mod) 07–53016 configuration, where XX represents any number, wear was detected on ramps and roller cages. Mod 07–53016 corresponds to free wheel shaft P/N 332A322191.20. EASA states that an investigation is currently ongoing to determine the root cause of the occurrence and that Model AS 332 L2 helicopters could be affected by the same failure mechanism due to design similarity. According to EASA, this condition, if not corrected, could lead to reduced capacity to transfer one engine inoperative (OEI) power by the right engine following an in-flight shut down of the left engine, resulting in reduced control of the helicopter.

EASA further states that Airbus Helicopters issued service information to provide instructions to introduce operational restrictions regarding training flights involving OEI and replacement of the affected MGB in order to allow Airbus Helicopters to accomplish a one-time wear inspection of the free wheel shaft. Consequently, EASA issued an AD to require an operational limitation for OEI training flights by installing placards and to require replacing the MGB if it has a right free wheel shaft P/N 332A322191.20. EASA revised its original AD and issued EASA AD 2020–0141R1 after Airbus Helicopters issued a change to its service information to clarify the wording of the operational limitation in the placard. EASA states that EASA AD 2020–0141R1 is considered an interim action and that further AD action may follow.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin AS332–01.00.95, Revision 1, dated July 29, 2020, which specifies procedures to create and install a placard to prohibit the use of the ENG1 ''TRAINING IDLE'' switch in flight. This service information also specifies removing the MGB, sending it to the manufacturer, and replacing it with a serviceable MGB.

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

AD Requirements

This AD applies to Model AS332L2 helicopters with a certain MGB installed and requires within 50 hours time-in-service (TIS), installing a placard on the instrument panel to prohibit use of the ENG1 ''TRAINING IDLE'' switch. The placard may be removed if the MGB is replaced with a MGB that does not have a certain free wheel shaft installed. This AD also requires replacing the MGB with an airworthy MGB before it accumulates 1,000 hours TIS or within 50 hours TIS after the effective date of the AD, whichever occurs later.

This AD also prohibits installing certain MGBs unless the free wheel shaft has accumulated less than 1,000 total hours TIS.

Differences Between This AD and the EASA AD

The EASA AD requires reporting information to Airbus Helicopters and sending an affected MGB to Airbus Helicopters or an approved repair center, whereas this AD does not.

Interim Action

The FAA considers this AD to be an interim action. The investigation to determine the root cause of this unsafe condition is on-going. If final action is later identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are no helicopters with this type certificate on the U.S. Registry and thus, it is unlikely that the FAA will receive any adverse comments or useful information about this AD from U.S. operators. Accordingly, notice and opportunity for prior public comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0300; Project Identifier MCAI–2020–01077–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *rao.edupuganti@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.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters of this type certificate on the U.S. Registry.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

2. Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–08–17 Airbus Helicopters: Amendment 39–21511; Docket No. FAA–2021–0300; Project Identifier MCAI–2020–01077–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS332L2 helicopters with main gearbox (MGB) part number (P/N) 332A323001.XX with a main reduction gear module (module) P/N 332A323011.XX that has free wheel shaft P/N 332A322191.20 installed, where ''XX'' stands for any two digit dash number, certificated in any category.

Note 1 to paragraph (c): Free wheel shaft P/N 332A322191.20 is also referred to as modification 07–53016.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6320, Main Rotor Gearbox.

(e) Unsafe Condition

This AD defines the unsafe condition as wear on the ramps and roller cages of the MGB free wheel shaft. This condition could result in reduced one engine inoperative (OEI) power from by the right engine following an in-flight shut-down of the left engine, resulting in reduced control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless accomplished previously.

(g) Required Actions

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD, install a placard on the instrument panel prohibiting use of the ENG1 ''TRAINING IDLE'' switch in accordance with Figure 3 of Airbus Helicopters Alert Service Bulletin AS332–01.00.95, Revision 1, dated July 29, 2020.

(2) Replace the MGB with an airworthy MGB at the following compliance time:

(i) If the free wheel shaft has accumulated less than 950 total hours TIS, before the free wheel shaft accumulates 1,000 total hours TIS; or

(ii) If the free wheel shaft has accumulated 950 or more total hours TIS, within 50 hours TIS after the effective date of this AD.

(3) As of the effective date of this AD, do not install a right free wheel shaft P/N 332A322191.20 on any helicopter unless the free wheel shaft has accumulated less than 1,000 total hours TIS.

(4) If you replace the MGB with a MGB that does not have free wheel shaft P/N 332A322191.20 installed, you may remove the placard required by paragraph (g)(1) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Rao Edupuganti, Aviation Safety Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *rao.edupuganti@faa.gov.*

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2020–0141R1, dated July 30, 2020. You may view the EASA AD on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0300.

(j) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin AS332–01.00.95, Revision 1, dated July 29, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

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

Issued on April 8, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08568 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0313; Project Identifier MCAI–2021–00348–T; Amendment 39–21516; AD 2021–09–03]

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: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. As published, two references to a Transport Canada Civil Aviation (TCCA) AD number specified in the regulatory text are incorrect. This document corrects those errors. In all other respects, the original document remains the same.

DATES: This correction is effective May 4, 2021. The effective date of AD 2021–09–03 remains May 4, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2021 (86 FR 20266, April 19, 2021).

The date by which FAA must receive comments on this AD remains June 3, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, 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 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–2021–0313.

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–2021–0313; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Deep Gaurav, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION: AD 2021–09–03, Amendment 39–21516 (86 FR 20266, April 19, 2021) (AD 2021–09–03), requires repetitive replacements of the emergency locator transmitter (ELT) antenna and repetitive inspections for damage of the exterior fuselage skin around the ELT antenna attachment area, as specified in TCCA AD CF–2021–10, dated March 18, 2021 (TCCA AD CF–2021–10). That AD applies to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

Need for the Correction

As published, the TCCA AD number specified in paragraphs (h)(1) and (2) of the regulatory text of AD 2021–09–03 is incorrectly identified as ''TCCA AD CF–2020–10,'' where the correct identification is ''TCCA AD CF–2021–10.''

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2021–10 describes procedures for repetitive replacements of the ELT antenna with a new ELT antenna and repetitive inspections of the exterior fuselage skin around the ELT antenna attachment area for damage (including cracking). 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.

Correction of Publication

This document corrects multiple errors and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains May 4, 2021.

Since this action only corrects references to a TCCA AD number, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 [Corrected]

■ 2. The FAA corrects § 39.13 by revising the following airworthiness directive to read:

2021–09–03 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–21516; Docket No. FAA–2021–0313; Project Identifier MCAI–2021–00348–T.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to 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, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2021–10, dated March 18, 2021 (TCCA AD CF–2021–10).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by reports of the failure of emergency locator transmitter (ELT) antennas. The FAA is issuing this AD to address ELT antenna failure, which can lead to the loss of the ELT antenna and the development of fuselage cracks that can result in an inability to maintain cabin pressure.

(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, TCCA AD CF–2021–10.

(h) Exception to TCCA AD CF–2021–10

(1) Where TCCA AD CF–2021–10 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where TCCA AD CF–2021–10 refers to hours air time, this AD requires using flight hours.

(3) If any damage is found as a result of the inspections required by this AD, repairs must be done before further flight.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), provided no passengers are onboard.

(j) 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 Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

For more information about this AD, contact Deep Gaurav, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on May 4, 2021 (86 FR 20266, April 19, 2021).

(i) Transport Canada Civil Aviation (TCCA) AD CF–2021–10, dated March 18, 2021.

(ii) [Reserved]

(4) For TCCA AD CF–2021–10, 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.*

(5) You may view this service information 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–2021–0313.

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

Issued on April 22, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08760 Filed 4–23–21; 11:15 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–476]

Schedules of Controlled Substances: Placement of 10 Specific Fentanyl-Related Substances in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: In this rule, the Drug Enforcement Administration places 10 specified fentanyl-related substances permanently in schedule I of the Controlled Substances Act. These 10 specific substances all fall within the definition of fentanyl-related substances set forth in a February 6, 2018, temporary scheduling order. Through the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. The regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle any of these 10 specified fentanyl-related substances will continue to be applicable permanently as a result of this action.

DATES: Effective date: April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: This final rule imposes permanent controls on 10 specified fentanyl-related substances, which will continue to be listed in schedule I of the Controlled Substances Act (CSA). These 10 fentanyl-related substances are:

- *N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (2′-fluoro *ortho*-fluorofentanyl; 2′-fluoro 2-fluorofentanyl);
- *N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide (4′-methyl acetyl fentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (β′-phenyl fentanyl; *beta*′-Phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- *N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (β-methyl fentanyl);
- *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*ortho*-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
- *N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl acetylfentanyl; 2-methyl acetylfentanyl);
- 2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (*ortho*-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);
- *N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (*para*-methylfentanyl; 4-methylfentanyl);
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl); and
- *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).

The schedule I listing of these 10 fentanyl-related substances includes their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible.

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100) on his own motion. 21 U.S.C. 811(a). This action is supported by, *inter alia,* a recommendation from the Assistant Secretary for Health of HHS (Assistant Secretary) and an evaluation of all relevant data by DEA. This action continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles (manufactures, distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) or proposes to handle 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl.

Background

On February 6, 2018, pursuant to 21 U.S.C. 811(h)(1), DEA published a temporary scheduling order in the

Federal Register (83 FR 5188), temporarily placing fentanyl-related substances, as defined in that order, in schedule I of the CSA based upon a finding that these substances pose an imminent hazard to the public safety. That temporary order was effective upon the date of publication. Pursuant to 21 U.S.C. 811(h)(2), the temporary control of fentanyl-related substances, a class of substances as defined in the order, as well as the 10 specific substances already covered by that order, was set to expire on February 6, 2020. However, as explained in DEA's April 10, 2020, correcting amendment (85 FR 20155), Congress overrode and extended that expiration date until May 6, 2021, by enacting the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Pub. L. 116–114, sec. 2, 134 Stat. 103) (Feb. 6, 2020).

On March 3, 2021 (86 FR 12296), DEA published a notice of proposed rulemaking (NPRM) to permanently control 10 specific fentanyl-related substances: 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl in schedule I of the CSA. Specifically, DEA proposed to add these substances to the opiates list under 21 CFR 1308.11(b), and assign paragraph numbers 17, 18, 41, 50, 61, 62, 64, 69, 75, and 83 under paragraph (b) to *beta*-Methyl fentanyl, *beta*′-Phenyl fentanyl, 2′-Fluoro *ortho*-fluorofentanyl, 4′-Methyl acetyl fentanyl, *ortho*-Fluorobutyryl fentanyl, *ortho*-Methyl acetylfentanyl, *ortho*-Methyl methoxyacetyl fentanyl, *para*-Methylfentanyl, Phenyl fentanyl, and Thiofuranyl fentanyl, respectively.

Since the publication of this NPRM, DEA issued a correcting amendment which updated the numbering of all listed opiates in paragraph (b). See 86 FR 16667, March 31, 2021. As a result, this final rule assigns different paragraph numbers under paragraph (b) than originally proposed, to nine of the ten substances (though the numbering for *ortho*-Methyl acetylfentanyl remains the same). In addition, after publication of the NPRM, DEA discovered that the NPRM inadvertently assigned a duplicate drug code to 2′-fluoro *ortho*-fluorofentanyl (9829). As such, with this final rule, DEA hereby corrects this error by assigning a new drug code (9855) for 2′-fluoro *ortho*-fluorofentanyl.

DEA and HHS Eight Factor Analyses

On July 2, 2020, HHS provided DEA with a scientific and medical evaluation and scheduling recommendation, prepared by the Food and Drug Administration (FDA), for 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl and their salts.[1] After considering the eight factors in 21 U.S.C. 811(c), each substance's abuse potential, lack of legitimate medical use in the United States, and lack of accepted safety for use under medical supervision pursuant to 21 U.S.C. 812(b), the Assistant Secretary recommended that these substances be placed in schedule I of the CSA. In response, DEA conducted its own eight-factor analysis of 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl. Please note that both the DEA and HHS 8-Factor analyses and the Assistant Secretary's July 2, 2020, letter are available in their entirety under the tab ''Supporting Documents'' of the public docket for this action at *http://www.regulations.gov* under Docket Number ''DEA–476.''

Determination To Schedule Ten Specific Fentanyl-Related Substances

After review of the available data including the scientific and medical evaluation and the scheduling recommendations from HHS, DEA published an NPRM entitled ''Schedules of Controlled Substances: Placement of 10 Specific Fentanyl-Related Substances in Schedule I.'' 86 FR 12296, March 3, 2021. The NPRM provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations on or before April 2, 2021. No requests for such a hearing were received by DEA. The NPRM also provided an opportunity for interested persons to submit comments on the proposed rule on or before April 2, 2021.

[1] Although HHS also provided information on crotonyl fentanyl, this substance will not be discussed in this final rule since it was permanently placed in schedule I on October 2, 2020. 85 FR 62215.

Comments Received

DEA received ten comments on the proposed rule to control 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl in schedule 1 of the CSA. One submission was from a public health group called The Partnership for Safe Medicines, which is made up of more than 45 non-profit organizations committed to the safety of prescription drugs and protection of consumers against counterfeit or unsafe medicines. Other submissions were from individual or anonymous commenters. Nine of the commenters provided support for the rule, and one commenter did not state a position on the rule.

Rather, the latter commenter inquired about DEA's concern with synthetic opioids versus natural substances, and the possibility of reducing opioid addiction risks by managing pain differently without the use of prescribed opioid medications. This comment is outside the scope of this rulemaking. As such, this rule will not provide a response to this comment.

Support of the Proposed Rule

Nine commenters supported controlling 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl as schedule I controlled substances. These commenters indicated support for permanent scheduling of these substances for the reasons such as similarity in their abuse potential to fentanyl, safety concerns with fentanyl, such as deaths, overdoses, addiction, and trafficking, and the involvement of fentanyl and fentanyl-related substances in the current public health crisis associated with the opioid abuse epidemic. Most commenters indicated that DEA needs to impose the permanent control to help curb addiction and opioid overdose.

In addition to supporting control of these 10 substances, a commenter highlighted the need for more specific guidelines for regulatory controls and administrative, civil, and criminal sanctions specific to these substances. In particular, this commenter desired that DEA ensure that vulnerable populations (*e.g.,* those addicted to or dependent on opioids) would not be

unduly punished by broad convictions or sentencing guidelines, and advocated for no mandatory minimums for subsequent convictions (after the first conviction) related to simple possession or ''low level handling'' of the 10 fentanyl-related substances.

DEA Response. DEA appreciates the support for this rulemaking. Regarding the comment for more specific guidelines related to regulatory control for these 10 substances, this comment is outside the scope of this rulemaking since sentencing guidelines are set by the CSA.

Scheduling Conclusion

After consideration of the relevant matter presented through public comments, the scientific and medical evaluation and accompanying recommendation of HHS, and after its own eight-factor evaluation, DEA finds that these facts and all other relevant data constitute substantial evidence of the potential for abuse of 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl. DEA is therefore permanently scheduling these 10 specific fentanyl-related substances as controlled substances under the CSA.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary and review of all other available data, the Acting Administrator, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

(1) 2′-Fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl have a high potential for abuse that is comparable to other schedule I substances such as acetyl fentanyl and furanyl fentanyl.

(2) 2′-Fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl have no currently accepted medical use in treatment in the United States; [2] and

(3) There is a lack of accepted safety for use of 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl under medical supervision. Based on these findings, the Acting Administrator concludes that 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, warrant continued control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling 2′-Fluoro Ortho-Fluorofentanyl, 4′-Methyl Acetyl Fentanyl, β′-Phenyl Fentanyl, β-Methyl Fentanyl, Ortho-Fluorobutyryl Fentanyl, Ortho-Methyl Acetylfentanyl, Ortho-Methyl Methoxyacetyl Fentanyl, Para-Methylfentanyl, Phenyl Fentanyl, and Thiofuranyl Fentanyl

2′-Fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl will continue [3] to be subject to the CSA's regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, dispensing, importation, exportation, research, and conduct of instructional activities involving the handling of controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* 2′-Fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl also must comply with the employee screening requirements of 21 CFR 1301.90–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture 2′-fluoro *ortho*-

[2] Although there is no evidence suggesting that 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl have a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. 57 FR 10499 (1992), *pet. for rev. denied, Alliance for Cannabis Therapeutics* v. *DEA,* 15 F.3d 1131, 1135 (D.C. Cir. 1994).

[3] 2′-Fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl are covered by the February 6, 2018, temporary scheduling order, and are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 83 FR 5188.

fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl) on hand every two years pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant is required to maintain records and submit reports with respect to 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and 1317.

7. *Order Forms.* Every DEA registrant who distributes 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl must comply with the order form requirements, pursuant to 21 U.S.C. 828 and in accordance 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. On February 6, 2018, DEA published an order to temporarily place fentanyl-related substances, as defined in the order, in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl have already established and implemented the systems and processes required to handle these substances which meet the definition of fentanyl-related substances.

There are currently 57 registrations authorized to handle the fentanyl-related substances as a class, which include 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 57 registrations represent 51 entities, of which eight are small entities. Therefore, DEA estimates eight small entities are affected by this final rule.

A review of the 57 registrations indicates that all entities that currently handle fentanyl-related substances, including 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl, also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle 2′-fluoro *ortho*-fluorofentanyl, 4′-methyl acetyl

fentanyl, β′-phenyl fentanyl, β-methyl fentanyl, *ortho*-fluorobutyryl fentanyl, *ortho*-methyl acetylfentanyl, *ortho*-methyl methoxyacetyl fentanyl, *para*-methylfentanyl, phenyl fentanyl, and thiofuranyl fentanyl. Therefore, DEA anticipates that this final rule will impose minimal or no economic impact on any affected entities, and thus will not have a significant economic impact on any of the eight affected small entities. Therefore, DEA has concluded that this rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year. . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a ''major rule'' as defined in the Congressional Review Act (CRA), 5 U.S.C. 804. However, DEA is submitting the required reports to the Government Accountability Office, the House, and the Senate under the CRA.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Determination To Make Rule Effective Immediately

As indicated above, this rule finalizes the schedule I control status of 10 substances that has already been in effect for over three years. These 10 substances all fall within the definition of fentanyl-related substances set forth in the February 6, 2018, temporary scheduling order (83 FR 5188). Through the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. The February 2018 order was effective on the date of publication, and was based on findings by the then-Acting Administrator that the temporary scheduling of the fentanyl-related substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Because this rule finalizes the control status of 10 substances that has already been in effect for over three years, it does not alter the legal obligations of any person who handles these substances. Rather, it merely makes permanent the current scheduling status and corresponding legal obligations. Therefore, DEA is making the rule effective on the date of publication in the **Federal Register**, as any delay in the effective date is unnecessary and would be contrary to the public interest.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Redesignate paragraphs (b)(73) through (b)(76) as paragraphs (b)(83) through (b)(86);

■ b. Redesignate paragraphs (b)(66) through (b)(72) as paragraphs (b)(75) through (b)(81);

■ c. Redesignate paragraphs (b)(61) through (b)(65) as paragraphs (b)(69) through (b)(73);

■ d. Redesignate paragraphs (b)(57) through (b)(60) as paragraphs (b)(64) through (b)(67);

■ e. Redesignate paragraph (b)(56) as paragraph (b)(61);

■ f. Redesignate paragraphs (b)(46) through (b)(55) as paragraphs (b)(50) through (b)(59);

■ g. Redesignate paragraphs (b)(38) through (b)(45) as paragraphs (b)(41) through (b)(48);

■ h. Redesignate paragraphs (b)(19) through (b)(37) as paragraphs (b)(21) through (b)(39); and

■ i. Add new paragraphs (19), (20), (40), (49), (60), (62), (63), (68), (74), and (82).

The additions read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

* * * * *

(19) *beta*-Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β-methyl fentanyl) 9856

(20) *beta′*-Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide; also known as β′-phenyl fentanyl; 3-phenylpropanoyl fentanyl) 9842

* * * * * * *

(40) 2′-Fluoro *ortho*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide; also known as 2′-fluoro 2-fluorofentanyl) 9855

* * * * * * *

(49) 4′-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide) 9819

* * * * * * *

(60) *ortho*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyryl fentanyl) 9846

* * * * * * *

(62) *ortho*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl) 9848

(63) *ortho*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) 9820

* * * * * * *

(68) *para*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) 9817

* * * * * * *

(74) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide; also known as benzoyl fentanyl) 9841

* * * * * * *

(82) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl fentanyl; thiophene fentanyl) 9839

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–08720 Filed 4–26–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF STATE

22 CFR Part 181

[Public Notice: 11408]

RIN 1400–AE98

Publication, Coordination, and Reporting of International Agreements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Treaties and Other International Acts Series (TIAS) is the official treaty series of the United States and serves as evidence of the treaties, and international agreements other than treaties, in all courts of law and equity of the United States, and in public offices of the federal government and of the states, without any need of further authentication. Certain international agreements may be exempted from publication in TIAS, if the Department of State (the Department) provides notice in its regulations. This rule updates those regulations to clarify the scope of an existing exemption.

DATES: This rule is effective May 27, 2021.

FOR FURTHER INFORMATION CONTACT: Michael Mattler, Treaty Affairs, Office of the Legal Adviser, Department of State, Washington, DC 20520, (202) 647–1345, or at *treatyoffice@state.gov.*

SUPPLEMENTARY INFORMATION: This rule finalizes a proposed rule published by the Department of State on December 7, 2020. 85 FR 78813. The Department provided 60 days for comment; no relevant public comments were received.

Background

Pursuant to 1 U.S.C. 112a, the Secretary of State is required to cause to be published annually a compilation of all treaties and international agreements to which the United States is a party that were signed, proclaimed, or ''with reference to which any other final formality ha[d] been executed'' during the calendar year. The Secretary of State, however, may determine that publication of particular categories of agreements is not required if certain criteria are met (See 1 U.S.C. 112a(b)).

As explained in the NPRM, the Department is amending 22 CFR 181.8(a)(9) to read ''Agreements that have been given a national security classification pursuant to Executive Order No. 13526, its predecessors or successors, or are otherwise exempt from public disclosure pursuant to U.S. law.''

The scope of this new exemption includes agreements that have not been given a national security classification pursuant to Executive Order No. 13526, its predecessors or successors, but nonetheless are exempt from public disclosure pursuant to U.S. law. The principal category of agreements for which this clarification is relevant are agreements that are exempt from public disclosure pursuant to 10 U.S.C. 130c, which authorizes specified national security officials to withhold from public disclosure otherwise required by law sensitive information of foreign governments and international organizations.

Regulatory Analysis

Administrative Procedure Act

The Department issued the rule for comment in accordance with the Administrative Procedure Act (5 U.S.C. 553).

Regulatory Flexibility Act/Executive Order 13272: Small Business

This rulemaking is hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Congressional Review Act

This rulemaking does not constitute a major rule, as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking.

The Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure nor would it significantly or uniquely affect small governments.

Executive Orders 12372 and 13132: Federalism and Executive Order 13175, Impact on Tribes

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor will the regulations have federalism implications warranting the application of Executive Orders 12372 and 13132. This rule will not have tribal implications, will not impose costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Executive Orders 12866 and 13563: Regulatory Review

This rule has been drafted in accordance with the principles of Executive Orders 12866 and 13563. This rule has been determined to be a significant rulemaking under section 3 of Executive Order 12866, but not economically significant. With respect to the costs and benefits of this rule, the Department notes that agreements addressed by the proposed clarification are, by definition, already exempt from public disclosure pursuant to U.S. law. The proposed rule is intended to provide greater clarity to the application of the existing rule rather than to effect a change in existing practices regarding the publication of agreements. For this reason, the Department does not anticipate any costs to the public from this rulemaking. Therefore, the Department believes that the benefits of this rulemaking outweigh any costs.

Executive Order 12988: Civil Justice Reform

This rule has been reviewed in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

The Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulation. This rule contains no new collection of information requirements.

List of Subjects in 22 CFR Part 181

Treaties.

For the reasons set forth above, 22 CFR part 181 is amended as follows:

PART 181—COORDINATION, REPORTING AND PUBLICATION OF INTERNATIONAL AGREEMENTS

■ 1. The authority section for part 181 continues to read as follows:

Authority: 1 U.S.C. 112a, 112b; and 22 U.S.C. 2651a.

■ 2. In § 181.8, revise paragraph (a)(9) to read as follows:

§ 181.8 Publication.

(a) * * *

(9) Agreements that have been given a national security classification pursuant to Executive Order No. 13526, its predecessors or successors, or are otherwise exempt from public disclosure pursuant to U.S. law.

* * * * *

Zachary A. Parker,

Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2021–08718 Filed 4–26–21; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2021–0220]

Special Local Regulations; Crystal Pier Outrigger Race, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation for the Crystal Pier Outrigger Race on May 8, 2021. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. Our regulation for marine events within the Eleventh Coast Guard District identifies the regulated area for this event in San Diego, CA. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced for the Crystal Pier Outrigger Race regulated area listed in item 14 in Table 1 to § 100.1101 from 7 a.m. to 5 p.m. on May 8, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant John Santorum, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 Table 1, Item 14 of that section for the Crystal Pier Outrigger Race in Mission Bay, CA from 7 a.m. to 5 p.m. on May 8, 2021. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eleventh Coast Guard District, § 100.1101, specifies the location of the regulated area for the Crystal Pier Outrigger Race which encompasses the waters of Mission Bay to include the Main Entrance Channel, Sail Bay, Fiesta Bay, South Shore Channel, and waters adjacent to Crown Point Beach Park. Under the provisions of § 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: April 21, 2021.

T.J. Barelli,

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

[FR Doc. 2021–08677 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0033]

RIN 1625–AA00

Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of Corpus Christi Bay and the Corpus Christi Ship Channel. This action is necessary to provide for the safety of life on these navigable waters near the Corpus Christi Bayfront, during an airshow. This rulemaking will prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective daily from 11:30 a.m. through 4:30 p.m. each day from April 29, 2021, through May 2, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0033 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 LCDR Margaret Brown, Waterways Management Division, Sector Corpus Christi, U.S. Coast Guard, email *Margaret.A.Brown@uscg.mil;* telephone 361–244–4784.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On November 20, 2020, Schultz Airshows notified the Coast Guard that

the Buccaneer Commission will host the Wings Over South Texas Airshow daily, 11:30 a.m. through 4:30 p.m. from April 29, 2021, through May 2, 2021. The Airshow's aerobatic box will take place over Corpus Christi Bay within a rectangular zone defined by the following coordinates; 27°49′2.78″ N, 097°23′16.1″ W; 27°47′3.69″ N, 097°23′14.62″ W; 27°49′2.73″ N, 097°22′42.97″ W; 27°47′5.46″ N, 097°22′41.02″ W; and back to 27°49′2.78″ N, 097°23′16.1″ W. In response, on February 3, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone: Corpus Christi Ship Channel, Corpus Christi, TX in 86 FR 8157. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended April 5, 2021, we received one comment. The comment was unrelated to the proposed rulemaking or event.

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**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the Wings Over South Texas Airshow.

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 Sector Corpus Christi (COTP) has determined that potential hazards associated with the Wings Over South Airshow would be a safety concern for anyone within the defined area daily, 11:30 a.m. to 4:30 p.m. from April 29, 2021 through May 2, 2021. The Airshow's aerobatic box will take place over Corpus Christi Bay within a rectangular zone defined by the following coordinates; 27°49′2.78″ N, 097°23′16.1″ W; 27°47′3.69″ N, 097°23′14.62″ W; 27°49′2.73″ N, 097°22′42.97″ W; 27°47′5.46″ N, 097°22′41.02″ W; and back to 27°49′2.78″ N, 097°23′16.1″ W. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published February 3, 2021 which was out of the scope of the proposed rulemaking or event. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone daily from 11:30 a.m. through 4:30 p.m. from April 29, 2021 through May 2, 2021. The safety zone will cover all navigable waters within a rectangular zone defined by the following coordinates; 27°49′2.78″ N, 097°23′16.1″ W; 27°47′3.69″ N, 097°23′14.62″ W; 27°49′2.73″ N, 097°22′42.97″ W; 27°47′5.46″ N, 097°22′41.02″ W; and back to 27°49′2.78″ N, 097°23′16.1″ W. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 11:30 a.m. to 4:30 p.m. airshow. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

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, and short duration of five hours each day for four days.

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 (Public Law 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 a safety zone lasting five hours for four days that will prohibit entry into a 2 nautical miles by .5 nautical mile box that crosses the Corpus Christi Ship Channel. It is categorically excluded from further review under paragraph L60 of 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 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.T08–0033 to read as follows:

§ 165.T08–0033 Safety Zone; Corpus Christi Bay, Corpus Christi, TX.

(a) *Location.* The following area is a temporary safety zone: All navigable waters of the Corpus Christi Bay within the following defined coordinates: 27°49′2.78″ N, 097°23′16.1″ W; 27°47′3.69″ N, 097°23′14.62″ W; 27°49′2.73″ N, 097°22′42.97″ W; 27°47′5.46″ N, 097°22′41.02″ W; and back to 27°49′2.78″ N, 097°23′16.1″ W.

(b) *Effective period.* This section is effective daily from 11:30 a.m. through 4:30 p.m. from April 29, 2021 through May 2, 2021.

(c) *Regulations.* (1) According to the general regulations in § 165.23 of this part, entry into this temporary safety zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: April 22, 2021.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2021–08738 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2021–0229; FRL–10021–97–Region 4]

Georgia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action on the authorization of Georgia's changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes were outlined in an application to the EPA and correspond to certain Federal rules promulgated between July 1, 2004, and June 30, 2020. We have determined that these changes satisfy all requirements needed for final authorization.

DATES: This rule is effective on June 28, 2021 without further notice, unless the EPA receives adverse comment by May 27, 2021. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2021–0229, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

The EPA encourages electronic submittals, but if you are unable to

submit electronically or need other assistance, please contact Kelly Adams, the contact listed in the **FOR FURTHER INFORMATION CONTACT** provision below. Please also contact Kelly Adams if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available electronically in *www.regulations.gov.* For alternative access to docket materials, please contact Kelly Adams, the contact listed in the **FOR FURTHER INFORMATION CONTACT** provision below.

FOR FURTHER INFORMATION CONTACT: Kelly Adams; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8431; fax number: (404) 562–9964; email address: *adams.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA using a direct final rule?

The EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This action is a routine program change. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in a subsequent final rule and base any further decision on the authorization of the State program changes after considering all comments received during the comment period.

II. Why are revisions to state programs necessary?

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, states must change their programs and ask the EPA to authorize the changes. Changes to state programs may be necessary when Federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time they take effect in unauthorized states. Thus, the EPA will implement those requirements and prohibitions in Georgia, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

III. What decisions has the EPA made in this rule?

Georgia submitted a complete program revision application, dated January 4, 2021 and supplemented on February 9, 2021, seeking authorization of changes to its hazardous waste program corresponding to certain Federal rules promulgated between July 1, 2004 and June 30, 2020 (including RCRA Clusters [1] XV (Checklist [2] 206 only), XXIV (Checklist 235 only), and XXVI through XXVIII). The EPA concludes that Georgia's application to revise its authorized program meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, the EPA proposes to grant Georgia final authorization to operate its hazardous waste program with the changes described in the authorization application, and as outlined below in Section VI of this document.

Georgia has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its program revision application, subject to the limitations of HSWA, as discussed above.

[1] A ''cluster'' is a grouping of hazardous waste rules that the EPA promulgates from July 1st of one year to June 30th of the following year.

[2] A ''checklist'' is developed by the EPA for each Federal rule amending the RCRA regulations. The checklists document the changes made by each Federal rule and are presented and numbered in chronological order by date of promulgation.

IV. What is the effect of this authorization decision?

The effect of this decision is that the changes described in Georgia's authorization application will become part of the authorized State hazardous waste program and will therefore be federally enforceable. Georgia will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA will maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses, and reports;
- Enforce RCRA requirements, including authorized State program requirements, and
  suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the EPA is authorizing Georgia are already effective under State law and are not changed by today's action.

V. What has Georgia previously been authorized for?

Georgia initially received final authorization on August 7, 1984, effective August 21, 1984 (49 FR 31417), to implement the RCRA hazardous waste management program. The EPA granted authorization for changes to Georgia's program on the following dates: July 7, 1986, effective September 18, 1986 (51 FR 24549); July 28, 1988, effective September 26, 1988 (53 FR 28383); July 24, 1990, effective September 24, 1990 (55 FR 30000); February 12, 1991, effective April 15, 1991 (56 FR 5656); May 11, 1992, effective July 10, 1992 (57 FR 20055); November 25, 1992, effective January 25, 1993 (57 FR 55466); February 26, 1993, effective April 27, 1993 (58 FR 11539); November 16, 1993, effective January 18, 1994 (58 FR 60388); April 26, 1994, effective June 27, 1994 (59 FR 21664); May 10, 1995, effective July 10, 1995 (60 FR 24790); August 30, 1995, effective October 30, 1995 (60 FR 45069); March 7, 1996, effective May 6, 1996 (61 FR 9108); September, 18, 1998, effective November 17, 1998 (63 FR 49852); October 14, 1999, effective December 13, 1999 (64 FR 55629); November 28, 2000, effective March 30, 2001 (66 FR 8090); July 16, 2002, effective September 16, 2002 (67 FR 46600); November 19, 2002, effective January 21, 2003 (67 FR 69690); July 18, 2003, effective September 16, 2003 (68

FR 42605); January 27, 2005, effective April 20, 2005 (70 FR 12973); April 25, 2006, effective June 26, 2006 (71 FR 23864); May 2, 2013, effective July 1, 2013 (78 FR 25579); January 26, 2015, effective March 27, 2015 (80 FR 3888); and February 22, 2019 (84 FR 5603).

VI. What changes is the EPA authorizing with this action?

Georgia submitted a complete program revision application, dated January 4, 2021 and supplemented on February 9, 2021, seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. This application included changes associated with Checklists 206, 235, and 238 through 242. The EPA has determined, subject to receipt of written comments that oppose this action, that Georgia's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, the EPA grants final authorization to Georgia for the following program changes:

Description of Federal requirement	**Federal Register** date and page	Analogous state authority [1]
Checklist 206 and 206.1, Nonwastewaters from Dyes and Pigments.	70 FR 9138, 2/24/05; 70 FR 35032, 6/16/05	391–3–11–.01(2); 391–3–11–.07(1); and 391–3–11–.16.
Checklist 235, Disposal of Coal Combustion Residuals from Electric Utilities.	80 FR 21302, 4/17/15	391–3–11–.01(2) and 391–3–11–.07(1).
Checklist 238, Confidentiality Determinations for Hazardous Waste Export and Import Documents [2].	82 FR 60894, 12/26/17	391–3–11–.01(2); 391–3–11–.03(4); 391–3–11–.07(1); and 391–3–11–.08(1).
Checklist 239, Hazardous Waste Electronic Manifest User Fee Rule [3].	83 FR 420, 1/3/18	391–3–11–.01(2); 391–3–11–.08(1); 391–3–11–.09; and 391–3–11–.10(1)–(3).
Checklist 240, Safe Management of Recalled Airbags.	83 FR 61552, 11/30/18	391–3–11–.01(2); 391–3–11–.02(1); 391–3–11–.07(1); and 391–3–11–.08(1).
Checklist 241, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine.	84 FR 5816, 2/22/19	391–3–11–.01(2); 391–3–11–.07(1); 391–3–11–.08(1); 391–3–11–.10(1)–(2); 391–3–11–.11(1)(a); 391–3–11–.16; 391–3–11–.18; and 391–3–11–.19.
Checklist 242, Universal Waste Regulations: Addition of Aerosol Cans.	84 FR 67202, 12/9/19	391–3–11–.01(2); 391–3–11–.02(1); 391–3–11–.07(1); 391–3–11–.10(1)–(2); 391–3–11–.11(1)(a); 391–3–11–.16; and 391–3–11–.18.

Notes

[1] The Georgia regulatory citations are from the Georgia Rules for Hazardous Waste Management, Ga. Comp. R. & Regs. r. 391–3–11, as amended through October 5, 2020.

[2] Georgia has not adopted 40 CFR 260.2(b) and is not seeking authorization for this provision.

[3] Georgia has not adopted 40 CFR 260.5 and is not seeking authorization for this provision.

VII. Where are the revised State rules different than the Federal rules?

When revised state rules differ from the Federal rules in the RCRA state authorization process, the EPA determines whether the state rules are equivalent to, more stringent than, or broader in scope than the Federal program. Pursuant to RCRA section 3009, 42 U.S.C. 6929, state programs may contain requirements that are more stringent than the Federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent states from adopting regulations that are broader in scope than the Federal program, states cannot receive federal authorization for such regulations, and they are not federally enforceable.

There are no State requirements in the program revisions listed in the table above that are considered to be more stringent or broader in scope than the Federal requirements.

The EPA cannot authorize states to implement certain Federal requirements associated with the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule (Checklist 238) and the Hazardous Waste Electronic Manifest User Fee Rule (Checklist 239). Georgia has adopted these requirements and appropriately preserved the EPA's authority to implement them (see Ga. Comp. R. & Regs. r. 391–3–11–.01(2)(c)).

VIII. Who handles permits after the authorization takes effect?

When final authorization takes effect, Georgia will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits that the EPA issued prior to the effective date of authorization until they expire or are terminated. The EPA will not issue any new permits or new portions of permits for the provisions listed in the table above after the effective date of the final authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Georgia is not yet authorized. The EPA has the authority to enforce State-issued permits after the State is authorized.

IX. What is codification and is the EPA codifying Georgia's hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of Georgia's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart L, for the authorization of Georgia's program changes at a later date.

X. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by

State law. Therefore, this action is not subject to review by OMB. I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), the EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988), by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b). Executive Order 12898 (59 FR 7629, February 16, 1994), establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this action authorizes pre-existing State rules which are at least equivalent to, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, this rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document 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 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). This final action will be effective June 28, 2021.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: April 20, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–08761 Filed 4–26–21; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 86, No. 79
Tuesday, April 27, 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 HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5 and 576

[Docket No. FR–6152–N–02]

RIN 2506–AC53

Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs; Withdrawal; Regulatory Review

AGENCY: Office of the General Counsel, Department of Housing and Urban Development (HUD).

ACTION: Withdrawal of proposed rule.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021 from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' HUD is reviewing all its pending proposed rules to determine which should move forward. HUD has identified a proposed rule, ''Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs'' that is inconsistent with the Executive Order entitled ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government'' and the Executive Order entitled ''Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.'' This document informs the public that HUD has determined not to pursue this proposed rule previously published in the **Federal Register**. HUD will proceed to formally withdraw the rule from HUD's upcoming Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions.

DATES: The proposed rule published at 85 FR 44811, July 24, 2020, is withdrawn as of April 27, 2021.

ADDRESSES: Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Samuel F. Pearson-Moore, Assistant General Counsel, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410; telephone number 202–402–5138 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: In a memorandum dated January 20, 2021 and published in the **Federal Register** on January 28, 2021, the Assistant to the President and Chief of Staff, on behalf of the President, directed the heads of Executive Departments and Agencies to review ''rules [1] that have been published in the **Federal Register**, or rules that have been issued in any manner, but have not taken effect . . . for the purpose of reviewing any questions of fact, law, and policy the rules may raise.'' 86 FR 7424. On January 20, 2021, President Biden also issued Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, which provides ''that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.'' 86 FR 7009. Executive Order 13985 specifically defines ''equity'' to mean ''consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.''

On January 20, 2021, President Biden also issued Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, which states that ''[p]eople should be able to . . . secure a roof over their heads without being subjected to sex discrimination [and] . . . [a]ll persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.'' 86 FR 7023. In addition, Executive Order 13988 clarifies that ''[i]n Bostock v. Clayton County, 590 U.S.____(2020), the Supreme Court held that Title VII's prohibition on discrimination ''because of . . . sex'' covers discrimination on the basis of gender identity and sexual orientation . . . [and] [u]nder Bostock's reasoning, laws that prohibit sex discrimination—including . . . the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq.*), along with their respective implementing regulations—prohibit discrimination on the basis of gender identity or sexual orientation . . .''

In accordance with the Regulatory Freeze Memorandum, HUD is reviewing its proposed rules and has identified a proposed rule that is inconsistent with Executive Order 13985 and Executive Order 13988: Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs (85 FR 44811, July 24, 2020). This document informs the public that HUD has determined not to pursue this proposed rule previously published in the **Federal Register**.

HUD's Withdrawal of Proposed Rule

Accordingly, HUD will proceed to formally withdraw the following proposed rule from its Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions: Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs (85 FR 44811, July 24, 2020) (RIN 2506–AC53).

HUD's Unified Agenda of Regulatory and Deregulatory Actions is available on *Reginfo.gov* and can be accessed at

[1] Rule has the definition set forth in 5 U.S.C. 551(4), to include any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

https://www.reginfo.gov/public/do/eAgendaMain.

Sasha Samberg-Champion,

Deputy General Counsel, Office of Deputy General Counsel for Enforcement and Fair Housing.

[FR Doc. 2021–08513 Filed 4–26–21; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2021–0229; FRL–10021–98–Region 4]

Georgia: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to authorize changes to Georgia's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes were outlined in an application to the EPA and correspond to certain Federal rules promulgated between July 1, 2004 and June 30, 2020. The EPA reviewed Georgia's application and has determined that these changes satisfy all requirements needed to qualify for final authorization. Therefore, in the ''Rules and Regulations'' section of this **Federal Register**, we are authorizing Georgia for these changes as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received on or before May 27, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2021–0229, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

The EPA encourages electronic submittals, but if you are unable to submit electronically or need other assistance, please contact Kelly Adams, the contact listed in the
Please also contact Kelly Adams if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available electronically in *www.regulations.gov.* For alternative access to docket materials, please contact Kelly Adams, the contact listed in the **FOR FURTHER INFORMATION CONTACT** provision below.

FOR FURTHER INFORMATION CONTACT: Kelly Adams; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8431; fax number: (404) 562–9964; email address: *adams.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on Georgia's changes to its hazardous waste management program under the Resource Conservation and Recovery Act (RCRA), as amended. We have published a direct final rule authorizing these changes in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would then address all public comments in a subsequent final rule and base any further decision on the authorization of the State program changes after considering all comments received during the comment period.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Dated: April 20, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–08762 Filed 4–26–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–151; RM–11898; DA 21–423; FR ID 22592]

Television Broadcasting Services Eugene, Oregon

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) has before it a petition for rulemaking filed by Sinclair Eugene Licensee, LLC (Petitioner), the licensee of KVAL–TV (CBS), channel 13, Eugene, Oregon. The Petitioner requests the substitution of channel 28 for channel 13 at Eugene, Oregon in the DTV Table of Allotments.

DATES: Comments must be filed on or before May 27, 2021 and reply comments on or before June 11, 2021.

ADDRESSES: You may submit comments, identified by MB Docket No. 21–151, by any of the following methods:

- *Federal Communications Commission's website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Paul A. Cicelski, Esq., Lerman Senter, PLLC, 2001 L Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Andrew Manley, Media Bureau, at (202) 418–0596; or Andrew Manley, Media Bureau, at Andrew *Manley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, in MB Docket No. 21–151; RM–11898; DA 21–423, adopted and released on April 14, 2021.

The full text of this document is available for download at *https://docs.fcc.gov/public/attachments/DA-21-423A1.pdf.* 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).

In support of its channel substitution request, the Petitioner states that the reception of VHF signals require larger antennas relative to UHF channels, that studies suggest a large variability in indoor antennas, with most receiving fairly well at UHF and the substantial majority not so well to very poor for high-VHF channels. Petitioner further states that KVAL has received numerous complaints from viewers unable to receive that Station's over-the-air signal, despite being able to receive signals from other stations. In its Amended Engineering Exhibit, the Petitioner demonstrated that while the noise limited contour of the proposed channel 28 facility does not completely encompass the licensed channel 13 contour, there are three other CBS affiliated stations that, together, overlap all areas where the channel 28 noise limited contour does not extend beyond the channel 13 noise limited contour, except in one small geographic area with no population. Accordingly, there would be no loss of CBS network service.

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 § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, and 339.

§ 73.622 Digital television table of allotments.

■ 2. In § 73.622 in paragraph (i), amend the Post-Transition Table of DTV Allotments under Oregon by revising the entry for Eugene to read as follows:

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Oregon	
* * * * *	
Eugene	9, 17, 28, *29, 31
* * * * *	

[FR Doc. 2021–08739 Filed 4–26–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R3–ES–2019–0020; FF09E21000 FXES11110900000 212]

RIN 1018–BD98

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Big Creek Crayfish and St. Francis River Crayfish and Designations of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and announcement of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), proposed to list the Big Creek crayfish and the St. Francis River crayfish as threatened species with section 4(d) rules and designations of critical habitat on September 17, 2020. We announced a 60-day public comment period on the proposed rule, ending November 16, 2020. We now reopen the public comment period to allow all interested parties additional time to comment on the proposed rule. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule. We also announce a public informational meeting and public hearing on the proposed rule.

DATES: *Written comments:* The comment period on the proposed rule that published September 17, 2020 (85 FR 58192), is reopened. We will accept comments received or postmarked on or before May 27, 2021. Please note that comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date, and comments submitted by U.S. mail must be postmarked by that date to ensure consideration.

Public informational meeting and public hearing: On May 13, 2021, we will hold a public informational meeting from 6:00 to 7:15 p.m., Central Time, followed by a public hearing from 7:30 to 9:00 p.m., Central Time.

ADDRESSES: *Availability of documents:* You may obtain copies of the September 17, 2020, proposed rule and associated documents on the internet at *http://www.regulations.gov* under Docket No. FWS–R3–ES–2019–0020.

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R3–ES–2019–0020, which is the docket number for the proposed rule. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment Now!'' Please ensure you have found the correct document before submitting your comments. If your comments will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R3–ES–2019–0020, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Public informational meeting and public hearing: The public informational meeting and the public hearing will be held virtually using the Zoom platform. See Public Hearing, below, for more information.

FOR FURTHER INFORMATION CONTACT: Karen Herrington, Field Supervisor, U.S. Fish and Wildlife Service, Missouri Ecological Services Field Office, 101 Park DeVille Drive, Suite A, Columbia, MO 65203–0057; telephone 573–234–2132. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 2020, we published a proposed rule (85 FR 58192) to list the Big Creek crayfish and the St. Francis River crayfish as threatened species under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) with ESA section 4(d) rules and designations of critical habitat. The proposed rule had a 60-day public comment period, ending November 16, 2020. During the comment period for the proposed rule, we received a request for a public hearing. Therefore, we are reopening the comment period for 30 days on our proposed rule (see **DATES**, above) to hold a public informational meeting and a public hearing and to allow the public an additional opportunity to provide comments on the proposed rule.

For a description of previous Federal actions concerning the Big Creek crayfish and the St. Francis River crayfish, please refer to the September 17, 2020, proposed rule (85 FR 58192).

Public Comments

We will accept comments and information during this reopened comment period on our proposed rule for the Big Creek crayfish and the St. Francis River crayfish. We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal will be based on the best scientific and commercial data available and will be as accurate and as effective as possible. Our final determination will take into consideration all comments and any additional information we receive during all comment periods on the proposed rule. Because we will consider all comments and information we receive during the comment periods, our final determinations may differ from our September 17, 2020, proposed rule (85 FR 58192). Based on the new information we receive (and any comments on that new information), we may conclude that the species are endangered instead of threatened, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. For critical habitat, our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, and may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion. In addition, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the 4(d) rule if we conclude it is appropriate in light of comments and new information received. For example, we may expand the incidental-take prohibitions to include prohibiting additional activities if we conclude that those additional activities are not compatible with conservation of the species. Conversely, we may establish additional exceptions to the incidental-take prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the species.

If you already submitted comments or information on the September 17, 2020, proposed rule (85 FR 58192), please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in the preparation of our final determinations.

Comments should be as specific as possible. Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you assert. Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the ESA directs that determinations as to whether any species is an endangered species or a threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. You may also provide your comments through verbal testimony during the public hearing (see **DATES**, **ADDRESSES**, and Public Hearing in this document).

If you submit information via *http://www.regulations.gov,* your entire submission—including your personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R3–ES–2019–0020.

Public Hearing

We have scheduled a public informational meeting and public hearing on our September 17, 2020, proposed rule to list the Big Creek crayfish and the St. Francis River crayfish (85 FR 58192). We will hold the public informational meeting and public hearing on the date and at the times listed above under *Public informational meeting and public hearing* in **DATES**. We are holding the public informational meeting and public hearing via the Zoom online video platform and via teleconference so that participants can attend remotely. For security purposes, registration is required. To listen and view the meeting and hearing via Zoom, listen to the meeting and hearing by telephone, or provide oral public comments at the public hearing by Zoom or telephone, you must register. For information on how to register, or if you encounter problems joining Zoom the day of the meeting, visit *https://www.fws.gov/midwest/endangered/index.html.* Registrants will receive the Zoom link and the telephone number for the public informational meeting and public hearing. If applicable, interested members of the public not familiar with the Zoom platform should view the Zoom video tutorials (*https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials*) prior to the public informational meeting and public hearing.

The public hearing will provide interested parties an opportunity to present verbal testimony (formal, oral comments) regarding the September 17, 2020, proposed rule to list the Big Creek crayfish and the St. Francis River crayfish as threatened with section 4(d) rules and designations of critical habitat (85 FR 58192). While the public informational meeting will be an opportunity for dialogue with the Service, the public hearing is not; it is a forum for accepting formal verbal testimony. In the event there is a large attendance, the time allotted for oral statements may be limited. Therefore, anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a prepared written copy of their statement to us through the Federal eRulemaking Portal or U.S. mail (see **ADDRESSES**, above). There are no limits on the length of written comments submitted to us. Anyone wishing to make an oral statement at the public hearing must register before the hearing (*https://www.fws.gov/midwest/endangered/index.html*). The use of a virtual public hearing is consistent with our regulations at 50 CFR 424.16(c)(3).

Reasonable Accommodation

The Service is committed to providing access to the public informational meeting and public hearing for all participants. Closed captioning will be available during the public informational meeting and public hearing. Further, a full audio and video recording and transcript of the public hearing will be posted online at *https://www.fws.gov/midwest/endangered/index.html* after the hearing. Participants will also have access to live audio during the public informational meeting and public hearing via their telephone or computer speakers. Persons with disabilities requiring reasonable accommodations to participate in the meeting and/or hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the date of the meeting and hearing to help ensure availability. An accessible version of the Service's public informational meeting presentation will also be posted online at *https://www.fws.gov/midwest/endangered/index.html* prior to the meeting and hearing (see **DATES**, above). See *https://www.fws.gov/midwest/endangered/index.html* for more information about reasonable accommodation.

Authors

The primary authors of this document are the Ecological Services staff of the Great Lakes Regional Office, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

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

[FR Doc. 2021–08504 Filed 4–26–21; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 86, No. 79
Tuesday, April 27, 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

Submission for OMB Review; Comment Request

April 22, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by May 27, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Milk and Milk Products.

OMB Control Number: 0535–0020.

Summary of Collection: The National Agricultural Statistics Service's primary function is to prepare and issue official State and national estimates of crop and livestock production, disposition, and prices and to collect information on related environmental and economic factors. Estimates of milk production and manufactured dairy products are an integral part of this program. Milk and dairy statistics are used by the U.S. Department of Agriculture to help administer price support programs and by the dairy industry in planning, pricing, and projecting supplies of milk and milk products.

General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. The legislative actions which affect these surveys are from November 2000, when Congress enacted the ''Dairy Market Enhancement Act of 2000,'' U.S. Code Title 7, Section 1621, and Public Law 106–532 which changed the program from voluntary to mandatory for reporting the moisture content of cheddar cheese plus the price and quantity of cheddar cheese, butter, non-fat dry milk, and dry whey.

Amendments have been published to the Agricultural Marketing Act of 1946 in conformance with legislated changes enacted by the Dairy Market Enhancement Act of 2000 and the Farm Security and Rural Development Act of 2002. The amendments established a program of mandatory dairy product information reporting. The program requires each manufacturer to report to the USDA information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer. In addition, entities storing dairy products are to report information on the quantity of dairy products stored. Any manufacturer or other entity that processes, markets, or stores less than 1,000,000 pounds of dairy products per year are exempt. The program will provide timely, accurate, and reliable market information; facilitate more informed marketing decisions; and promote competition in the dairy product manufacturing industry.

In April 2012 the authority for collecting Dairy Product Prices was moved from NASS to the Agricultural Marketing Service (AMS). NASS will continue to collect milk production and manufactured dairy product data under this OMB approval.

Need and Use of the Information: NASS will collect information quarterly with the Milk Production Survey. The monthly Milk and Milk Products surveys obtain basic agricultural statistics on milk production and manufactured dairy products from farmers and processing plants throughout the nation. Data are gathered for milk production, evaporated and condensed milk, dairy products, manufactured dry milk and manufactured whey products. Estimates of total milk production, number of milk cow, and milk production per cow, are used by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. The mandatory dairy product information reporting requires each manufacturer to report the price, quantity and moisture content of dairy products sold and each entity storing dairy products to report information on the quantity of dairy products stored. Collecting data less frequently would prevent USDA and the agricultural industry from keeping abreast of changes at the State and National level.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 14,450.

Frequency of Responses: Reporting: Quarterly; Monthly; Annually.

Total Burden Hours: 10,619.

Title: Feral Swine Survey.

OMB Control Number: 0535–0256.

Summary of Collection: Authority to collect these data is authorized under 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276. On February 3, 1999, Executive Order 13112 was signed by President Clinton establishing the National Invasive Species Council. The Executive Order requires that a Council of Departments dealing with invasive species be created. Currently there are 13 Departments and Agencies on the Council. A benchmark survey was conducted in 2015 in 11 States (Alabama, Arkansas, California, Florida,

Georgia, Louisiana, North Carolina, Mississippi, Missouri, South Carolina, and Texas). Target population within these states consisted of farm operations who have historically produced one or more of the following crops: Corn, soybeans, wheat, rice, peanuts or sorghum (Texas only).

In 2017, this survey will be conducted in Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, to measure the damage to livestock that is associated with the presence of feral swine. These States have high feral swine densities and a significant presence of cattle, hogs, sheep and/or goats.

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

The Agriculture Improvement Act authorizes $75,000,000 for the period of fiscal years 2019 through 2023. The funds are to be divided up by the following—50 percent shall be allocated to the Natural Resources Conservation Service (NRCS) to carry out the pilot program, including the provision of financial assistance to producers for on-farm trapping and technology related to capturing and confining feral swine; and 50 percent shall be allocated to the Animal and Plant Health Inspection Service (APHIS) to carry out the pilot program, including the use of established, and testing of innovative, population reduction methods.

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

The high reproductive rate and adaptability of feral swine has resulted in populations that have dramatically increased in size and distribution. This invasive animal now occurs across much of the United States where it causes a range of agricultural and environmental damage through depredation, rooting, and wallowing activities. Furthermore, feral swine compete with native wildlife and livestock for habitats, are carriers of exotic and endemic diseases, and transmit parasites to livestock and humans. Feral swine are considered a major emerging threat to American agriculture (Seward et al. 2004). Recent data show that the proportions of U.S. counties with agricultural production that also have feral swine present are increasing.

General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. This statute specifies that ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . . and shall distribute them among agriculturists.''

Need and Use of the Information: The purpose of the proposed survey is to develop national and State estimates of the damage feral swine cause to agricultural operations, as well as costs of controls and benefits from feral swine hunting. These estimates will be used by APHIS to determine which areas have the greatest amount of damage and where to focus efforts at dealing with the feral swine problem. Financial costs will be measured because these are easily comparable across different states and commodities.

Given the wide range of damages covered in the survey, and the fact that we are relying on estimates based on human memory, there may be compound problems that are difficult to quantify or to identify a single cause. APHIS representatives and NASS survey methodologists recognize this and took care to design the questionnaire to target only damage and losses directly attributable to feral swine.

The feral swine survey is designed to establish crucial baseline levels of damage to American producers of economically important livestock (cattle, hogs, sheep and/or goats). APHIS seeks to work cooperatively and with the assistance of other agencies at the international, Federal, State, Territorial, Tribal, and local levels, and with the cooperation of private management interests, to provide a system for allocation of project resources, and to identify management methods which may be used to address feral swine damage.

Description of Respondents: Farms.

Number of Respondents: 18,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 9,651.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08754 Filed 4–26–21; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 22, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 27, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program Case and Procedural Case Action Review Schedule (FNS–245) Negative Case Action Review Schedule.

OMB Control Number: 0584–0034.

Summary of Collection: State agencies must complete and maintain the FNS–245 Negative Case Action Review Schedule for each negative case in their SNAP Quality Control (QC) sample. States are required to document any discussions about individually sampled cases within the SNAP QC record and submit to FNS for subsequent review and auditing purposes. The legal authority for SNAP QC is in Section 16(c) of the Food and Nutrition Act of 2008, as amended; the legislative requirement for the recordkeeping requirements is Section 11(a) of the Act.

Need and Use of the Information: The FNS–245, Negative Case Action Review Schedule collects QC data and serves as the data entry form for negative case action QC reviews in the Supplemental Nutrition Assistance Program (SNAP). States submit the FNS –245 to FNS when States enter into third party contracts. FNS will use this during review for audits.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 102,001.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program (SNAP) Connection Resource Sharing Form (FNS 889).

OMB Control Number: 0584–0625.

Summary of Collection: The SNAP-Ed Library is an online database of SNAP-Ed-related materials. The SNAP-Ed Connection Resource Sharing Form (FNS 889) gives SNAP-Ed instructors, as well as those who develop nutrition education materials, the opportunity to voluntarily share information about resources that can be used to administer, develop, implement, evaluate or showcase SNAP-Ed programs. SNAP-Ed is authorized under Section 28 of the Food and Nutrition Act (FNA) of 2008, as amended through Public Law 113–79.

Need and Use of the Information: Information collected via this form enables the SNAP-Ed Connection staff to review materials for possible inclusion in the SNAP-Ed Library. By using this database, SNAP-Ed-funded programs can share resources with each other, reduce duplication of efforts, and improve program quality.

Description of Respondents: Business-for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 25.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 19.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08732 Filed 4–26–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program Education (SNAP-Ed) Toolkit Intervention Submission Form and Scoring Tool

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. This is a revision of a currently approved collection.

DATES: Written comments must be received on or before June 28, 2021.

ADDRESSES: Comments may be sent to: Adron Mason, Food and Nutrition Service, U.S. Department of Agriculture, Supplemental Nutrition Assistance Program, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via fax to the attention of Adron Mason at 703–305–0429 or via email to *SNAP-ed@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Adron Mason at *SNAP-Ed@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the SNAP-Ed Toolkit Intervention Submission Form and Scoring Tool are to provide a uniform and transparent method for submission, review, and scoring of nutrition education, physical activity promotion, and obesity prevention interventions into the *SNAP-Ed Strategies and Interventions: An Obesity Prevention Toolkit for States* (Toolkit). The Toolkit was developed to assist State agencies in locating evidence-based interventions for their implementation of SNAP-Ed programming. The Food and Nutrition Act of 2008, as amended (The Act) requires that States use evidence-based interventions. These forms allow FNS to increase the selection of interventions available in the Toolkit, increase innovation in service delivery using interventions which reflect up-to-date research, and respond to intervention developer requests to be included in the Toolkit. FNS plans to update form FNS–885 by rephrasing, modifying, or combining certain criteria where doing so will improve user experience, as well as by including updated scoring criteria that reflect the current body of interventions in the SNAP-Ed Toolkit. FNS plans to update form FNS–886 by combining, removing, and resequencing questions based on user feedback to improve user experience and reduce burden. FNS also plans to encourage high quality submissions by inserting more explicit prompts to include supplementary documentation, adding more check-box lists for submitters to use to identify the strategies they employed, increasing character limits on short-answer questions, and inserting a question on evaluation tools used by the submitter. In sum, the changes in this proposed revision are intended to streamline the forms and improve the end user experience.

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, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: SNAP-Ed Toolkit Submission Form and Scoring Tool.

Form Number: FNS–885, FNS–886.

OMB Number: 0584–0639.
Expiration Date: 6/30/2021.
Type of Request: Revision of a currently approved collection.

Abstract: SNAP-Ed State and Implementing agencies are able to identify and choose evidence-based interventions using the Toolkit. The Toolkit was developed collaboratively by FNS National and Regional Office SNAP-Ed staff, the National Collaborative on Childhood Obesity Reduction (NCCOR), and the Association of SNAP Nutrition Education Administrators (ASNNA). Currently, more than 150 interventions are available in the Toolkit (*https://snapedtoolkit.org/*). This data collection for additional interventions to be reviewed for inclusion in the Toolkit is necessary for the following reasons:

- Increase the selection available to agencies to allow them to find interventions that fit their specific needs.
- Increase innovation in service delivery by encouraging adoption of interventions which reflect the most up-to-date research of nutrition education, physical activity, and obesity prevention behavior change.
- Allow FNS to respond to requests by intervention developers to be included in the Toolkit with a clear and transparent review process and criteria for inclusion.

The Food and Nutrition Act of 2008, as amended (The Act) § 28(c)(3)(A) states that State agencies ''may use funds provided under this section for any evidence-based allowable use of funds'' including ''(i) individual and group-based nutrition education, health promotion, and intervention strategies''. 7 CFR 272.2(2)(d) also states ''SNAP-Ed activities must include evidence-based activities using one or more of these approaches: Individual or group-based nutrition education, health promotion, and intervention strategies; comprehensive, multi-level interventions at multiple complementary organizational and institutional levels; community and public health approaches to improve nutrition''. The Intervention Submission Form and Scoring Tool allows for interventions to be assessed to determine if they are both evidence-based and use one of the approaches described.

The Intervention Submission Form is be used by intervention developers (submitters) to provide information about the intervention they are submitting for inclusion in the Toolkit. Information requested includes intervention materials, how they have been and will be used, and the evidence base which illustrates their effectiveness. Information is collected through a combination of multiple-choice boxes and text response areas.

Submitters are members of State or Implementing agencies, researchers from academic institutions and Federal agencies, such as the Economic Research Service (ERS), and non-profit or private sector nutrition education and physical activity intervention developers.

Submitters are able to download, complete and submit the form at any time, although there is an annual deadline for submission for the associated year's review. Download and submission will be through the SNAP-Ed Connection website (*https://snaped.fns.usda.gov/*). Completion is voluntary.

Submission Forms and attachments are collected by FNS National Office SNAP-Ed staff and distributed to intervention reviewers (reviewers), who use the Scoring Tool to help them determine if the intervention should be included in the Toolkit. The Scoring Tool rates the intervention according to the quality of materials, usefulness for SNAP-Ed, and effectiveness as demonstrated by the evidence base provided. Reviewers are directly emailed the Intervention Scoring Tool. Numerical scores are entered by reviewers as well as qualitative responses which clarify why an intervention was or was not included in the Toolkit. Information is collected through a combination of numerical and text entry fields.

Reviewers are FNS National and Regional Office SNAP-Ed staff, nutrition program staff from other Federal agencies, such as Centers for Disease Control and Prevention (CDC), researchers from academic institutions, and SNAP-Ed State and Implementing agency staff.

The review period occurs annually, with reviewers completing the Scoring Tool and discussing inclusion in the Toolkit. Participation as a reviewer is voluntary, with completion of the Scoring Tool a mandatory component of review participation.

As this collection is nearing its expiration date, FNS it using the Revision process to implement a number of improvements aimed primarily at improving the user experience. For the FNS–885, these changes are anticipated to include:

- In Section I, the addition of one scoring factor prompt and the modification of another to encourage reviewers to reflect on aspects of equity.
- In Section II, the removal of two scoring factor prompts to reduce burden and the modification or insertion of eight existing or new prompts for clarity and to give reviewers the opportunity to reflect more fully on the effectiveness of the submitted intervention.
- In Section III, the removal of one question to reduce burden, and minor edits throughout to streamline and improve readability.
- In Section IV, the removal of one question to reduce burden, the modification of one prompt to explicitly reference intervention cost, and minor edits for readability.
- In Section V, the removal of a scoring factor not requested in FNS–886 (Submission Form), the inclusion of cost as a factor in keeping with Section IV, and the removal of a reviewer comments section to reduce burden.
- In the Bonus Questions, an updated list of underrepresented settings, reflecting the current body of SNAP-Ed Toolkit resources, for which interventions can be awarded bonus points, and the insertion of a new question to allow reviewers to reflect on the quality of materials submitted throughout the review process.

For the FNS–886, the following updates are projected:

- In Section I, the replacement of a fill-in-the blank space with ''Yes or No'', and an additional sentence encouraging submitters to reference the materials they attach in the appendices.
- In Section II, new questions containing prompts for the submitter to list the approaches used in their intervention, and definitions to accompany a question requiring submitters to identify their intervention from a series of approaches listed in checkboxes.
- In Section III, a renumbering of questions due to the insertion of new questions in Section II.
- In Section IV, a new question asking submitters to identify tools they used to evaluate their intervention, a simplified question on which outcomes the intervention achieved, and an increased character limit on a question on evidence findings included in the submission. This section also includes minor updates for readability, and renumbering to reflect the newly inserted questions.
- In Section V, renumbering to reflect newly inserted questions.
- In Section VI, a clarification of what training is required to implement the intervention, as well as renumbering to reflect newly inserted questions.
- In Section VII, new instructions clarifying that submitters should describe how evaluation and modification addressed intervention sustainability concerns, and

renumbering to reflect newly inserted questions.

- In Section VIII, additional instructions to help developers name and reference their attachments throughout the submission form.
- In Section IX, additional instructions to help developers name and reference their attachments throughout the submission form.

These updates were made based on FNS' own findings and feedback from users since the forms' introduction in 2018. FNS has refined and streamlined where real-world use has indicated this is possible, and included additional instructions, questions, or opportunities for response where users, trainers, and FNS partners indicated areas for improvement. FNS has also made small wording changes to fix typos and improve readability. Overall, the changes to the form are focused on quality-of-life improvements and burden reductions for the end user. In small-scale pilot testing, users completed the revised FNS–885 approximately one hour sooner and the revised FNS–886 approximately took one hour longer. As indicated in the table below, these proposed revisions reduce Annual Burden on the public from 668 hours to 523 hours.

Affected Public: SNAP-Ed State and Implementing agencies, such as extension universities, non-profit organizations, and local program operators. Intervention developers may be members of these organizations, academic institutions not associated with SNAP-Ed, non-profit organizations, and private organizations who voluntarily complete the Intervention Submission Form. Members of FNS SNAP-Ed staff, NCCOR and ASNNA members can voluntarily review interventions using the Intervention Scoring Tool.

Estimated Number of Respondents: We estimate 127 respondents.

Estimated Number of Responses per Respondent: 1 (Intervention Submission form), 2 (Intervention Scoring Tool).

Estimated Total Annual Responses: 160.

Estimated Time per Response: 120 Minutes (Intervention Submission Form), 360 Minutes (Intervention Scoring Tool).

Estimated Total Annual Burden on Respondents: 31,380 minutes (523 hours). See the table below for estimated total annual burden for each type of respondent.

Respondent category	Type of respondents	Instruments	Form	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)
State/Local/Tribal Government.	SNAP-Ed State and Implementing Agency Dietitians & Nutritionists.	Intervention Submission Form.	FNS–886 ..	39	1	39	6	234.0
		Scoring Tool	FNS–885 ..	22	2	44	2	88.0
		Scoring Tool (Training)	FNS–885 ..	22	1	22	1	22.0
Subtotal: State/Local/Tribal Government.	.....	.....	.....	83	1.2651	105	3.2762	344.0
Business, Non-Profit	Biological Sciences Teachers, Postsecondary.	Intervention Submission Form.	FNS–886 ..	15	1	15	6	90.0
		Intervention Submission Form (Pretesting).	FNS–886 ..	2	1	2	6	12.0
		Scoring Tool	FNS–885 ..	7	2	14	2	28.0
		Scoring Tool (Pretesting).	FNS–885 ..	2	1	2	2	4.0
		Scoring Tool (Training)	FNS–885 ..	7	1	7	1	7.0
Subtotal: Business, Non-Profit.	.....	.....	.....	33	1.2121	40	3.5250	141.0
Business, Profit	Dietitians and Nutritionists.	Intervention Submission Form.	FNS–886 ..	3	1	3	6	18.0
		Scoring Tool	FNS–885 ..	4	2	8	2	16.0
		Scoring Tool (Training)	FNS–885 ..	4	1	4	1	4.0
Subtotal: Business, Profit.	.....	.....	.....	11	1.3636	15	2.5333	38.0
Total	.....	.....	.....	127	1.2598	160	3.2688	523.0

Cynthia Long,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2021–08707 Filed 4–26–21; 8:45 am]

BILLING CODE 3410–30–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 Wednesday, May 26, 2021 at 11:00 a.m. (CT). The purpose is to review a statement on hates crimes and to discuss and vote on a report on fair housing.

DATES: Wednesday, May 26, 2021 at 11:00 a.m. (CT).

ADDRESSES: Public Webex Conference Registration Link (video and audio): *https://bit.ly/32rEvir;* password (if necessary): USCCR–ND–MAY2020.

To Join by Phone Only: Dial 1–800–360–9505; Access code: 199 587 4894.

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

Wednesday, May 26, 2021; 11:00 a.m. (CT)

1. Roll call
2. Review/Vote Statement on Hate Crimes
3. Discuss/Vote on Fair Housing Report
4. Next Steps
5. Public Comment
6. Other Business
7. Adjourn

Dated: April 22, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–08780 Filed 4–26–21; 8:45 am]

BILLING CODE 6335–01–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, April 30, 2021, 2:00 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Angelia Rorison: 202–376–7700; *publicaffairs@usccr.gov.*

ADDRESSES: Meeting to take place by telephone and is open to the public by telephone: 1–855–710–4184, Conference ID #: 435–9779. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, April 30th, 2021 is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Motion To Approve Commissioner Norma Cantú to Serve as USCCR Chair
II. Approval of Agenda
III. Business Meeting
  A. Discussion and Vote on Statement of Walter E. Williams;
  B. Discussion and Votes on Anti-Asian American Hate;
  C. Discussion and Vote To Continue the Policy of Rebuttals and Surrebuttals;
  D. Discussion and Vote To Suspend Speaker Series;
  E. Discussion and Agreement To Appoint Bipartisan Commissioners to EAC
  F. Discussion and Vote on NC SAC
  G. Management and Operations
  • Staff Director's Report
IV. Adjourn Meeting

Dated: April 21, 2021.

Angelia Marie Rorison,

USCCR Media and Communications Director.

[FR Doc. 2021–08851 Filed 4–23–21; 4:15 pm]

BILLING CODE P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturers' Unfilled Orders Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 17, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Manufacturers' Unfilled Orders Survey.

OMB Control Number: 0607–0561.

Form Number(s): MA–3000.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 6,000.

Average Hours per Response: 30 minutes.

Burden Hours: 3,000.

Needs and Uses: The data collected in the Manufacturers' Unfilled Orders (M3UFO) Survey will be used to benchmark the new and unfilled orders information published in the monthly Manufacturers' Shipments, Inventories, and Orders (M3) Survey. The M3 Survey collects monthly data on the value of shipments, inventories, and new and unfilled orders from manufacturing companies. The orders, as well as the shipments and inventory data, are valuable tools for analysts of business cycle conditions. The data are used by the Bureau of Economic Analysis, the Council of Economic Advisers, the Federal Reserve Board, the Conference Board, as well as businesses, trade associations, and the media.

The monthly M3 Survey estimates are based on a panel of approximately 5,000 reporting units that represent approximately 3,100 companies and provide an indication of month-to-month change for the Manufacturing Sector. These reporting units may be divisions of diversified large companies, large homogenous companies, or single-unit manufacturers. The M3 estimates are periodically benchmarked to comprehensive data on the manufacturing sector from the Annual Survey of Manufactures (ASM), the Economic Census (shipments and inventories) and the M3UFO Survey, which is the subject of this notice. To obtain more accurate M3 estimates of unfilled orders, which are also used in deriving M3 estimates of new orders, we conduct the M3UFO Survey annually to be used as the source for benchmarking M3 unfilled orders data.

Additionally, the M3UFO data are used to determine which North American Industry Classification System (NAICS) industries continue to maintain unfilled orders; this is done in order to minimize burden on businesses by only requesting unfilled orders as part of the monthly M3 Survey for industries that still maintain unfilled orders.

Unfilled orders data are not currently collected in the ASM or the Economic

Census. Research is currently being conducted on the feasibility of adding M3UFO questions to the ASM for Survey Year 2021 at the establishment levels.

There are no changes to the MA–3000 form, which is used to conduct the M3UFO survey.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0561.

Sheleen Dumas,

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

[FR Doc. 2021–08757 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–902]

Organic Soybean Meal From India: Initiation of Countervailing Duty Investigation

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

DATES: Applicable April 20, 2021.

FOR FURTHER INFORMATION CONTACT: Lauren Caserta at (202) 482–4737, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On March 31, 2021, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of organic soybean meal from India, filed in proper form on behalf of the Organic Soybean Processors of America and eight domestic processors of organic soybean meal.[1] On April 6, 2021, these companies filed an amendment to Volume I of the Petition and ''a change of petitioner'' status on behalf of the Organic Soybean Processors of America, stating that the petitioners now consisted of the Organic Soybean Processors of America and seven domestic processors (collectively, the petitioners).[2] The Petition was accompanied by the antidumping duty (AD) petition concerning organic soybean meal from India.[3]

On April 5 and 15, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition.[4] The petitioners filed responses to these requests on April 7, 9, and 16, 2021.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of India (GOI) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of organic soybean meal in India, and that imports of such products are materially injuring, or threatening material injury to, the domestic industry producing organic soybean meal in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (E)-(G) of the Act.[6] Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested CVD investigation.[7]

Period of Investigation

Because the Petition was filed on March 31, 2021, the period of investigation (POI) for this CVD investigation is January 1, 2020, through December 31, 2020, pursuant to 19 CFR 351.204(b)(2).

Scope of the Investigation

The product covered by this investigation is organic soybean meal from India. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on Scope of the Investigation

On April 5 and 9, 2021, Commerce requested further information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[8] On April 7, 2021, the petitioners revised the scope.[9] The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

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

[1] *See* Petitioners' Letter, ''Petition for the Imposition of Antidumping and Countervailing Duties: Organic Soybean Meal from India,'' dated March 31, 2021 (the Petition).

[2] *See* Petitioners' Letter, ''Organic Soybean Meal from India: The Petitioners' Amendment to Volume I Relating to General Issues and Change of Petitioner Status,'' dated April 6, 2021 (General Issues Amendment).

[3] *Id.*

[4] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Organic Soybean Meal from India: Supplemental Questions,'' (General Issues Supplemental) and ''Petition for the Imposition of Countervailing Duties on Imports of Organic Soybean Meal from India: Supplemental Questions,'' both dated April 5, 2021; and Commerce's Letter, ''Petition for the Imposition of Countervailing Duties on Imports of Organic Soybean Meal from India: Additional Supplemental Questions,'' dated April 15, 2021.

[5] *See* Petitioners' Letters, ''Organic Soybean Meal from India: Petitioners' Response to Supplemental General Questions,'' dated April 7, 2021 (General Issues Supplement), ''Organic Soybean Meal from India: Petitioners' Response to Supplemental CVD Questions,'' dated April 9, 2021; and ''Organic Soybean Meal from India: Petitioners' Response to Additional Supplemental CVD Questions,'' dated April 16, 2021.

[6] *See* Petition at Volume I at 4.

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

[8] *See* General Issues Supplemental at 1–2; *see also* Memorandum, ''Phone Call with Petitioners Counsel,'' dated April 9, 2021.

[9] *See* General Issues Supplement at 2–5.

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

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

5:00 p.m. ET on May 20, 2021, which is 10 calendar days from the initial comment deadline.

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

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[13]

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOI of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.[14] Representatives from the GOI notified Commerce that they were unable to schedule consultations prior to the deadline for initiation. Commerce has offered the GOI the opportunity to meet after initiation.[15]

Determination of Industry Support for the Petition

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

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[16] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[17]

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

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.[18] Based on our analysis of the information submitted on the record, we have determined that organic soybean meal, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[19]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2020.[20] To estimate total production of the domestic like product for the entire U.S. industry, the petitioners relied on production data from a report prepared by Agromeris, LLC (Agromeris), a consulting firm that focuses on the food and agricultural industry.[21] We relied on data provided by the petitioners for purposes of measuring industry support.[22]

Our review of the data provided in the Petition, the General Issues Amendment, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition. First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not

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

[13] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* Commerce's Letter, ''Countervailing Duty Petition on Organic Soybean Meal from India: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated April 5, 2021.

[15] *See* GOI's Letter, ''Scheduling of Pre-Initiation Consultation for Countervailing Duty Petition on Organic Soybean Meal from India,'' dated April 15, 2021; *see also,* Memorandum, ''Countervailing Duty Investigation of Organic Soybean Meal from India: Ex Parte Communication Regarding Petition Consultation Deadline,'' dated April 16, 2021.

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

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

[18] *See* Petition at Volume I at 21–27 and Exhibits I–3 through I–5, I–7, I–10, I–14 through I–20, I–25 through I–27 and I–29.

[19] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Checklist, ''Countervailing Duty Investigation Initiation Checklist: Organic Soybean Meal from India,'' dated concurrently with this notice and on file electronically via ACCESS (CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Organic Soybean Meal from India (Attachment II).

[20] *See* Petition at Volume I at 7–8 and Exhibits I–4 through I–6; *see also* ''Organic Soybean Meal from India: The Petitioners' Amendment to Volume I Relating to General Issues and Change of Petitioner Status,'' dated April 6, 2021 (General Issues Amendment) at 5 and Exhibit I–6–S.

[21] *See* Petition at Volume I at 7–8 and Exhibits I–3 through I–5; *see also* General Issues Amendment at 5.

[22] *See* Petition at Volume I at 6–9 and Exhibits I–2 through I–6; *see also* General Issues Amendment at 4–6 and Exhibit I–6–S. For further discussion, *see* Attachment II of the CVD Initiation Checklist.

required to take further action in order to evaluate industry support (*e.g.,* polling).[23] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[24] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[25] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[26]

Injury Test

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

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[27]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; reduced levels of capacity utilization; declining sales and profitability; and mill curtailments and closures.[28] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[29]

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that it meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of Organic soybean meal from India benefit from countervailable subsidies conferred by the GOI. Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all 50 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioners named 19 companies in India as producers/exporters of organic soymeal.[30] In the event Commerce determines that the number of exporters or producers in any individual case is large such that Commerce cannot individually examine each company based upon its resources, where appropriate, Commerce typically selects mandatory respondents in that case based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed in the ''Scope of the Investigations,'' in the appendix. There are two HTSUS subheadings in the scope of this investigation, 1208.10.0010 and 2304.00.0000; subheading 2304.00.0000 covers imports of both organic and non-organic soybean meal.[31] Therefore, we cannot rely on CBP entry data in selecting respondents. We intend to issue quantity and value (Q&V) questionnaires to each potential respondent for which the petitioners have provided a complete address.

Producers/exporters of organic soybean meal from India that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain the Q&V questionnaire from E&C's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Responses to the Q&V questionnaire must be submitted by the relevant Indian producers/exporters no later than 5:00 p.m. ET on May 5, 2021. All Q&V responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOI via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that subject imports are materially injuring or threatening material injury to a U.S. industry.[32] A negative ITC determination will result in the investigation being terminated.[33] Otherwise, this CVD investigation will proceed according to the statutory and regulatory time limits.

[23] *See* CVD Initiation Checklist at Attachment II; *see also* section 702(c)(4)(D) of the Act.

[24] *See* CVD Initiation Checklist at Attachment II.

[25] *Id.*

[26] *Id.*

[27] *See* Petition at Volume I at 30 and Exhibit I–30; *see also* General Issues Supplement at 6.

[28] *See* Petition at Volume I at 2–3, 21, 27–42 and Exhibits I–3 through I–5, I–22, and I–28 through I–33; *see also* General Issues Amendment at 6; and General Issues Supplement at 6 and Exhibit I–22–S.

[29] *See* CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Organic Soybean Meal from India (Attachment III).

[30] *See* Petition at Volume I at I–24.

[31] While HTSUS subheading 1208.10.0010 is specific to organic soybean meal, HTSUS subheading 2304.00.0000 (which includes soybean meal in the form of cake, chips, or flakes) is not. The Petition alleges significant quantities of organic soybean meal enter under both subheadings: ''The petitioners recognize that the HTSUS provides for the organic-certified product in HTSUS subheading 1208.10.0010. However, a review of the relevant USDA FAF's Global Cultural Trade System (GATS) data demonstrates that imports of OSBM enter U.S. ports of entry utilizing HTSUS heading 2304, which is typically used for conventional soybean meal.'' *See* Petition at 19.

[32] *See* section 703(a) of the Act.

[33] *Id.*

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [34] 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.[35] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; Commerce will grant untimely filed requests for the extension of time limits only in limited cases where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulation concerning extension of time limits prior to submitting extension requests or factual information in this investigation.[36]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties must use the certification formats provided in 19 CFR 351.303(g).[38] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise subject to the investigation is certified organic soybean meal. Certified organic soybean meal results from the mechanical pressing of certified organic soybeans into ground products known as soybean cake, soybean chips, or soybean flakes, with or without oil residues. Soybean cake is the product after the extraction of part of the oil from soybeans. Soybean chips and soybean flakes are produced by cracking, heating, and flaking soybeans and reducing the oil content of the conditioned product. ''Certified organic soybean meal'' is certified by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) or equivalently certified to NOP standards or NOP-equivalent standards under an existing organic equivalency or recognition agreement.

Certified organic soybean meal subject to this investigation has a protein content of 34 percent or higher.

Organic soybean meal that is otherwise subject to this investigation is included when incorporated in admixtures, including but not limited to prepared animal feeds. Only the organic soybean meal component of such admixture is covered by the scope of this investigation.

The products covered by this investigation are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 1208.10.0010 and 2304.00.0000. Certified organic soybean meal may also enter under HTSUS 2309.90.1005, 2309.90.1015, 2309.90.1010, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, and 2308.00.9890.

The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

[FR Doc. 2021–08711 Filed 4–26–21; 8:45 am]

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

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

[36] *See* 19 CFR 351.302; *see also, e.g., Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

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

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

DEPARTMENT OF COMMERCE

International Trade Administration

[A–525–001, A–351–854, A–891–001, A–729–803, A–428–849, A–533–895, A–560–835, A–475–842, A–523–814, A–485–809, A–801–001, A–856–001, A–791–825, A–469–820, A–583–867, A–489–839]

Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and the Republic of Turkey: Antidumping Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on Common Alloy Aluminum Sheet (aluminum sheet) from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Turkey (Turkey).

DATES: Applicable April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Allison Hollander at (202) 482–2805 (Bahrain); Shanah Lee at (202) 482–6386 (Brazil); Irene Gorelik at (202) 482–6905 (Croatia); Magd Zalok at (202) 482–4162 (Egypt); Jonathan Hill at (202) 482–3518 (Germany); Jasun Moy at (202) 482–8194 (India); Preston Cox at (202) 482–5041 (Indonesia); Elfi Blum at (202) 482–0197 (Italy); Chelsey Simonovich at (202) 482–1979 (Oman); Krisha Hill at (202) 482–4037 (Romania); Katherine Johnson at (202) 482–4929 (Serbia); Faris

Montgomery at (202) 482–2805 (Slovenia); Laurel LaCivita at (202) 482–4243 (South Africa); Whitley Herndon at (202) 482–6247 (Spain); Kathryn Turlo at (202) 482–3870 (Taiwan); and Sean Carey at (202) 482–3964 (Turkey); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 2021, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey.[1] On April 20, 2021, the ITC notified Commerce of its final determinations, pursuant to section 735(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, and its negative critical circumstances finding with respect to dumped imports of aluminum sheet from Indonesia.[2]

Scope of the Orders

The products covered by these orders are aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey. For a complete description of the scope of these orders, *see* the appendix to this notice.

Antidumping Duty Orders

On April 20, 2021, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of imports of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey.[3] Therefore, in accordance with section 735(c)(2) of the Act, Commerce is issuing these antidumping duty orders. Because the ITC determined that imports of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey are materially injuring a U.S. industry, unliquidated entries of such merchandise from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey. With the exception of entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determinations, as further described below, antidumping duties will be assessed on unliquidated entries of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey entered, or withdrawn from warehouse, for consumption, on or after October 15, 2020, the date of publication of the *Preliminary Determinations.*[4]

[1] *See Common Alloy Aluminum Sheet From Bahrain: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13331 (March 8, 2021); *Common Alloy Aluminum Sheet From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13302 (March 8, 2021); *Common Alloy Aluminum Sheet From Croatia: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13312 (March 8, 2021); *Common Alloy Aluminum Sheet From Egypt: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13324 (March 8, 2021); *Common Alloy Aluminum Sheet From Germany: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13318 (March 8, 2021); *Common Alloy Aluminum Sheet From India: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13282 (March 8, 2021); *Common Alloy Aluminum Sheet From Indonesia: Final Affirmative Determination of Sales at Less Than Fair Value, and Final Affirmative Finding of Critical Circumstances,* 86 FR 13304 (March 8, 2021); *Common Alloy Aluminum Sheet From Italy: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13311 (March 8, 2021); *Common Alloy Aluminum Sheet From Romania: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13320 (March 8, 2021); *Common Alloy Aluminum Sheet From Serbia: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13295 (March 8, 2021) ; *Common Alloy Aluminum Sheet From Slovenia: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13305 (March 8, 2021); *Common Alloy Aluminum Sheet From South Africa: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13287 (March 8, 2021); *Common Alloy Aluminum Sheet From Spain: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13298 (March 8, 2021); *Common Alloy Aluminum Sheet From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13293 (March 8, 2021); *Common Alloy Aluminum Sheet From Oman: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13328 (March 8, 2021); *Common Alloy Aluminum Sheet From Turkey: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 13326 (March 8, 2021) (collectively *Final Determinations*). The final affirmative determination for Turkey was inadvertently published under the case number for Italy (A–475–842). The correct case number for Turkey is A–489–839.

[2] *See* ITC Notification Letter, Investigation Nos. 701–TA–639 and 641–642 and 731–TA–1475–1479, 1481–1483, and 1485–1492 (Final) dated April 20, 2021 (ITC Notification Letter).

[3] *See* ITC Notification Letter.

[4] *See Common Alloy Aluminum Sheet From Bahrain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65372 (October 15, 2020); *Common Alloy Aluminum Sheet From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures* 85 FR 65363 (October 15, 2020); *Common Alloy Aluminum Sheet From Croatia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65384 (October 15, 2020) ; *Common Alloy Aluminum Sheet From Egypt: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65382 (October 15, 2020); *Common Alloy Aluminum Sheet From Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65386 (October 15, 2020); *Common Alloy Aluminum Sheet From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65377 (October 15, 2020); *Common Alloy Aluminum Sheet From Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances,* 85 FR 65356 (October 15, 2020) (*Indonesia Preliminary Determination*); *Common Alloy Aluminum Sheet From Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65342 (October 15, 2020); *Common Alloy Aluminum Sheet From the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Determination of Critical Circumstances, and Postponement of Final Determination,* 85 FR 65340 (October 15, 2020); *Common Alloy Aluminum Sheet From Romania: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 85 FR 65358 (October 15, 2020); *Common Alloy Aluminum Sheet From Serbia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65370 (October 15, 2020); *Common Alloy Aluminum Sheet From Slovenia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final*

Continuation of Suspension of Liquidation

Except as noted in the ''Provisional Measures'' section of this notice, in accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and Turkey. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on subject merchandise, a cash deposit equal to the rates listed below. The relevant all-others rate applies to all producers or exporters not specifically listed.

Because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Manaksia Aluminium Company Limited, entries of shipments of subject merchandise from this producer/exporter combination are excluded from the antidumping duty order on subject merchandise from India. Because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Laminazione Sottile S.p.A., entries of shipments of subject merchandise from this producer/exporter combination are excluded from the antidumping duty order on subject merchandise from Italy. These exclusions will not be applicable to merchandise exported to the United States by these respondents in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combinations.

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of aluminum sheet from Indonesia, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 17, 2020 (*i.e.,* 90 days prior to the date of the publication of the *Indonesia Preliminary Determination*), but before October 15, 2020 (*i.e.,* the date of publication of the *Indonesia Preliminary Determination*).

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, Commerce extended the four-month period to six months in each of these investigations. Commerce published the preliminary determinations in these investigations on October 15, 2020.[5]

The extended provisional measures period, beginning on the date of publication of the *Preliminary Determinations,* ends on April 12, 2021. Therefore, in accordance with section 733(d) of the Act and our practice,[6] Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey entered, or withdrawn from warehouse, for consumption after April 12, 2021, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

BAHRAIN

Exporter/producer	Estimated weighted-average dumping margin (percent)
Gulf Aluminium Rolling Mill B.S.C. (GARMCO)	4.83
All Others	4.83

BRAZIL

Exporter/producer	Weighted-average dumping margin (percent)
Companhia Brasileiro de Aluminio	137.06
Novelis do Brasil Ltda	49.61
All Others	49.61

CROATIA

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol-TLM d.o.o.[7]	3.19
All Others	3.19

Determination, and Extension of Provisional Measures, 85 FR 65349 (October 15, 2020); *Common Alloy Aluminum Sheet From South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65351 (October 15, 2020); *Common Alloy Aluminum Sheet From Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65367 (October 15, 2020); *Common Alloy Aluminum Sheet From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65361 (October 15, 2020); *Common Alloy Aluminum Sheet From Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 65346 (October 15, 2020) (collectively, *Preliminary Determinations*).

[5] *See Preliminary Determinations, and Common Alloy Aluminum Sheet from Indonesia and Romania: Postponement of Final Determinations of Less-Than-Fair-Value Investigations,* 85 FR 1049 (November 6, 2020).

[6] *See, e.g., Certain Corrosion-Resistant Steel Products from India, India, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390, 48392 (July 25, 2016).

EGYPT

Exporter/producer	Estimated weighted-average dumping margin (percent)
Aluminium Co. of Egypt (Egyptalum)/Egyptian Copper Works Company	12.11
All Others	12.11

GERMANY

Exporter/producer	Estimated weighted-average dumping margin (percent)
Hydro Aluminium Rolled Products GmbH	242.80
Novelis Deutschland GmbH	49.40
All Others	49.40

INDIA

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Hindalco Industries Limited	47.92	44.64
Manaksia Aluminium Company Limited	0.00	0.00
All Others	47.92	44.64

INDONESIA

Exporter/producer	Estimated dumping margin (percent)
Pt. Alumindo Light Metal Industry Tbk	32.12
All Others	32.12

ITALY

Exporter/producer	Estimated weighted-average dumping margin (percent)
Laminazione Sottile S.p.A.	0.00
Profilglass S.p.A	29.13
All Others	14.57

OMAN

Exporter/producer	Estimated weighted-average dumping margin (percent)
Oman Aluminium Rolling Company	5.29
All Others	5.29

ROMANIA

Exporter/producer	Estimated dumping margin (percent)
Alro, SA [8]	37.26
All Others	12.51

SERBIA

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol Seval, a.d.[9]	11.67
Otovici Doo	25.84
All Others	11.67

SLOVENIA

Exporter/producer	Estimated weighted-average dumping margin (percent)
Impol d.o.o./Impol FT, d.o.o.[10]	13.43
All Others	13.43

SOUTH AFRICA

Exporter/producer	Estimated weighted-average dumping margin (percent)
Hulamin Operations (Pty) Ltd	8.85
All Others	8.85

SPAIN

Exporter/producer	Estimated weighted-average dumping margin (percent)
Aludium Transformacion de Productos, S.L	3.80
Compania Valenciana de Aluminio Baux S.L.U./Bancolor Baux S.L.U	24.23

SPAIN—Continued

Exporter/producer	Estimated weighted-average dumping margin (percent)
All Others	3.80

TAIWAN

Exporter/producer	Estimated weighted-average dumping margin (percent)
C.S. Aluminium Corporation	17.50
All Others	17.50

TURKEY

Exporter/producer	Estimated weighted-average dumping margin (percent)
Assan Aluminyum Sanayi ve Ticaret A.S	2.02
Teknik Aluminyum Sanayi A.S	13.56
All Others	4.85

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://*

[7] The final rate calculated for Impol applies to subject merchandise produced by Impol-TLM d.o.o. and exported by either Impol-TLM d.o.o. (Croatia) or Impol d.o.o. (Slovenia).

[8] On April 8, 2020, Alro, SA and its affiliate Vimetco Management Romania, SRL, notified Commerce that ''Vimetco Group'' is not a legal entity but that the name reflects a collection of companies including Alro, SA. Additionally, Alro, SA noted that its name is ''Alro, SA'' rather than ''Alro, S.A.'' as stated in the *Initiation Notice. See* Alro, SA's Letter, ''Common Alloy Aluminum Sheets from Romania, A–385–809; Clarification of Company Names,'' dated April 8, 2020. Given that Vimetco Group is not a legal entity but refers to a group of companies in which Alro, SA is the only producer, seller, and exporter of aluminum sheet, we have assigned the dumping rate to Alro, SA.

[9] The final rate calculated for Impol applies to subject merchandise produced by Impol Seval and exported by either Impol Seval (Serbia) or Impol d.o.o. (Slovenia).

[10] The final rate calculated for Impol applies to subject merchandise produced by Impol FT, d.o.o. and exported by either Impol FT, d.o.o. or Impol d.o.o.

enforcement.trade.gov/stats/iastats1.html.

These antidumping duty orders are published in accordance with sections 735(e) and 736(a) of the Act and 19 CFR 351.224(e) and 19 CFR 351.211(b).

Dated: April 21, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these orders includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these orders is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of these orders may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2021–08713 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–872]

Finished Carbon Steel Flanges From India: Final Results of Countervailing Duty Administrative Review and Partial Rescission, 2018

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of finished carbon steel flanges (steel flanges) from India during the period of review, January 1, 2018, through December 31, 2018.

DATES: Applicable April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121 and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review on December 10, 2020. For a history of events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[1] On March 23, 2021, Commerce extended the deadline for the final results of this administrative review. The revised deadline for the final results of this administrative review is now April 30, 2021.[2] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order is steel flanges. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues raised by interested parties, and to which Commerce responded in the Issues and Decision Memorandum, is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Changes Since the Preliminary Results

Based on comments received and record evidence, Commerce made certain changes to the *Preliminary Results.* These changes are explained in the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd (RNG) are above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Norma and RNG using publicly ranged sales data submitted by the respondents.[3] This is consistent with the methodology that we would use in an investigation to establish the all-others rate, pursuant to section 705(c)(5)(A) of the Act.

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[1] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018 Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India,'' dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

[2] *See* Memorandum, ''Finished Carbon Steel Flanges from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 01/01/2018–12/31/2018,'' dated March 23, 2021.

[3] *See* Memorandum, ''Countervailing Duty Administrative Review: Finished Carbon Steel Flanges from India; 2018 Final Results Calculation for the 'All-Others' Rate,'' dated concurrently with this notice.

Partial Rescission

In the *Preliminary Results,* we stated that we intended to rescind this review with respect to Bebitz U.S.A., Inc. and Silbo Industries, Inc.[4] We received no comments on this issue. Therefore, we are rescinding this administrative review with respect to Bebitz U.S.A., Inc. and Silbo Industries, Inc.

Final Results of Administrative Review

We determine that, for the period of January 1, 2018, through December 31, 2018, the following total estimated net countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Norma (India) Ltd[5]	5.61
R.N. Gupta & Co. Ltd	5.04
Companies Not Selected for Individual Examination[6]	5.32

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Consistent with its recent notice,[7] Commerce intends to issue assessment instructions, including assessment instructions for those companies for which we rescinded the review,[8] 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 Rates

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Date: April 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Partial Rescission
IV. Changes Since the *Preliminary Results*
V. Scope of the Order
VI. Period of Review
VII. Subsidies Valuation Information
VIII. Analysis of Programs
IX. Analysis of Comments
X. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Adinath International
2. Allena Group
3. Alloyed Steel
4. Bebitz Flanges Works Private Limited
5. C.D. Industries
6. CHW Forge
7. CHW Forge Pvt. Ltd.
8. Citizen Metal Depot
9. Corum Flange
10. DN Forge Industries
11. Echjay Forgings Limited
12. Falcon Valves and Flanges Private Limited
13. Heubach International
14. Hindon Forge Pvt. Ltd.
15. Jai Auto Pvt. Ltd.
16. Kinnari Steel Corporation
17. Mascot Metal Manufacturers
18. M F Rings and Bearing Races Ltd.
19. OM Exports
20. Punjab Steel Works (PSW)
21. Raaj Sagar Steel
22. Ravi Ratan Metal Industries
23. R. D. Forge
24. Rolex Fittings India Pvt. Ltd.
25. Rollwell Forge Pvt. Ltd.
26. SHM (ShinHeung Machinery)
27. Siddhagiri Metal & Tubes
28. Sizer India
29. Steel Shape India
30. Sudhir Forgings Pvt. Ltd.
31. Tirupati Forge

[FR Doc. 2021–08712 Filed 4–26–21; 8:45 am]

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[4] *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 3.

[5] We found that the following companies are cross-owned in accordance with 19 CFR 351.526(B)(6)(vi): Norma (India) Ltd., USK Export Private Limited (USK), Uma Shanker Khandelwal and Co., (UMA) and Bansidhar Chiranjilal (BCL). *See Preliminary Results* and accompanying Preliminary Decision Memorandum at 8.

[6] *See* Appendix II.

[7] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

[8] *See Preliminary Results.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–525–002, C–533–896, C–489–840]

Common Alloy Aluminum Sheet From Bahrain, India, and the Republic of Turkey: Countervailing Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the countervailing duty orders on common alloy aluminum sheet (aluminum sheet) from Bahrain, India, and the Republic of Turkey (Turkey).

DATES: Applicable April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer at (202) 482–0410 (Bahrain); Benito Ballesteros at (202) 482–7425 (India); and Gene Calvert at (202) 482–3586 (Turkey); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on March 8, 2021, Commerce published its affirmative final determinations that countervailable subsidies are being provided to producers and exporters of aluminum

sheet from Bahrain, India, and Turkey.[1] On April 20, 2021, the ITC notified Commerce of its affirmative final determinations that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of subject merchandise from Bahrain, India, and Turkey, and its negative critical circumstances finding with respect to imports of aluminum sheet from Turkey.[2]

Scope of the Orders

The products covered by these orders are aluminum sheet from Bahrain, India, and Turkey. For a complete description of the scope of these orders, *see* the appendix to this notice.

Countervailing Duty Orders

On April 20, 2021, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of subsidized imports of aluminum sheet from Bahrain, India, and Turkey.[3] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of aluminum sheet from Bahrain, India, and Turkey are materially injuring a U.S. industry, unliquidated entries of such merchandise from Bahrain, India, and Turkey, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of aluminum sheet from Bahrain, India, and Turkey. With the exception of entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final affirmative injury determinations, as further described below, countervailing duties will be assessed on unliquidated entries of aluminum sheet from Bahrain, India, and Turkey entered, or withdrawn from warehouse, for consumption on or after August 14, 2020, the date of publication of the *Preliminary Determinations*.[4]

In the investigation of aluminum sheet from Turkey, because Commerce's preliminary determination was negative with respect to Teknik Aluminyum Sanayi A.S. (Teknik), we did not instruct CBP to suspend liquidation of Teknik's entries of aluminum sheet from Turkey from the date of the *Preliminary Determinations.* Commerce's final determination concerning aluminum sheet from Turkey, however, was affirmative with respect to Teknik and, therefore, we directed CBP to suspend liquidation for Teknik's entries from the date of publication of the *Turkey Final Determination*.[5] Accordingly, with respect to Teknik, countervailing duties will continue to be assessed on unliquidated entries of aluminum sheet entered, or withdrawn from warehouse, for consumption on or after March 8, 2021, the date of publication of the *Turkey Final Determination.*

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will instruct CBP to reinstitute (or continue) the suspension of liquidation of aluminum sheet from Bahrain, India, and Turkey, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would deposit estimated normal customs duties on this merchandise, a cash deposit equal to the rates listed in the table below. These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

BAHRAIN

Company	Subsidy rate (percent)
Gulf Aluminium Rolling Mill B.S.C	6.44
All Others	6.44

INDIA

Company	Subsidy rate (percent)
Hindalco Industries Limited[6]	35.25
Manaksia Aluminium Company Limited	4.89
All Others	30.15

TURKEY

Company	Subsidy rate (percent)
Assan Aluminyum Sanayi ve Ticaret A.S.[7]	2.56
Teknik Aluminyum Sanayi A.S.[8]	4.34
All Others	3.45

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of aluminum sheet from Turkey, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of aluminum sheet from Turkey, entered or withdrawn from warehouse, for consumption on or after May 16, 2020 (*i.e.,* 90 days prior to the date of publication of the *Turkey Preliminary Determination*), but before August 14, 2020 (*i.e.,* the date of the publication of the *Turkey Preliminary Determination*).

[1] *See Common Alloy Aluminum Sheet from Bahrain: Final Affirmative Countervailing Duty Determination,* 86 FR 13333 (March 8, 2021); *Common Alloy Aluminum Sheet from India: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination,* 86 FR 13285 (March 8, 2021); and *Common Alloy Aluminum Sheet from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, in Part,* 86 FR 13315 (March 8, 2021) (*Turkey Final Determination*).

[2] *See* ITC Notification Letter, Investigation Nos. 701–TA–639 and 641–643– and 731–TA–1475–1479, 1481–1483, and 1485–1492 (Final) dated April 20, 2021 (ITC Notification Letter).

[3] *See* ITC Notification Letter.

[4] *See Common Alloy Aluminum Sheet from Bahrain: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49636 (August 14, 2020); *Common Alloy Aluminum Sheet from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49631 (August 14, 2020); and *Common Alloy Aluminum Sheet from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Determination of Critical Circumstances in Part, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 49629 (August 14, 2020) (*Turkey Preliminary Determination*) (collectively, *Preliminary Determinations*).

[5] *See Turkey Final Determination.*

[6] Commerce has found Utkal Alumina International Limited to be cross-owned with Hindalco Industries Limited.

[7] Commerce has found Kibar Dis Ticaret A.S. and Kibar Holding to be cross-owned with Assan Aluminyum Sanayi ve Ticaret A.S.

[8] Commerce has found TAC Metal Ticaret A.S. to be cross-owned with Teknik Aluminyum Sanayi A.S.

Provisional Measures

Section 703(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigations, Commerce published the *Preliminary Determinations* on August 14, 2020. Therefore, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on December 11, 2020.

In accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of aluminum sheet from Bahrain, India, and Turkey entered, or withdrawn from warehouse, for consumption after December 11, 2020, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.[9] Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the countervailing duty orders with respect to aluminum sheet from Bahrain, India, and Turkey pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: April 21, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders is common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these orders includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these orders if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these orders is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of these orders may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

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[9] As explained above, in the investigation of aluminum sheet from Turkey, Commerce's preliminary determination was negative with respect to Teknik, but Commerce's final determination with respect to Teknik was affirmative. Accordingly, we directed CBP to suspend liquidation for Teknik's entries from the date of publication of the *Turkey Final Determination* and, at the time of publication of this order, we have not issued instructions pertaining to the expiration of provisional measures for Teknik.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–901]

Organic Soybean Meal From India: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable April 20, 2021.

FOR FURTHER INFORMATION CONTACT: Andrew Huston; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: at (202) 482–4261.

SUPPLEMENTARY INFORMATION:

The Petition

On March 31, 2021, the Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of organic soybean meal from India, filed in proper form on behalf of the Organic Soybean Processors of America and eight domestic processors of organic soybean meal.[1] On April 6, 2021, the petitioners filed an amendment to Volume I of the Petition and ''a change of petitioner'' status on behalf of the Organic Soybean Processors of America, stating that the petitioners now consisted of the Organic Soybean Processors of America and seven domestic processors (collectively, the petitioners).[2] The Petition was accompanied by a countervailing duty (CVD) petition concerning imports of organic soybean meal from India.[3]

On April 5, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition.[4] The petitioners filed responses to these requests on April 7, 2021.[5]

[1] *See* Petitioners' Letter, ''Petition for the Imposition of Antidumping and Countervailing Duties Pursuant to Sections 701 and 731 of the Tariff Act of 1930, as amended, on Organic Soybean Meal from India,'' dated March 31, 2021 (the Petition).

[2] *See* Petitioners' Letter, ''Organic Soybean Meal from India: The Petitioners' Amendment to Volume I Relating to General Issues and Change of Petitioner Status,'' dated April 6, 2021 (General Issues Amendment).

[3] *Id.*

[4] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Organic Soybean Meal from India: Supplemental Questions,'' dated April 5, 2021 (General Issues Supplemental); and ''Petition for the Imposition of Antidumping Duties on Imports of Organic Soybean Meal from India: Supplemental Questions,'' dated April 5, 2021.

[5] *See* Petitioners' Letters, ''Organic Soybean Meal from India: Petitioners' Response to Supplemental

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of organic soybean meal from India are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the organic soybean meal industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (E)–(G) of the Act.[6] Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested AD investigation.[7]

Period of Investigation

Because the Petition was filed on March 31, 2021, the period of investigation (POI) for the India AD investigation is January 1, 2020, through December 31, 2020, pursuant to 19 CFR 351.204(b)(1).

Scope of the Investigation

The product covered by this investigation is organic soybean meal from India. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

On April 5 and 9, 2021, Commerce requested further information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[8] On April 7, 2021, the petitioners revised the scope.[9] The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

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

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

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13]

Comments on Product Characteristics

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

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe organic soybean meal, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on May 10, 2021, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on May 20, 2021. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that

General Questions,'' dated April 7, 2021 (General Issues Supplement); and ''Organic Soybean Meal from India: Petitioners' Response to Supplemental AD Questions,'' dated April 7, 2021.

[6] *See* Petition at Volume I at 4.

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

[8] *See* General Issues Supplemental at 1–2; *see also* Memorandum, ''Phone Call with Petitioners Counsel,'' dated April 9, 2021.

[9] *See* General Issues Supplement at 2–5.

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

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

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

[13] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

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

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

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

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

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2020.[18] To estimate total production of the domestic like product for entire U.S. industry, the petitioners relied on production data from a report prepared by Agromeris, LLC (Agromeris), a consulting firm that focuses on the food and agricultural industry.[19] We relied on data provided by the petitioners for purposes of measuring industry support.[20]

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

Allegations and Evidence of Material Injury and Causation

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

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; reduced levels of capacity utilization; declining sales and profitability; and mill curtailments and closures.[26] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[27]

Allegations of Sales at LTFV

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

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

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

[16] *See* Petition at Volume I at 21–27 and Exhibits I–3 through I–5, I–7, I–10, I–14 through I–20, I–25 through I–27 and I–29.

[17] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Checklist, ''Antidumping Duty Investigation Initiation Checklist: Organic Soybean Meal from India,'' dated concurrently with this notice and on file electronically via ACCESS (AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Organic Soybean Meal from India (Attachment II).

[18] *See* Petition at Volume I at 7–8 and Exhibits I–4 through I–6; *see also* General Issues Amendment at 5 and Exhibit I–6–S.

[19] *See* Petition at Volume I at 7–8 and Exhibits I–3 through I–5; *see also* General Issues Amendment at 5.

[20] *See* Petition at Volume I at 6–9 and Exhibits I–2 through I–6; *see also* General Issues Amendment at 4–6 and Exhibit I–6–S. For further discussion, *see* AD Initiation Checklist at Attachment II.

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

[22] *See* AD Initiation Checklist at Attachment II.

[23] *Id.*

[24] *Id.*

[25] *See* Petition at Volume I at 30 and Exhibit I–30; *see also* General Issues Supplement at 6.

[26] *See* Petition at Volume I at 2–3, 21, 27–42 and Exhibits I–3 through I–5, I–22 and I–28 through I–33; *see also* General Issues Amendment at 6; and General Issues Supplement at 6 and Exhibit I–22–S.

[27] *See* AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Organic Soybean Meal from India (Attachment III).

U.S. Price

The petitioners based export price (EP) on pricing information for organic soymeal produced in India and sold to a U.S. customer during the POI and made certain adjustments to U.S. price to calculate a net ex-factory U.S. price.[28]

Normal Value

The petitioners provided information indicating that the prices for organic soybean meal sold or offered for sale in India were below the cost of production (COP). Consequently, the petitioners based NV on constructed value (CV).[29] For further discussion of CV, *see* ''Normal Value Based on Constructed Value'' section below.[30]

Normal Value Based on Constructed Value

As noted above, the petitioners provided information indicating that the prices for organic soybean meal sold or offered for sale in India were below COP; therefore, the petitioners based NV on CV. Pursuant to section 773(e) of the Act, the petitioners calculated CV as the sum of the cost of manufacturing, general and administrative expenses, financial expenses, and profit.[31]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of organic soybean meal from India are being, or are likely to be, sold in the United States at LTFV. Based on a comparison of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margin for organic soybean meal from India is 158.89 percent.[32]

Initiation of LTFV Investigation

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

Respondent Selection

In the Petition, the petitioners named 19 companies in India as producers/exporters of organic soymeal.[33] In the event Commerce determines that the number of exporters or producers in any individual case is large such that Commerce cannot individually examine each company based upon its resources, where appropriate, Commerce typically selects mandatory respondents in that case based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed in the ''Scope of the Investigation,'' in the appendix. There are two HTSUS subheadings identified in the scope of this investigation, 1208.10.0010 and 2304.00.0000; subheading 2304.00.0000 covers imports of both organic and non-organic soybean meal.[34] Therefore, we cannot rely on CBP entry data in selecting respondents. We intend to issue quantity and value (Q&V) questionnaires to each potential respondent for which the petitioners have provided a complete address.

Producers/exporters of organic soybean meal from India that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain the Q&V questionnaire from E&C's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Responses to the Q&V questionnaire must be submitted by the relevant Indian producers/exporters no later than 5:00 p.m. ET on May 5, 2021. All Q&V responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

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

ITC Notification

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

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that subject imports are materially injuring or threatening material injury to a U.S. industry.[35] A negative ITC determination will result in the investigation being terminated.[36] Otherwise, this AD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [37] 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.[38] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV,

[28] *See* AD Initiation Checklist.

[29] *See* AD Initiation Checklist.

[30] In accordance with section 773(b)(2) of the Act, Commerce will request information necessary to calculate the CV and cost of COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[31] *See* AD Initiation Checklist.

[32] *Id.*

[33] *See* Petition at Volume I at I–24.

[34] While HTSUS subheading 1208.10.0010 is specific to organic soybean meal, HTSUS subheading 2304.00.0000 (which includes soybean meal in the form of cake, chips, or flakes), is not. The Petition alleges significant quantities of organic soybean meal enter under both subheadings: ''The petitioners recognize that the HTSUS provides for the organic-certified product in HTSUS subheading 1208.10.0010. However, a review of the relevant USDA FAS's Global Agricultural Trade System (GATS) data demonstrates that imports of OSBM enter U.S. ports of entry utilizing HTSUS heading 2304, which is typically used for conventional soybean meal.'' *See* Petition at Volume I at 19.

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

[36] *Id.*

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

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

stating 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 a respondent's initial section D questionnaire response.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; Commerce will grant untimely filed requests for the extension of time limits only in limited cases where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning extensions prior to submitting extension requests or factual information in this investigation.[39]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[40] Parties must use the certification formats provided in 19 CFR 351.303(g).[41] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance).

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

Dated: April 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise subject to the investigation is certified organic soybean meal. Certified organic soybean meal results from the mechanical pressing of certified organic soybeans into ground products known as soybean cake, soybean chips, or soybean flakes, with or without oil residues. Soybean cake is the product after the extraction of part of the oil from soybeans. Soybean chips and soybean flakes are produced by cracking, heating, and flaking soybeans and reducing the oil content of the conditioned product. ''Certified organic soybean meal'' is certified by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) or equivalently certified to NOP standards or NOP-equivalent standards under an existing organic equivalency or recognition agreement.

Certified organic soybean meal subject to this investigation has a protein content of 34 percent or higher.

Organic soybean meal that is otherwise subject to this investigation is included when incorporated in admixtures, including but not limited to prepared animal feeds. Only the organic soybean meal component of such admixture is covered by the scope of this investigation.

The products covered by this investigation are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 1208.10.0010 and 2304.00.0000. Certified organic soybean meal may also enter under HTSUS 2309.90.1005, 2309.90.1015, 2309.90.1010, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, and 2308.00.9890.

The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

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BILLING CODE 3510–DS–P

[39] *See* 19 CFR 351.302; *see also, e.g., Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

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

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB036]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, May 13, 2021 at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/3838637399464966672.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Advisory Panel will receive an update on progress and make recommendations for a range of possession limit alternatives for the Skate 2022–23 Specifications. They will also receive an update on progress and make recommendations for measures for intermediate possession limits, the

federal skate permit, at-sea monitoring, Vessel Monitoring Systems, and other aspects of Amendment 5 to the Northeast Skate Complex Fishery Management Plan. The panel will make recommendations for 2021–25 Council Research Priorities and Data Needs. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: April 22, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08764 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB037]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Tuesday, May 18, 2021 at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/4064952076833410064.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Committee will receive an update on progress and make recommendations for a range of possession limit alternatives in the Skate 2022–23 Specifications. The Committee will also receive an update on progress and make recommendations for measures for intermediate possession limits, the federal skate permit, at-sea monitoring, Vessel Monitoring Systems, and other aspects of Amendment 5 to the Northeast Skate Complex Fishery Management Plan. They will also make recommendations for 2021–25 Council Research Priorities and Data Needs. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: April 22, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08765 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB032]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Army Corps of Engineers Port San Luis Breakwater Repair Project, Avila Beach, California

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Army Corps of Engineers (ACOE) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with the Port San Luis Breakwater Repair Project in Avila Beach, California.

DATES: This Authorization is effective from April 1, 2022 through March 31, 2023.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On March 13, 2020, NMFS received an application from the ACOE requesting an IHA to take small numbers of three species of pinnipeds incidental to resetting and replacing stone and dredging associated with the San Luis Breakwater Repair Project. ACOE subsequently notified us that funding, workload and other issues led them to delay the project 1 year. A revised application was sent on February 18, 2021 and the application process was reinitiated. The application was deemed adequate and complete on March 1, 2021. ACOE's request is for take of a small number of three species of marine mammals by Level B harassment. Neither the ACOE nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Specified Activity

Overview

The project consists of the repair of a deteriorating breakwater at Port San Luis, California. Repair work includes minor excavation of shoaled sediment (~ 15,000 cubic yards (11,470 cubic meters)) adjacent to the leeward side of the breakwater to create adequate depths for barges and support boats to access the breakwater for the repair. Approximately 29,000 tons (26,310 metric tons) of existing stone would need to be reset and 60,000 tons (54,430 metric tons) of new stone would be placed to restore the most heavily damaged portion of the breakwater. The project is expected to take no more than 174 work days over 7 months. The sounds and visual disturbance from the work can result in take of marine mammals through behavioral harassment and/or auditory injury. A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (86 FR 14579; March 17, 2021). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to the ACOE was published in the **Federal Register** on March 17, 2021 (86 FR 14579). That notice described, in detail, the ACOE's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received public comment from one commenter. The U.S. Geological Survey noted they have ''no comment at this time''.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species or stocks for which take is expected and authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs and draft SARs (*e.g.,* Carretta *et al.* 2019, 2020).

TABLE 1—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	*Zalophus californianus*	United States	-, -, N	257,606 (N/A, 233,515, 2014).	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Eastern DPS	-, -, N	43,210 (N/A, 43,201, 2017)	2,592	113
Family Phocidae (earless seals):						

TABLE 1—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/ SI [3]
Harbor seal	*Phoca vitulina*	California	-, -, N	30,968 (N/A, 27,348, 2012)	1,641	43

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds Potential Biological Removal (PBR) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

A detailed description of the species likely to be affected by the project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (86 FR 14579; March 17, 2021); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the ACOE's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (86 FR 14579; March 17, 2021) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the ACOE's construction on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (86 FR 14579; March 17, 2021).

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic source (*i.e.,* rock setting) and visual disturbance has the potential to result in disruption of behavioral patterns for individual marine mammals. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Due to the lack of marine mammal density for some species, NMFS relied on local occurrence data and group size to estimate take. For activities like this with visual disturbance impacts we must also estimate the area or space within which harassment is likely to occur. Below, we describe the factors considered here in more detail and present the take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment). Thresholds have also been developed identifying the received level of in-air sound above which exposed pinnipeds would likely be behaviorally harassed.

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 decibel (dB) re 1 microPascal (μPa) (root mean square (rms)) for continuous (*e.g.,* vibratory pile-driving) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources. The ACOE's

proposed activity includes the use of continuous (general construction equipment and machinery) and impulsive (rock setting) sources, and therefore the 120 and 160 dB re 1 μPa (rms) thresholds are applicable.

For in-air sounds, NMFS predicts that harbor seals exposed above received levels of 90 dB re 20 μPa (rms) will be behaviorally harassed, and other pinnipeds will be harassed when exposed above 100 dB re 20 μPa (rms).

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The ACOE's activity includes the use of impulsive (rock setting) and non-impulsive (general construction) sources.

These thresholds are provided in Table 2. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* rock setting and sediment removal).

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

TL = B * Log10 (R1/R2),

where,

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the, practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for the ACOE's proposed activity.

In order to calculate distances to the Level A harassment and Level B harassment sound thresholds for this project, NMFS used acoustic monitoring data collected by the ACOE. In February 2019 a team of researchers from the ACOE Los Angeles District and Engineer Research and Development Center traveled to a breakwater repair project at the Port of Long Beach, CA to collect representative sound data in anticipation of the Port San Luis breakwater project. Maintenance activities on the Long Beach, CA breakwater provided near identical conditions to the proposed work activities at Port San Luis, but the Long Beach site has no marine mammals nearby. At Long Beach they collected in-air and in-water sound recordings from both the rock setting and other construction equipment sounds. They also recorded ambient sound data at San Luis Obispo, CA near the breakwater to be used as a baseline measurement for proposed repair work. The analysis of the sound files provided by the ACOE to determine source levels relevant to marine mammal exposures contained some methods that we did not entirely concur with, but our acoustics expert (Dr. Shane Guan) was able to determine from them that in-water noise would not exceed marine mammal thresholds beyond 10 meters (m) (33 feet) from the source. He was also able to determine that in-air noise would not exceed the pinniped in-air thresholds at a distance greater than 100 m (328 feet) from the source.

Visual Disturbance

During the above-mentioned acoustic surveys of the similar breakwater repair work at the Port of Long Beach pinnipeds maintained a minimum approximate 150 foot (46 m) distance from construction equipment and personnel (Natalie Martinez-Takeshita, ACOE, personal communication 2020). Observations on a past breakwater repair project in Redondo Harbor, California showed that pinnipeds that

flushed from distances up to 100 m (Natalie Martinez-Takeshita, ACOE, personal communication 2021). As noted above the construction barge could be up to 260 feet (80 m) long with activity occurring simultaneously at either end as well as the full reach of the crane. Based on the above information, we conservatively estimate a 200 m (660 ft) radius potential effect zone for Level B harassment of pinnipeds by visual disturbance. This equals or exceeds any effect radius from in-air noise. Given the breakwater is 2,400 feet (730 m) long, this means large portions of the breakwater should be undisturbed and available for animals to re- haulout on any given construction day.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. Take by Level B harassment is authorized and summarized in Table 5.

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Merkel and Associates (2019) conducted three marine mammal surveys of the breakwater in 2018 as part of the preparation for this project. The surveys were in June, July and September. The focus was on other taxa besides marine mammals. Their most detailed marine mammal survey was in June when pinnipeds were identified to species level. They identified California sea lions and Steller sea lions hauled out on the breakwater, with 94 percent of the animals being California sea lions. Greater densities of pinnipeds were observed hauled out at the south eastern end of the breakwater, and the greatest densities were consistently observed at the most seaward end of the breakwater.

In further anticipation of this project, the ACOE conducted additional approximately monthly marine mammal surveys, weather permitting, in the project area in 2019 to estimate breakwater abundance levels to use to estimate take. The 2019 surveys did not distinguish between California sea lions and Steller seals and assumed the Merkel and Associates (2019) determination that 94 percent of the animals were California sea lions and 6 percent were Steller sea lions applied during 2019 as well. While harbor seals were not observed hauled out on the breakwater, the ACOE did observe them hauled out at the low lying rocky benches of Smith Island (approximately 400 m (1,300 feet) from the nearest repair area). They were also observed in the water adjacent to the breakwater on at least one occasion. No other marine mammal species were observed in the project area.

California Sea Lion and Steller Sea Lion

The ACOE surveys from 2019 found that pinnipeds were present on the breakwater from April through December (Table 3), likely due to lower wave energy at those times. The highest number were present from June through September. We averaged the three highest surveys (bolded in the table) during the likely work period to determine that an average of 321.33 animals were present daily during the spring to fall construction season. Using the results of Merkel and Associates (2019) June 2018 survey we estimated those 321.33 animals were comprised of 302.05 California sea lions and 19.29 Steller sea lions per day. We used these numbers to estimate take for these two species for the project by multiplying these daily take estimates by the total number of work days (174). For California sea lions this is 302.05 × 174 = 52,557 takes, and for Steller sea lions this is 19.28 × 174 = 3,355 takes.

TABLE 3—ACOE 2019 BREAKWATER PINNIPED SURVEY RESULTS BY SIDE OF BREAKWATER

Survey date	Leeward	Seaward	Total
1/30/2019	0	0	0
1/31/2019	0	0	0
2/1/2019	0	0	0
3/1/2019	0	(*)	*0
3/24/2019	0	(*)	*0
3/30/2019	0	(*)	*0
3/31/2019	0	(*)	*0
4/1/2019	0	(*)	*0
5/1/2019	0	18	18+
5/28/2019	188	(*)	188
6/3/2019	**182**	**115**	**297**
7/29/2019	**166**	**25**	**191**
8/27/2019	0	1	1
9/25/2019	**326**	**150**	**476**
11/6/2019	398	(*)	*398
12/5/2019	113	(*)	*113
12/28/2019	0	0	**0

*Seaward side of breakwater not surveyed because of sea state conditions, no pinnipeds expected to be hauled out during these times.
**No pinnipeds hauled out on breakwater, 3 observed swimming near head of breakwater.
Bold indicates months survey data was used to calculate the average abundance of pinnipeds on the PSL Breakwater per day.

Harbor Seal

While harbor seals were not observed hauled out on the breakwater, they were observed hauled out at the low lying rocky benches of Smith Island and in the water near the breakwater during the ACOE 2019 surveys. Estimated daily abundance for harbor seals was also calculated using the three highest abundance surveys from 2019 survey data from the likely construction season (late March through September, bolded in Table 4). The average abundance in the project area was 10.33 seals per day. We used this average and calculated total take for the project by multiplying by the total number of work days (174). For harbor seals this is 10.33 × 174 = 1,797 takes.

TABLE 4—ACOE 2019 HARBOR SEAL SURVEY RESULTS

Survey date	Swimming near breakwater	Hauled out at Smith Island	Swimming near Smith Island	Total
1/30/19–2/1/19	0	13	Several	~16
3/1/2019	0	15	0	15
3/24/2019	**1**	**14**	**3**	**18**
5/1/2019	**0**	**10**	**0**	**10**
5/28/2019	**0**	**2**	**1**	**3**
6/3/2019	0	0	0	0
7/29/2019	0	0	0	0
8/27/2019	0	0	0	0
9/25/2019	0	0	0	0
11/6/2019	0	0	0	0
12/5/2019	0	25	0	25
12/28/2019	0	1	1	2

Bold indicates months survey data was used to calculate the average abundance per day.

Summary

The above-calculated take estimates are likely to be conservative as some animals may habituate to the project and regularly haul out on the parts of the breakwater where there is no construction activity, where construction activity has finished, or they may move to other nearby haulout locations. Moreover, because the main area of effect on any given day is no more than 300 m of breakwater length, the breakwater is much longer than this, most pinnipeds are concentrated at the far 200 m of the breakwater, and the project will begin at the landward end of the breakwater, far fewer animals will likely be taken in the early stages of the project.

TABLE 5—AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Authorized take		Percent of stock
	Level B	Level A	
Harbor seal (*Phoca vitulina*) California Stock	52,557	0	20.4
California sea lion (*Zalophus californianus*) U.S. Stock	3,355	0	7.8
Steller sea lion (*Eumetopias jubatus*) Eastern DPS	1,797	0	6.6

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are in the IHA:

- Monitoring must take place from 30 minutes prior to initiation of construction activity (*i.e.,* pre-start clearance monitoring) through 30 minutes post-completion of construction activity.
- The ACOE must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.
- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead Protected Species Observer (PSO) to determine the shutdown zones clear of marine mammals. Construction may commence when the determination is made.
- If construction is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the

shutdown zone or 15 minutes have passed without re-detection of the animal.

• The Holder must use soft start techniques. Soft start requires contractors and equipment to slowly approach the work site creating a visual disturbance allowing animals in close proximity to construction activities a chance to leave the area prior to stone resetting or new stone placement. Contractors shall avoid walking or driving equipment through the seal haul-out. A soft start must be implemented at the start of each day's construction activity and at any time following cessation of activity for a period of 30 minutes or longer.

• Vessels would approach the breakwater perpendicular to the area they need to be as much as is feasible to minimize interactions with pinnipeds on or near the breakwater.

• The Holder must ensure that construction supervisors and crews, the monitoring team, and relevant ACOE staff are trained prior to the start of construction activity subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

• Construction activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within a 200 m Level B harassment zone.

• Construction work will start at the landward end of the breakwater as much as feasible.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means effecting the least practicable adverse impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);

• Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

• How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

• Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Monitoring section of the application and Section 5 of the IHA. These observers must record all observations of marine mammals, regardless of distance from the construction activity. Marine mammal monitoring during construction activity must be conducted by NMFS-approved PSOs in a manner consistent with the following:

• Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;

• At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

• Other PSOs may substitute education (degree in biological science or related field) or training for experience; and

• The ACOE must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.

PSOs must have the following additional qualifications:

• Ability to conduct field observations and collect data according to assigned protocols;

• Experience or training in the field identification of marine mammals, including the identification of behaviors;

• Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

One PSO will be employed. PSO location will provide an unobstructed view of all water within the shutdown zone, and as much of the Level B harassment zones as possible. PSO location is as follows:

(1) At the crane barge site or best vantage point practicable to monitor the shutdown zones; and

Monitoring will be conducted 30 minutes before, during, and 30 minutes after construction activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from construction activity.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 calendar days after the completion of pile driving and removal activities, or 60 calendar days prior to the requested issuance of any subsequent IHAs for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 days following resolution of any NMFS comments on the draft report. The report will include an overall description of work completed, a

narrative regarding marine mammal sightings, and associated PSO data sheets. All draft and final marine mammal and acoustic monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *Dwayne.Meadows@noaa.gov.* Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including how many and what type of rocks were set or reset and total duration of rock setting.
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.
- PSO locations during marine mammal monitoring.
- Upon observation of a marine mammal, the following information:
  - PSO who sighted the animal and PSO location and activity at time of sighting;
  - Time of sighting;
  - Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
  - Distance and bearing of each marine mammal observed to the rock setting for each sighting (if rock setting was occurring at time of sighting);
  - Estimated number of animals (min/max/best);
  - Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);
  - Animal's closest point of approach and estimated time spent within the harassment zone;
  - Number of disturbances, by species and age, according to a three-point scale of disturbance (see Table 6). Observations of disturbance Levels 2 and 3 must be recorded as takes. Description of any additional marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling;
- Detailed information about implementation of any mitigation (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal, if any.

The ACOE must submit all PSO datasheets and/or raw sighting data. If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

TABLE 6—LEVELS OF PINNIPED BEHAVIORAL DISTURBANCE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3	Flush	All retreats (flushes) to the water.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the ACOE must report the incident to the Office of Protected Resources (OPR), NMFS and to the regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the ACOE must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all of the species listed in Table 5, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively

similar in nature. Construction activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level B harassment from in-air sounds and visual disturbance generated from rock setting and sediment removal. Potential takes could occur if individuals are present in the ensonified or disturbance zone(s) when these activities are underway.

The takes from Level B harassment would be due to potential behavioral disturbance or TTS. No mortality or PTS is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

For all species and stocks, take would occur within a very limited, confined area (Port San Luis harbor) of any given stock's range. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Behavioral responses of marine mammals to construction at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities (as noted during modification to the Kodiak Ferry Dock and other construction projects near pinnipeds) or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the short duration of noise-generating activities per day, any harassment would be temporary. There are no other areas or times of known biological importance for any of the affected species.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks' ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized.
- No Level A harassment is anticipated or authorized.
- No biologically important areas have been identified within the project area.
- For all species, the harbor is a very small and peripheral part of their range.
- The ACOE would implement mitigation measures such as vessel avoidance and slow down, proceeding from the low density to high density areas to increase habituation, soft-starts, and shut downs; and
- Monitoring reports from similar work have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS authorizes of all species or stocks is below one third of the estimated stock abundance. These are all likely conservative estimates because they assume all takes are of different individual animals which is likely not the case as most stocks do not move in or out of the area frequently. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

Based on the analysis contained herein of the proposed activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal

consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to the ACOE for the potential harassment of small numbers of three marine mammal species incidental to the Port San Luis Breakwater Repair project in Avila Beach, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: April 21, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–08671 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB017]

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The SEDAR Steering Committee will meet via webinar to discuss the SEDAR stock assessment process and assessment schedule. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Steering Committee will meet via webinar on Thursday, May 13, 2021, from 9 a.m. to 5 p.m. Eastern.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie Neer (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Program Manager, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The SEDAR Steering Committee provides guidance and oversight of the SEDAR stock assessment program and manages assessment scheduling. The items of discussion for this meeting are as follows:

1. SEDAR Projects Update
2. SEDAR Projects Schedule
3. SEDAR Process Review and Discussions
4. Other Business

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 22, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08763 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB011]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Delaware and New Jersey

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Garden State Offshore Energy, LLC (Garden State) for authorization to take marine mammals incidental to marine site characterization surveys offshore of Delaware and New Jersey in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0482) and along potential export cable routes to landfall locations in Delaware and New Jersey. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 27, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Esch@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Carter Esch, Office of Protected Resources, NMFS, (301) 427–8421. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which NMFS have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

NMFS will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On November 2, 2020, NMFS received a request from Garden State for an IHA to take marine mammals incidental to marine site characterization surveys offshore of Delaware and New Jersey in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0482) and along potential export cable routes (ECRs) to a landfall location in Delaware and New Jersey. Following NMFS' review of the draft application, a revised version was submitted on March 30, 2021. The application was deemed adequate and complete on April 5, 2021. Garden State's request is for take of a small number of 16 species of marine mammals by Level B harassment only. Neither Garden State nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

As part of its overall marine site characterization survey operations, Garden State proposes to conduct high-resolution geophysical (HRG) surveys in the Lease Area and along potential ECRs to landfall locations in Delaware and New Jersey.

The purpose of the marine site characterization surveys are to obtain a baseline assessment of seabed (geophysical, geotechnical, and geohazard), ecological, and archeological conditions within the footprint of offshore wind facility development. Surveys are also conducted to support engineering design and to map unexploded ordnances. Underwater sound resulting from Garden State's proposed site characterization survey activities, specifically HRG surveys, has the potential to result in incidental take of marine mammals in the form of Level B harassment.

Dates and Duration

The estimated duration of HRG survey activity is expected to be up to 350 survey days over the course of a single year (''survey day'' defined as a 24-hour (hr) activity period), with 200 vessel survey days expected in the Lease Area and 150 vessel survey days expected in the ECR area. This schedule is based on 24-hour operations and includes potential down time due to inclement weather. Although some shallow-water locations may be surveyed by smaller vessels during daylight hours only, the estimated number of survey days assumes uniform 24-hr operations.

Garden State proposes to start survey activity as soon as possible in spring 2021. The IHA would be effective for one year from the date of issuance.

Specific Geographic Region

The proposed survey activities will occur within the Project Area which includes the Lease Area and potential ECRs to landfall locations, as shown in Figure 1. The Lease Area is approximately 284 square kilometers (km^2) and is within the Delaware Wind Energy Area (WEA) of the Bureau of Ocean Energy Management (BOEM) Mid-Atlantic planning area. Water depths in the Lease Area range from 15 meters (m) to 30 m. Water depths in the ECR area extend from the shoreline to approximately 30 m.

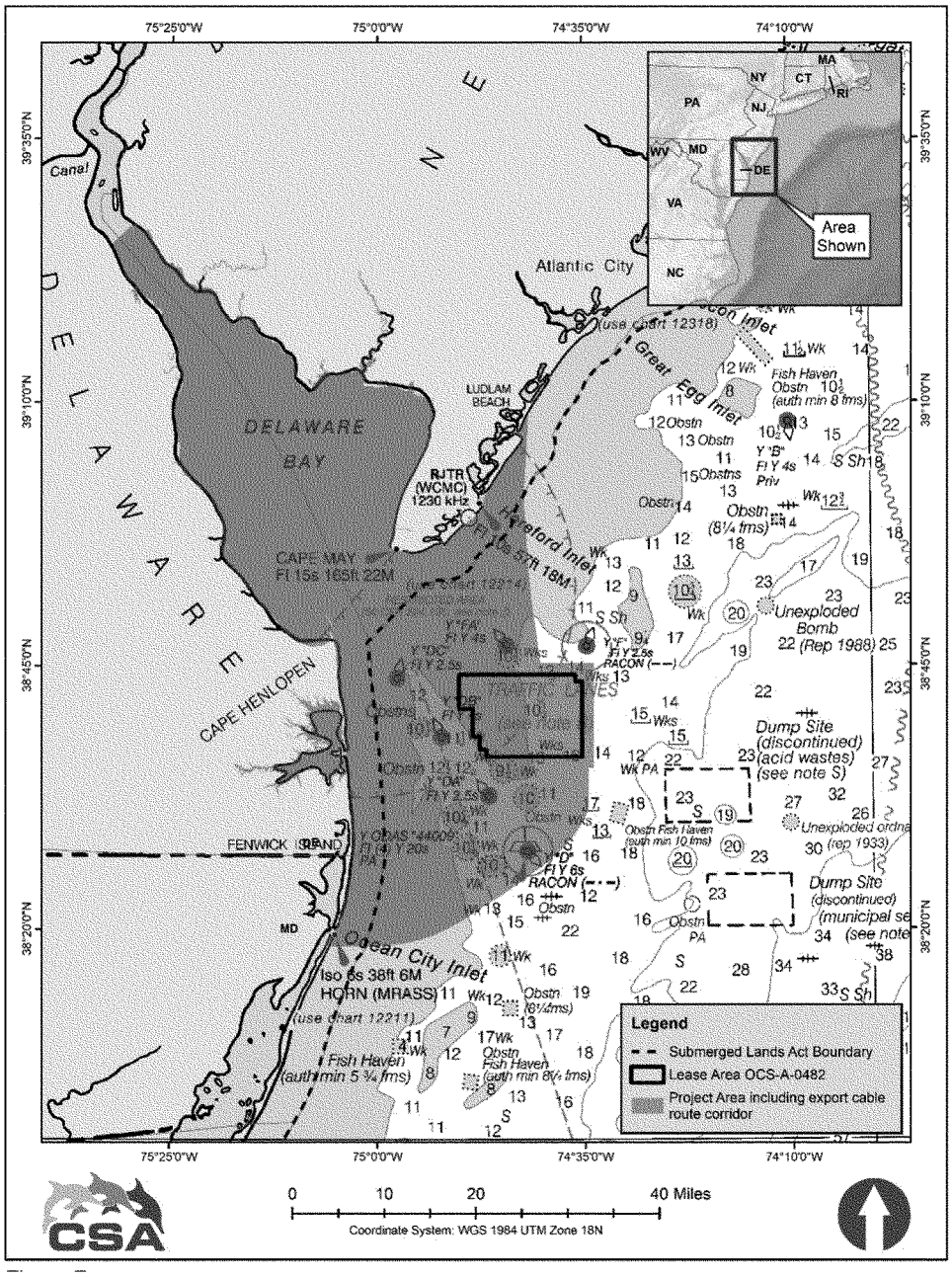

Figure 1. Site Characterization Survey Location, Including the Lease Area and Potential ECRs

Detailed Description of Specific Activity

Garden State proposed to conduct HRG survey operations, including multibeam depth sounding, seafloor imaging, and shallow and medium penetration sub-bottom profiling. The HRG surveys may be conducted using any or all of the following equipment types: Side scan sonar, multibeam echosounder, magnetometers and gradiometers, parametric sub-bottom profiler (SBP), CHIRP SBP, boomers, or sparkers. As many as three vessels may be engaged in HRG surveying activities during Garden State's overall site characterization efforts with up to two working concurrently in the Lease Area and one vessel working in the ECR area. Garden State assumes that HRG survey operations would be conducted 24 hours per day, with an assumed daily survey distance of 70 km. Vessels would generally conduct survey effort at a transit speed of approximately 4 knots (kn), which equates to 110 km per 24-hr period. However, based on past survey experience (*i.e.,* knowledge of typical daily downtime due to weather, system malfunctions, etc.) Garden State assumes 70 km as the average daily distance. On this basis, a total of 350 survey days (200 survey days in the Lease Area and 150 survey days in the ECR area) are expected. In certain shallow-water areas, vessels may conduct survey effort during daylight hours only, with a corresponding assumption that the daily survey distance would be halved (35 km). However, for purposes of analysis all survey days are assumed to cover the

maximum 70 km. A maximum of two vessels would operate concurrently in the Lease Area, with an additional third vessel surveying the ECRs.

Acoustic sources planned for use during HRG survey activities proposed by Garden State include the following:

• Shallow penetration, non-impulsive, non-parametric SBPs (*i.e.,* CHIRP SBPs) are used to map the near-surface stratigraphy (top 0 to 10 m) of sediment below seabed. A CHIRP system emits signals covering a frequency sweep from approximately 2 to 20 kHz over time. The frequency range can be adjusted to meet project variables. These sources are typically mounted on a pole rather than towed, reducing the likelihood that an animal would be exposed to the signal.

• Medium penetration, impulsive sources (*i.e.,* boomers and sparkers) are used to map deeper subsurface stratigraphy. A boomer is a broadband source operating in the 3.5 Hz to 10 kHz frequency range. Sparkers create omnidirectional acoustic pulses from 50 Hz to 4 kHz. These sources are typically towed behind the vessel.

Operation of the following survey equipment types is not reasonably expected to result in take of marine mammals and will not be discussed further beyond the brief summaries provided below.

• Non-impulsive, parametric SBPs are used for providing high data density in sub-bottom profiles that are typically required for cable routes, very shallow water, and archaeological surveys. These sources generate short, very narrow-beam (1° to 3.5°) signals at high frequencies (generally around 85–100 kHz). The narrow beamwidth significantly reduces the potential that a marine mammal could be exposed to the signal, while the high frequency of operation means that the signal is rapidly attenuated in seawater. These sources are typically deployed on a pole rather than towed behind the vessel.

• Acoustic corers are seabed-mounted sources with three distinct sound sources: A high-frequency parametric sonar, a high-frequency CHIRP sonar, and a low-frequency CHIRP sonar. The beamwidth is narrow (3.5° to 8°) and the source is operated roughly 3.5 m above the seabed with the transducer pointed directly downward.

• Ultra-short baseline (USBL) positioning systems are used to provide high accuracy ranges by measuring the time between the acoustic pulses transmitted by the vessel transceiver and a transponder (or beacon) necessary to produce the acoustic profile. It is a two-component system with a pole-mounted transceiver and one or several transponders mounted on other survey equipment. USBLs are expected to produce extremely small acoustic propagation distances in their typical operating configuration.

• Multibeam echosounders (MBESs) are used to determine water depths and general bottom topography. The proposed MBESs all have operating frequencies >180 kHz and are therefore outside the general hearing range of marine mammals.

• Side scan sonars (SSS) are used for seabed sediment classification purposes and to identify natural and man-made acoustic targets on the seafloor. The proposed SSSs all have operating frequencies >180 kHz and are therefore outside the general hearing range of marine mammals.

Table 1 identifies representative survey equipment with the expected potential to result in exposure of marine mammals and potentially result in take. The make and model of the listed geophysical equipment may vary depending on availability and the final equipment choices will vary depending upon the final survey design, vessel availability, and survey contractor selection.

TABLE 1—SUMMARY OF REPRESENTATIVE HRG SURVEY EQUIPMENT

Equipment	Acoustic source type	Operating frequency (kHz)	SL_{rms} (dB re 1 μPa m)	SL_{0-pk} (dB re 1 μPa m)	Pulse duration (width) (millisecond)	Repetition rate (Hz)	Beamwidth (degrees)	CF = Crocker and Fratantonio (2016) MAN = Manufacturer
Non-impulsive, Non-parametric, Shallow Sub-bottom Profilers (CHIRP Sonars)								
ET 216 (2000DS or 3200 top unit).	Non-impulsive, mobile, intermittent.	2–16 2–8	195	-	20	6	24	MAN.
ET 424	Non-impulsive, mobile, intermittent.	4–24	176	-	3.4	2	71	CF.
ET 512	Non-impulsive, mobile, intermittent.	0.7–12	179	-	9	8	80	CF.
GeoPulse 5430A	Non-impulsive, mobile, intermittent.	2–17	196	-	50	10	55	MAN.
Teledyne Benthos Chirp III—TTV 170.	Non-impulsive, mobile, intermittent.	2–7	197	-	60	15	100	MAN.
Impulsive, Medium Sub-bottom Profilers (Sparkers & Boomers)								
AA, Dura-spark UHD (400 tips, 500 J) [1].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF.
AA, Dura-spark UHD (400+400) [1].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine, Geo-Source dual 400 tip sparker (800 J) [1].	Impulsive, mobile	0.4–5	203	211	1.1	2	Omni.	CF (AA Dura-spark UHD Proxy)
GeoMarine Geo-Source 200 tip sparker (400 J) [1].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine Geo-Source 200–400 tip light weight sparker (400 J) [1].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine Geo-Source 200–400 tip fresh-water sparker (400 J) [1].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).

TABLE 1—SUMMARY OF REPRESENTATIVE HRG SURVEY EQUIPMENT—Continued

Equipment	Acoustic source type	Operating frequency (kHz)	SL_{rms} (dB re 1 μPa m)	SL_{0-pk} (dB re 1 μPa m)	Pulse duration (width) (millisecond)	Repetition rate (Hz)	Beamwidth (degrees)	CF = Crocker and Fratantonio (2016) MAN = Manufacturer
AA, triple plate S-Boom (700–1,000 J) [2].	Impulsive, mobile	0.1–5	205	211	0.6	4	80	CF.

- = not applicable; NR = not reported; μPa = micropascal; AA = Applied Acoustics; dB = decibel; ET = EdgeTech; HF = high-frequency; J = joule; LF = low-frequency; Omni = omnidirectional source; re = referenced to; PK = zero-to-peak sound pressure level; SL = source level; SPL = root-mean-square sound pressure level; UHD = ultra-high definition; WFA = weighting factor adjustments.

[1] The Dura-spark measurements and specifications provided in Crocker and Fratantonio (2016) were used for all sparker systems proposed for the survey. The data provided in Crocker and Fratantonio (2016) represent the most applicable data for similar sparker systems with comparable operating methods and settings when manufacturer or other reliable measurements are not available.

[2] Crocker and Fratantonio (2016) provide S-Boom measurements using two different power sources (CSP–D700 and CSP–N). The CSP–D700 power source was used in the 700 J measurements but not in the 1,000 J measurements. The CSP–N source was measured for both 700 J and 1,000 J operations but resulted in a lower SL; therefore, the single maximum SL value was used for both operational levels of the S-Boom.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, NMFS follows the Committee on Taxonomy (2020). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic and Gulf of Mexico SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the 2019 SARs (Hayes *et al.,* 2020) and draft 2020 SARS available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports.*

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE AFFECTED BY GARDEN STATE'S ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenidae:						
North Atlantic right whale	*Eubalaena glacialis*	Western North Atlantic	E/D; Y	412 (0; 408; 2018)	0.8	18.6
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-/-; Y	1,393 (0; 1,375; 2016)	22	58
Fin whale	*Balaenoptera physalus*	Western North Atlantic	E/D; Y	6,802 (0.24; 5,573; 2016)	11	2.35
Sei whale	*Balaenoptera borealis*	Nova Scotia	E/D; Y	6,292 (1.015; 3,098; See SAR).	6.2	1.2
Minke whale	*Balaenoptera acutorostrata* ..	Canadian East Coast	-/-; N	21,968 (0.31; 17,002; 2016)	170	10.6
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm whale	*Physeter macrocephalus*	NA	E; Y	4,349 (0.28; 3,451; See SAR).	3.9	0
Family Delphinidae:						
Long-finned pilot whale ..	*Globicephala melas*	Western North Atlantic	-/-; N	39,215 (0.30; 30,627; See SAR).	306	21
Short finned pilot whale	*Globicephala macrorhynchus*	Western North Atlantic	-/-;Y	28,924 (0.24; 23,637; See SAR).	236	160

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE AFFECTED BY GARDEN STATE'S ACTIVITY—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Bottlenose dolphin	*Tursiops truncatus*	Western North Atlantic Offshore.	-/-N	62,851 (0.23; 51,914; See SAR).	519	28
		W.N.A. Northern Migratory Coastal.	-/-;Y	6,639 (0.41; 4,759, 2016)	48	12.2–21.5
Common dolphin	*Delphinus delphis*	Western North Atlantic	-/-; N	172,947 (0.21; 145,216; 2016).	1,452	399
Atlantic white-sided dolphin.	*Lagenorhynchus acutus*	Western North Atlantic	-/-; N	93,233 (0.71; 54,443; See SAR).	544	26
Atlantic spotted dolphin	*Stenella frontalis*	Western North Atlantic	-/-; N	39,921 (0.27; 32,032; 2012)	320	0
Risso's dolphin	*Grampus griseus*	Western North Atlantic	-/-; N	35,493 (0.19; 30,289; See SAR).	303	54.3
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-/-; N	95,543 (0.31; 74,034; See SAR).	851	217
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Gray seal [4]	*Halichoerus grypus*	Western North Atlantic	-/-; N	27,131 (0.19; 23,158, 2016)	1,389	4,729
Harbor seal	*Phoca vitulina*	Western North Atlantic	-/-; N	75,834 (0.15; 66,884, 2018)	2,006	350

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/*marine-mammal-stock-assessment-reports-region. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined *(e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] The NMFS stock abundance estimate applies to U.S. population only, however the actual stock abundance is approximately 451,431.

As indicated above, all 16 species (with 17 managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. In addition to what is included in Sections 3 and 4 of the application, the SARs, and NMFS' website, further detail informing the baseline for select species (*i.e.,* information regarding current Unusual Mortality Events (UME) and important habitat areas) is provided below.

North Atlantic Right Whale

Elevated North Atlantic right whale mortalities have occurred since June 7, 2017, along the U.S. and Canadian coast. This event has been declared an UME, with human interactions, including entanglement in fixed fishing gear and vessel strikes, implicated in at least 15 of the mortalities thus far. As of April 16, 2021, a total of 34 confirmed dead stranded whales (21 in Canada; 13 in the United States) have been documented. The cumulative total number of animals in the North Atlantic right whale UME has been updated to 49 individuals to include both the confirmed mortalities (dead stranded or floaters) (n=34) and seriously injured free-swimming whales (n=15) to better reflect the confirmed number of whales likely removed from the population during the UME and more accurately reflect the population impacts. More information is available online at: *www.fisheries.noaa.gov/national/marine-life-distress/2017–2021-north-atlantic-right-whale-unusual-mortality-event.*

The proposed survey area is part of a migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (effective March–April and November–December) that extends from Massachusetts to Florida (LeBrecque *et al.,* 2015). Off the coast of New Jersey, the migratory BIA extends from the coast to beyond the shelf break. This important migratory area is approximately 269,488 km² in size (compared with the approximately 6,930 km² of total estimated Level B harassment ensonified area associated with the 350 planned survey days) and is comprised of the waters of the continental shelf offshore the East Coast of the United States, extending from Florida through Massachusetts. NMFS' regulations at 50 CFR part 224.105 designated nearshore waters of the Mid-Atlantic Bight as Mid-Atlantic U.S. Seasonal Management Areas (SMA) for right whales in 2008. SMAs were developed to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds. A portion of one SMA, which occurs off the mouth of Delaware Bay, overlaps spatially with a section of the proposed survey area. The SMA which occurs off the mouth of Delaware Bay is active from November 1 through April 30 of each year.

Humpback Whale

Following a NMFS evaluation of the status of the species, on September 8, 2016, NMFS identified 14 distinct population segments (DPS) of humpback whales, and listed four DPSs as endangered and one DPS as threatened (81 FR 62260; September 8, 2016). The remaining nine DPSs were not listed. The West Indies DPS, which is not listed under the ESA, is the only DPS of humpback whale that is expected to occur in the survey area. Bettridge *et al.* (2015) estimated the size of this population at 12,312 (95 percent CI 8,688–15,954) whales in 2004–05, which is consistent with previous population estimates of approximately 10,000–11,000 whales (Stevick *et al.,* 2003; Smith *et al.,* 1999) and the increasing trend for the West Indies DPS (Bettridge *et al.,* 2015). Whales occurring in the survey area are considered to be from the West Indies DPS, but are not necessarily from the Gulf of Maine feeding population

managed as a stock by NMFS. Barco *et al.* (2002) estimated that, based on photo-identification, only 39 percent of individual humpback whales observed along the mid- and south Atlantic U.S. coast are from the Gulf of Maine stock.

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine to Florida. Partial or full necropsy examinations have been conducted on approximately half of the 147 known cases (as of March 8, 2021). Of the whales examined, about 50 percent had evidence of human interaction, either ship strike or entanglement. While a portion of the whales have shown evidence of pre-mortem vessel strike, this finding is not consistent across all whales examined and more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. More information is available at: *www.fisheries.noaa.gov/national/marine-life-distress/2016–2021-humpback-whale-unusual-mortality-event-along-atlantic-coast.*

Minke Whale

Since January 2017, elevated minke whale mortalities have occurred along the Atlantic coast from Maine through South Carolina, with a total of 105 strandings (as of April 16, 2021). This event has been declared a UME. Full or partial necropsy examinations were conducted on more than 60 percent of the whales. Preliminary findings in several of the whales have shown evidence of human interactions or infectious disease, but these findings are not consistent across all of the whales examined, so more research is needed. More information is available at: *www.fisheries.noaa.gov/national/marine-life-distress/2017–2021-minke-whale-unusual-mortality-event-along-atlantic-coast.*

Seals

Since July 2018, elevated numbers of harbor seal and gray seal mortalities have occurred across Maine, New Hampshire and Massachusetts. This event has been declared a UME. Additionally, stranded seals have shown clinical signs as far south as Virginia, although not in elevated numbers, therefore the UME investigation now encompasses all seal strandings from Maine to Virginia. Ice seals (harp and hooded seals) have also started stranding with clinical signs, again not in elevated numbers, and those two seal species have also been added to the UME investigation. A total of 3,152 reported strandings (of all species) had occurred from July 1, 2018, through March 13, 2020. Full or partial necropsy examinations have been conducted on some of the seals and samples have been collected for testing. Based on tests conducted thus far, the main pathogen found in the seals is phocine distemper virus. NMFS is performing additional testing to identify any other factors that may be involved in this UME. Information on this UME is available online at: *www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018–2020-pinniped-unusual-mortality-event-along.*

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS (NMFS, 2018)

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Sixteen marine mammal species (14 cetacean and 2 pinniped (both phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, five are classified as low-frequency cetaceans (*i.e.,* all mysticete species), eight are classified as mid-frequency cetaceans (*i.e.,* all delphinid species and the sperm whale), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that Garden State's specified activity may impact marine mammals and their habitat. Detailed descriptions of the potential effects of similar specified activities have been provided in other recent **Federal Register** notices, including for survey activities using the same methodology, over a similar amount of time, and occurring within the same specified geographical region (*e.g.,* 82 FR 20563, May 3, 2017; 85 FR 36537, June 17, 2020; 85 FR 37848, June 24, 2020; 85 FR 48179, August 10, 2020). No significant new information is available, and we refer the reader to these documents rather than repeating the details here. The Estimated Take section includes a quantitative analysis of the number of individuals that are expected to be taken by Garden State's activity. The Negligible Impact Analysis and Determination section considers the potential effects of the specified activity, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Background on Active Acoustic Sound Sources and Acoustic Terminology

This subsection contains a brief technical background on sound, on the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to the summary of the potential effects of the specified activity on marine mammals. For general information on sound and its interaction with the marine environment, please see, *e.g.,* Au and Hastings (2008); Richardson *et al.* (1995); Urick (1983).

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically described using the relative unit of the decibel. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 microPascal (μPa)), and is a logarithmic unit that accounts for large variations in amplitude. Therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 μPa), while the received level is the SPL at the listener's position (referenced to 1 μPa).

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 μPa^2-s) represents the total energy in a stated frequency band over a stated time interval or event and considers both intensity and duration of exposure. The per-pulse SEL is calculated over the time window containing the entire pulse (*i.e.,* 100 percent of the acoustic energy). SEL is a cumulative metric; it can be accumulated over a single pulse, or calculated over periods containing multiple pulses. Cumulative SEL represents the total energy accumulated by a receiver over a defined time window or during an event. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0–pk) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the rms sound pressure.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for sound produced by the pile driving activity considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound, which is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995). The sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.,* vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including wind and waves, which are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Precipitation can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times. Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz. Sources of ambient sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, geophysical surveys, sonar, and explosions. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly.

The sum of the various natural and anthropogenic sound sources that comprise ambient sound at any given location and time depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a

given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts. The distinction between these two sound types is not always obvious, as certain signals share properties of both pulsed and non-pulsed sounds. A signal near a source could be categorized as a pulse, but due to propagation effects as it moves farther from the source, the signal duration becomes longer (*e.g.,* Greene and Richardson, 1988).

Pulsed sound sources (*e.g.,* airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or intermittent (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment. Sparkers and boomers produce pulsed signals with energy in the frequency ranges specified in Table 1. The amplitude of the acoustic wave emitted from sparker sources is equal in all directions (*i.e.,* omnidirectional), while other sources planned for use during the proposed surveys have some degree of directionality to the beam, as specified in Table 1. Other sources planned for use during the proposed survey activity (*e.g.,* CHIRP SBPs) should be considered non-pulsed, intermittent sources.

Summary on Specific Potential Effects of Acoustic Sound Sources

Underwater sound from active acoustic sources can include one or more of the following impacts: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking. The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007).

Animals in the vicinity of Garden State's proposed HRG survey activity are unlikely to incur even TTS due to the characteristics of the sound sources, which include relatively low source levels (176 to 205 dB re 1 μPa-m) and generally very short pulses and potential duration of exposure. These characteristics mean that instantaneous exposure is unlikely to cause TTS, as it is unlikely that exposure would occur close enough to the vessel for received levels to exceed peak pressure TTS criteria, and that the cumulative duration of exposure would be insufficient to exceed cumulative SEL criteria. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which have the greatest sensitivity to potential TTS, individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim through at such a close range. Further, the restricted beam shape of many of HRG survey devices planned for use (Table 1) makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel.

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal.

In addition, sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. Marine mammal communications would not likely be masked appreciably by the acoustic signals given the directionality of the signals for most HRG survey equipment types planned for use (Table 1) and the brief period when an individual mammal is likely to be exposed.

Vessel Strike

Ship strikes of marine mammals can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus 2001; Laist *et al.,* 2001; Vanderlaan and Taggart 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus 2001; Laist *et al.,* 2001; Jensen and Silber 2003; Vanderlaan and Taggart 2007). In assessing records with known vessel speeds, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 kn). Given the slow vessel speeds (typically 4–5 knots) and predictable course necessary for data acquisition, ship strike is unlikely to occur during Garden State's proposed survey activities. Marine mammals would be able to easily avoid the survey vessel due to the slow vessel speed. Further, Garden State would implement measures (*e.g.,* protected species monitoring, vessel speed restrictions and separation distances; see Proposed Mitigation) set forth in the BOEM lease to reduce the risk of a vessel strike to marine mammal species in the survey area.

Marine Mammal Habitat

The HRG survey equipment will not contact the seafloor and does not represent a source of pollution. NMFS is not aware of any available literature on impacts to marine mammal prey from sound produced by HRG survey equipment. However, as the HRG survey equipment introduces noise to the marine environment, there is the potential for it to result in avoidance of the area around the HRG survey activities on the part of marine mammal prey. Any avoidance of the area on the part of marine mammal prey would be expected to be short term and temporary.

Because of the temporary nature of the disturbance, and the availability of similar habitat and resources (*e.g.,* prey species) in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. NMFS has preliminarily determined that impacts on marine mammal habitat from the proposed activities will be temporary, insignificant, and discountable.

The potential effects of Garden State's specified survey activity are expected to be limited to Level B behavioral harassment. No permanent or temporary auditory effects, or significant impacts to marine mammal habitat, including prey, are expected.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise from certain HRG acoustic sources. Based on the characteristics of the signals produced by the acoustic sources planned for use, Level A harassment (serious injury, and mortality) is neither anticipated, even absent mitigation, nor proposed to be authorized. Consideration of the anticipated effectiveness of the mitigation measures (*i.e.,* exclusion zones and shutdown measures), discussed in detail below in the Proposed Mitigation section, further strengthens the conclusion that Level A harassment is not a reasonably anticipated outcome of the survey activity. As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity.

Generally speaking, NMFS estimates take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. NMFS notes that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, NMFS describes the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed (*i.e.,* Level B harassment) when exposed to underwater anthropogenic noise above received levels of 160 dB re 1 μPa (rms) for the impulsive sources (*i.e.,* boomers, sparkers) and non-impulsive, intermittent sources (*e.g.,*

CHIRP SBPs) evaluated here for Garden State's proposed activity.

Level A Harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). For more information, see NMFS' 2018 Technical Guidance, which may be accessed at *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

Garden State's proposed activity includes the use of impulsive (*i.e.,* sparkers and boomers) and non-impulsive (*e.g.,* CHIRP SBP) sources. However, as discussed above, NMFS has concluded that Level A harassment is not a reasonably likely outcome for marine mammals exposed to noise through use of the sources proposed for use here, and the potential for Level A harassment is not evaluated further in this document. Please see Garden State's application for details of a quantitative exposure analysis exercise, *i.e.,* calculated Level A harassment isopleths and estimated Level A harassment exposures. Maximum estimated Level A harassment isopleths were less than 3 m for all sources and hearing groups with the exception of an estimated 37 m zone and 17 m zone calculated for high-frequency cetaceans during use of the GeoPulse 5430 CHIRP SBP and the TB CHIRP III, respectively (see Table 1 for source characteristics). Garden State did not request authorization of take by Level A harassment, and no take by Level A harassment is proposed for authorization by NMFS.

Ensonified Area

NMFS has developed a user-friendly methodology for estimating the extent of the Level B harassment isopleths associated with relevant HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and directionality to refine estimated ensonified zones. For acoustic sources that operate with different beamwidths, the maximum beamwidth was used, and the lowest frequency of the source was used when calculating the frequency-dependent absorption coefficient (Table 1).

NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best available information on source levels associated with HRG equipment and, therefore, recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to estimate isopleth distances to harassment thresholds. In cases when the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS recommends that either the source levels provided by the manufacturer be used, or, in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) be used instead. Table 1 shows the HRG equipment types that may be used during the proposed surveys and the sound levels associated with those HRG equipment types.

Results of modeling using the methodology described above indicated that, of the HRG survey equipment planned for use by Garden State that has the potential to result in Level B harassment of marine mammals, the Applied Acoustics Dura-Spark UHD and GeoMarine Geo-Source sparkers would produce the largest Level B harassment isopleth (141 m; please see Table 4 of Garden State's application). Estimated Level B harassment isopleths associated with the boomer and CHIRP SBP systems planned for use are estimated as 25 and 36 m, respectively. Although Garden State does not expect to use sparker sources on all planned survey days, it proposes to assume for purposes of analysis that the sparker would be used on all survey days. This is a conservative approach, as the actual sources used on individual survey days may produce smaller harassment distances.

Marine Mammal Occurrence

In this section, NMFS provides information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts *et al.,* 2016, 2017, 2018, 2020) represent the best available information regarding marine mammal densities in the proposed survey area. The density data presented by Roberts *et al.* (2016, 2017, 2018, 2020) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). In subsequent years, certain models have been updated based on additional data as well as certain methodological improvements. More information is available online at *seamap.env.duke.edu/models/Duke-EC-GOM-2015/.* Marine mammal density estimates in the survey area (animals/km^2) were obtained using the most recent model results for all taxa (Roberts *et al.,* 2016, 2017, 2018, 2020). The updated models incorporate additional sighting data, including sightings from the NOAA Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys.

For the exposure analysis, density data from Roberts *et al.* (2016, 2017, 2018, 2020) were mapped using a geographic information system (GIS). Density grid cells that included any portion of the proposed survey area were selected for all survey months (see Figure 3 in Garden State's application).

Densities from each of the selected density blocks were averaged for each month available to provide monthly density estimates for each species (when available based on the temporal resolution of the model products), along with the average annual density. Please see Tables 7 and 8 of Garden State's application for density values used in the exposure estimation process for the Lease Area and the potential ECRs, respectively. Note that no density estimates are available for the portion of the ECR area in Delaware Bay, so the marine mammal densities from the density models of Roberts *et al.* (2016, 2017, 2018, 2020) were assumed to apply to this area. Additional data regarding average group sizes from survey effort in the region was considered to ensure adequate take estimates are evaluated.

Take Calculation and Estimation

Here NMFS describes how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to Level B harassment thresholds are calculated, as described above. The maximum distance (*i.e.,* 141 m distance associated with sparkers) to the Level B harassment criterion and the estimated trackline distance traveled per day by a given survey vessel (*i.e.,* 70 km) are then used to calculate the daily ensonified area, or zone of influence (ZOI) around the survey vessel.

The ZOI is a representation of the maximum extent of the ensonified area around a sound source over a 24-hr

period. The ZOI for each piece of equipment operating below 200 kHz was calculated per the following formula:

$$ZOI = (Distance/day \times 2r) + \pi r^2$$

Where r is the linear distance from the source to the harassment isopleth.

ZOIs associated with all sources with the expected potential to cause take of marine mammals are provided in Table 6 of Garden State's application. The largest daily ZOI (19.8 km^2), associated with the various sparkers proposed for use, was applied to all planned survey days.

Potential Level B harassment exposures are estimated by multiplying the average annual density of each species within either the Lease Area or potential ECR area by the daily ZOI. That product is then multiplied by the number of operating days expected for the survey in each area assessed, and the product is rounded to the nearest whole number. These results are shown in Table 4.

TABLE 4—SUMMARY OF TAKE NUMBERS PROPOSED FOR AUTHORIZATION

Species	Abundance	Level B takes [1]	Max percent population
Low-Frequency Cetaceans			
Fin whale	6,802	9	0.13
Sei whale	6,292	0 (1)	0.02
Minke whale	21,968	3	0.01
Humpback whale	1,393	4	0.29
North Atlantic right whale	412	14	3.40
Mid-Frequency Cetaceans			
Sperm whale [3]	4,349	0 (3)	0.07
Atlantic white-sided dolphin	93,233	15	0.00
Atlantic spotted dolphin	39,921	9	0.00
Common bottlenose dolphin:[2]			
Offshore Stock	62,851	437	0.21
Migratory Stock	6,639	1,192	7.77
Pilot Whales:[3]			
Short-finned pilot whale	28,924	3 (10)	0.03
Long-finned pilot whale	39,215	3 (10)	0.03
Risso's dolphin	35,493	0 (30)	0.08
Common dolphin	172,974	112	0.06
High-Frequency Cetaceans			
Harbor porpoise	95,543	98	0.03
Pinnipeds			
Seals: [4]			
Gray seal	451,431	9	0.00
Harbor seal	75,834	9	0.01

[1]Parenthesis denote changes from calculated take estimates.Increases from calculated values are based on assumed average group size for the species; sei whale, Kenney and Vigness-Raposa, 2010; sperm whale and Risso's dolphin, Barkaszi and Kelly, 2018.
[2]Roberts *et al.* (2016) does not provide density estimates for individual stocks of common bottlenose dolphins; therefore, stock densities were delineated using the 20-m isobath.
[3]Roberts (2018) only provides density estimates for ''generic'' pilot whales; therefore, an equal potential for takes has been assumed either for each species.
[4]Roberts (2018) only provides density estimates for ''generic'' seals; therefore, densities were split evenly between the two species.

The take numbers shown in Table 4 are those requested by Garden State, with the exception of the two pilot whale species. Garden State requested 3 takes each of short-finned and long-finned pilot whales, by Level B harassment. However, the requested number of takes is below the mean group size for each of these species; therefore, NMFS proposes increasing to 10 (from 3, proposed by Garden State) the number of takes by Level B harassment for each of these species, based on published mean group sizes (Kenney and Vigness-Raposa, 2010). For all other species, NMFS concurs with the take numbers requested by Garden State and proposes to authorize them.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS carefully considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is

expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Mitigation for Marine Mammals and Their Habitat

NMFS proposes the following mitigation measures be implemented during Garden State's proposed marine site characterization surveys.

Marine Mammal Exclusion Zones

Marine mammal exclusion zones (EZ) would be established around the HRG survey equipment and monitored by protected species observers (PSOs):

- 500 m EZ for North Atlantic right whales during use of all acoustic sources; and
- 100 m EZ for all marine mammals, with certain exceptions specified below, during operation of impulsive acoustic sources (boomer and/or sparker).

If a marine mammal is detected approaching or entering the EZs during the HRG survey, the vessel operator would adhere to the shutdown procedures described below to minimize noise impacts on the animals. These stated requirements will be included in the site-specific training to be provided to the survey team.

Pre-Clearance of the Exclusion Zones

Garden State would implement a 30-minute pre-clearance period of the EZs prior to the initiation of ramp-up of HRG equipment. During this period, the EZ will be monitored by the PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective EZ. If a marine mammal is observed within an EZ during the pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals, and 30 minutes for all other species).

Ramp-Up of Survey Equipment

When technically feasible, a ramp-up procedure would be used for HRG survey equipment capable of adjusting energy levels at the start or restart of survey activities. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power.

A ramp-up would begin with the powering up of the smallest acoustic HRG equipment at its lowest practical power output appropriate for the survey. When technically feasible, the power would then be gradually turned up and other acoustic sources would be added.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective exclusion zone. Ramp-up will continue if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals and 30 minutes for all other species).

Activation of survey equipment through ramp-up procedures may not occur when visual observation of the pre-clearance zone is not expected to be effective (*i.e.,* during inclement conditions such as heavy rain or fog).

Shutdown Procedures

An immediate shutdown of the impulsive HRG survey equipment would be required if a marine mammal is sighted entering or within its respective exclusion zone. The vessel operator must comply immediately with any call for shutdown by the Lead PSO. Any disagreement between the Lead PSO and vessel operator should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed *(i.e.,* 30 minutes for all other species).

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone (36 m, non-impulsive; 141 m impulsive), shutdown would occur.

If the acoustic source is shut down for reasons other than mitigation (*e.g.,* mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant observation and no detections of any marine mammal have occurred within the respective EZs. If the acoustic source is shut down for a period longer than 30 minutes and PSOs have maintained constant observation, then pre-clearance and ramp-up procedures will be initiated as described in the previous section.

The shutdown requirement would be waived for small delphinids of the following genera: *Delphinus, Lagenorhynchus, Stenella,* and *Tursiops* and seals. Specifically, if a delphinid from the specified genera or a pinniped is visually detected approaching the vessel (*i.e.,* to bow ride) or towed equipment, shutdown is not required. Furthermore, if there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgement in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid or pinniped detected in the exclusion zone and belongs to a genus other than those specified.

Vessel Strike Avoidance

Garden State will ensure that vessel operators and crew maintain a vigilant watch for cetaceans and pinnipeds and slow down or stop their vessels to avoid striking these species. Survey vessel crew members responsible for navigation duties will receive site-specific training on marine mammals sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures would include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

- Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal.
- All vessels, regardless of size, must observe a 10-knot speed restriction in

specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes including seasonal management areas (SMAs) and dynamic management areas (DMAs) when in effect.

- All vessels greater than or equal to 19.8 m in overall length operating from November 1 through April 30 will operate at speeds of 10 knots or less while transiting to and from Project Area.
- All vessels must reduce their speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- All vessels must maintain a minimum separation distance of 500 m from right whales. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action.
- All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).
- When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.
- These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Members of the monitoring team will consult NMFS North Atlantic right whale reporting system and Whale Alert, as able, for the presence of North Atlantic right whales throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the Project Area during the survey, the vessels will abide by speed restrictions in the DMA.

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. Prior to implementation with vessel crews, the training program will be provided to NMFS for review and approval. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew member understands and will comply with the necessary requirements throughout the survey activities.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

Visual monitoring will be performed by qualified, NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Garden State would employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task and/or have demonstrated experience in the role of an independent PSO during an HRG survey. At least one PSO aboard each acoustic source vessel must have a minimum of 90 days at-sea experience working as a PSO during a geophysical survey, with no more than 18 months elapsed since the conclusion of the at-sea experience. On a case-by-case basis, non-independent observers may be approved by NMFS for limited, specific duties in support of approved, independent PSOs on smaller vessels with limited crew capacity operating in nearshore waters.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including exclusion zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established EZs during survey activities. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate the

action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (*e.g.,* any day on which use of an HRG source is planned to occur), a minimum of one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active survey vessels during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations. The PSO(s) would ensure 360° visual coverage around the vessel from the most appropriate observation posts and would conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least two hours between watches and may conduct a maximum of 12 hours of observation per 24-hour period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to EZs. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology would be used. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs would also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey would be relayed to the PSO team. Data on all PSO observations would be recorded based on standard PSO collection requirements. This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal behavior that occurs (*e.g.,* noted behavioral disturbances).

Proposed Reporting Measures

Within 90 days after completion of survey activities or expiration of this IHA, whichever comes sooner, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals observed during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. All draft and final marine mammal and acoustic monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Esch@noaa.gov.* The report must contain at minimum, the following:

- PSO names and affiliations;
- Dates of departures and returns to port with port name;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort begins and ends, vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;
- Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions); and
- Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-clearance survey, ramp-up, shutdown, end of operations, etc.).

If a marine mammal is sighted, the following information should be recorded:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;
- Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;
- Estimated number of animals (high/low/best);
- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);
- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);
- Animal's closest point of approach and/or closest distance from the center point of the acoustic source;
- Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other); and
- Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

If a North Atlantic right whale is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Garden State must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System: (866) 755–6622. North Atlantic right whale sightings in any location may also be reported to the U.S. Coast Guard via channel 16.

In the event that Garden State personnel discover an injured or dead marine mammal, Garden State would report the incident to the NMFS Office of Protected Resources (OPR) and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and

updated location information if known and applicable);

- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

In the unanticipated event of a ship strike of a marine mammal by any vessel involved in the activities covered by the IHA, Garden State would report the incident to the NMFS OPR and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. NMFS also assesses the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all the species listed in Table 4, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature. Where there are meaningful differences between species or stocks—as is the case of the North Atlantic right whale—they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality would occur as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007). Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the nature of the operations and the estimated small size of the Level A harassment zones.

In addition to being temporary, the maximum expected harassment zone around a survey vessel is 141 m. Therefore, the ensonified area surrounding each vessel is relatively small compared to the overall distribution of the animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the proposed survey area and there are no feeding areas known to be biologically important to marine mammals within the proposed survey area. There is no designated critical habitat for any ESA-listed marine mammals in the proposed survey area.

North Atlantic Right Whales

The status of the North Atlantic right whale population is of heightened concern and, therefore, merits additional analysis. As noted previously, elevated North Atlantic right whale mortalities began in June 2017 and there is an active UME. Overall, preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of right whales. The proposed survey area overlaps a migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (effective March-April and November-December) that extends from Massachusetts to Florida (LeBrecque *et al.,* 2015). Off the coast of Delaware, this migratory BIA extends from the coast to beyond the shelf break. Due to the fact that that the proposed survey activities are temporary and the spatial extent of sound produced by the survey would be very small relative to the spatial extent of the available migratory habitat in the BIA, right whale migration is not expected to be impacted by the proposed survey. Given the relatively

small size of the ensonified area, it is unlikely that prey availability would be adversely affected by HRG survey operations. Required vessel strike avoidance measures will also decrease risk of ship strike during migration; no ship strike is expected to occur during Garden State's proposed activities. Additionally, only very limited take by Level B harassment of North Atlantic right whales has been requested and is being proposed by NMFS as HRG survey operations are required to maintain a 500 m EZ and shutdown if a North Atlantic right whale is sighted at or within the EZ. The 500 m shutdown zone for right whales is conservative, considering the Level B harassment isopleth for the most impactful acoustic source (*i.e.,* GeoMarine Geo-Source 400 tip sparker) is estimated to be 141 m, and thereby minimizes the potential for behavioral harassment of this species. As noted previously, Level A harassment is not expected due to the small PTS zones associated with HRG equipment types proposed for use. NMFS does not anticipate North Atlantic right whales takes that would result from Garden State's proposed activities would impact annual rates of recruitment or survival. Thus, any takes that occur would not result in population level impacts.

Other Marine Mammal Species With Active UMEs

As noted previously, there are several active UMEs occurring in the vicinity of Garden State's proposed survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or DPS) remains stable at approximately 12,000 individuals.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales.

Elevated numbers of harbor seal and gray seal mortalities were first observed in July 2018 and have occurred across Maine, New Hampshire, and Massachusetts. Based on tests conducted so far, the main pathogen found in the seals is phocine distemper virus, although additional testing to identify other factors that may be involved in this UME are underway. The UME does not yet provide cause for concern regarding population-level impacts to any of these stocks. For harbor seals, the population abundance is over 75,000 and annual M/SI (350) is well below PBR (2,006) (Hayes *et al.,* 2020). The population abundance for gray seals in the United States is over 27,000, with an estimated abundance, including seals in Canada, of approximately 451,431. In addition, the abundance of gray seals is likely increasing in the U.S. Atlantic exclusive economic zone (EEZ) as well as in Canada (Hayes *et al.,* 2020).

The required mitigation measures are expected to reduce the number and/or severity of proposed takes for all species listed in Table 4, including those with active UME's to the level of least practicable adverse impact. In particular they would provide animals the opportunity to move away from the sound source throughout the survey area before HRG survey equipment reaches full energy, thus preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. No Level A harassment is anticipated, even in the absence of mitigation measures, or proposed for authorization.

NMFS expects that takes would be in the form of short-term Level B behavioral harassment by way of brief startling reactions and/or temporary vacating of the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, required mitigation measures would further reduce exposure to sound that could result in more severe behavioral harassment.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or proposed for authorization;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or proposed for authorization;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the planned survey to avoid exposure to sounds from the activity;
- Take is anticipated to be primarily Level B behavioral harassment consisting of brief startling reactions and/or temporary avoidance of the survey area;
- While the survey area is within areas noted as a migratory BIA for North Atlantic right whales, the activities would occur in such a comparatively small area such that any avoidance of the survey area due to activities would not affect migration. In addition, mitigation measures to shutdown at 500 m to minimize potential for Level B behavioral harassment would limit any take of the species; and
- The proposed mitigation measures, including visual monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

NMFS proposes to authorize incidental take of 16 marine mammal species (with 17 managed stocks). The total amount of takes proposed for authorization relative to the best available population abundance is less than 8 percent for one stock (bottlenose dolphin northern coastal migratory stock) and less than 4 percent of all other species and stocks, which NMFS preliminarily finds are small numbers of marine mammals relative to the estimated overall population abundances for those stocks (please see Table 4).

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever NMFS proposes to authorize take for endangered or threatened species, in this case with NMFS Greater Atlantic Regional Fisheries Office (GARFO).

The NMFS OPR is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA: The North Atlantic right, fin, sei, and sperm whales. The OPR has requested initiation of Section 7 consultation with NMFS GARFO for the issuance of this IHA. NMFS will conclude the ESA section 7 consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Garden State for conducting marine site characterization surveys off the coasts of Delaware and New Jersey for one year from the date of issuance, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization surveys. We also request at this time comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: April 21, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–08681 Filed 4–26–21; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Fair Lending Report of the Bureau of Consumer Financial Protection, April 2021

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Fair Lending Report of the Bureau of Consumer Financial Protection.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing its ninth Fair Lending Report of the Bureau of Consumer Financial Protection (Fair Lending Report) to Congress. The Bureau is committed to ensuring fair, equitable, and nondiscriminatory access to credit for both individuals and communities. This report describes our fair lending activities in supervision and enforcement; guidance and rulemaking; interagency coordination; and outreach and education for calendar year 2020.

DATES: The Bureau released the 2020 Fair Lending Report on its website on April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Bobby Conner, Senior Policy Counsel, Fair Lending, at 1–855–411–2372. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

1. Fair Lending Report of the Bureau of Consumer Financial Protection, April 2021

Message From the Acting Director

The Bureau recognizes April as fair lending and fair housing month—a time to specifically highlight the importance of equity in our financial markets. As

such, I am pleased to present the Fair Lending Annual Report to Congress, describing the Consumer Financial Protection Bureau's fair lending work in 2020.

I want to express how incredibly proud I am of the Bureau, the Office of Fair Lending and Equal Opportunity (Office of Fair Lending) and the work they have been able to accomplish in the past year—a challenging year for all of us on so many different levels.

As I have made clear before, as Acting Director, my top priorities for this agency are to take bold and swift action to address issues of pervasive racial injustice and the long-term economic impacts of the COVID–19 pandemic on consumers. Although the true severity of the economic impacts of COVID–19 are just starting to be understood, it is clear that the pandemic is exacerbating racial inequality in all markets, including rising housing insecurity among the most vulnerable consumers. This, combined with the lingering impacts of over 400 years of chattel slavery and Jim Crow laws that sought to limit racial equality through institutionalized discrimination, deepens our nation's longstanding racial inequities. To fully understand and address these issues, it is crucial that the Bureau apply a racial equity lens and to find practical ways to make freedom from racial prejudice and pursuit of racial equity a priority in the full breadth of the Bureau's work. The Office of Fair Lending will play an integral part in achieving this mission.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) established the Bureau's Office of Fair Lending to provide ''oversight and enforcement of Federal laws intended to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and communities.''

During my tenure, the Bureau will continue to use all the tools Congress gave it, including enforcement, supervision, rulemaking, guidance, research, and education to ensure fair, equitable and nondiscriminatory access to credit. The Bureau will identify and act on opportunities to focus on consumers in underserved communities, while vigorously pursuing racial and economic justice. This includes, but is in no way limited to, robust enforcement of fair lending laws under the Bureau's jurisdiction.

As we are in the midst of a national emergency the likes of which have not been seen in a lifetime, the time for bold action is now. The hard work has already begun. I am eager for all that the Bureau, and the Office of Fair Lending, will accomplish on behalf of all consumers.

Sincerely,
David K. Uejio.

Message From the Fair Lending Director

The events of 2020 challenged our nation in many ways. The COVID–19 pandemic has caused great physical, emotional, and economic suffering. Millions of Americans face economic uncertainty and financial insecurity, are underemployed or unemployed, are at the brink of eviction or foreclosure, and are desperate for help.

Of those struggling, people and communities of color have been disproportionately affected. Women- and minority-owned small businesses are more likely to face more severe economic consequences than their white counterparts. Black and Hispanic homeowners are also less likely to access mortgage relief and forbearance, a troubling trend that the Bureau will continue to address.

Further, I would be remiss to not say the names of Black men, women, and children like George Floyd, Breonna Taylor, Tamir Rice and Ahmaud Arbury, sadly among the many who were assaulted and murdered last year. These incidents highlight racial and economic inequities and their impacts on the country. As such, the Bureau's fair lending work is more important now than perhaps ever.

I am proud of what we have been able to accomplish in the past year. After hearing questions from financial institutions and consumer and civil rights groups about ways to support financial inclusion, the Bureau issued guidance on special purpose credit programs, which are innovative ways to expand access to credit to traditionally underserved communities, including minority and other underserved consumers. The Bureau also continued to examine and investigate institutions for compliance with the Home Mortgage Disclosure (HMDA) and Equal Credit Opportunity (ECOA) Acts. Last year, the Bureau filed a lawsuit against Townstone Financial, Inc., a nonbank retail-mortgage creditor that alleged, among other things, that Townstone illegally discouraged prospective African-American applicants and prospective applicants living in African-American neighborhoods in the Chicago MSA from applying to Townstone for mortgage loans. We also embraced responsible innovation, hosting our first ever Tech Sprint, where participants creatively leveraged technology to develop innovative proposals on ways that lenders could better educate consumers by providing more useful explanations of adverse actions on their credit applications, and what those consumers can do to strengthen their next application for credit. Additionally, in 2020, Bureau staff participated in more than 90 outreach events with our external stakeholders, allowing the Bureau to hear perspectives on emerging issues and topics to better inform policy decisions.

Last year (2020) tested us, but 2021 will prove to be consequential for consumers as the Bureau vigorously works to ensure an equitable recovery from the economic fallout of the COVID–19 pandemic. As the Bureau enters its tenth year of existence in 2021, I am reminded of the crisis in which this agency was conceived, the Great Recession. I am also reminded of the difference the Bureau has made in the lives of consumers over that decade. Most of all, the Bureau is still here, and much work remains to be done. Looking toward the future of the Bureau, and the Office of Fair Lending, we remain committed to fulfilling our statutory mandate to ensure fair, equitable, and nondiscriminatory access to credit for all consumers.

Sincerely,
Patrice Alexander Ficklin.

1. From the Great Recession to a National Emergency: Marking the 10th Year of the Consumer Financial Protection Act During a Pandemic

The year 2020 marked the 10th anniversary of the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), from which the Consumer Financial Protection Bureau (CFPB or Bureau) was born. At that time, the nation found itself at a crossroads, reeling from the Great Recession—what was thought to have been a ''once in a lifetime'' economic crisis that devastated communities and families across the country. At its inception, the Bureau's statutory lodestar was to make consumer financial markets work better for consumers, families, small businesses, and communities, for responsible lenders and financial institutions, and for the American economy as a whole. The agency was built on the understanding that when the rules are fair and are applied as such, we have a chance to build stronger families and a stronger nation. A key component to this has been the Bureau's fair lending work to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and their communities.

This year, the nation once again finds itself at a crossroads, facing the fallout of the devastating COVID–19 pandemic

which, at the time of this publication, has resulted in the deaths of more than 550,000 of American lives, as well as the destruction of millions of livelihoods. The events of 2020 caused the Bureau to quickly pivot from planned activities to respond to the consumer protection issues of the day. Enactment of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the creation of the Small Business Administration's (SBA) Paycheck Protection Program (PPP) required new guidance and interpretation, detailed in section 4.2.3 of this report. Additionally, in 2020, prioritized supervisory assessments were executed to identify risks to consumers, further explained in section 2 of this report. The Bureau also launched a hub of web-based COVID–19 content for consumers and other stakeholders, with resources available in multiple languages.[1]

In the midst of the COVID–19 pandemic, racial injustice issues also came to the forefront of America's public dialogue. These issues were exposed by the inequitable burden communities and people of color bore from higher infection and mortality rates and greater resulting economic impacts, as well as high-profile deaths of Black and Brown Americans at the hands of law enforcement. Confronting the devastating impacts of the COVID–19 pandemic and resulting economic crisis, the Bureau's fair lending work necessarily carried on.

The Bureau solicited feedback from the public in a Request for Information (RFI) about how to enhance compliance with the Equal Credit Opportunity Act (ECOA), a key civil rights law, and received over 140 comments, further described in section 6.2.2 of this report. The Bureau also filed an enforcement action against an institution accused of redlining and another for violating the Home Mortgage Disclosure Act (HMDA) (see section 2.3.1 of this report) and provided guidance on special purpose credit programs to enable creditors to expand credit to traditionally underserved consumers and communities (see section 4.2.1 of this report).

The Bureau recognizes that the economic fallout from the pandemic is only beginning, and the pandemic's effects and impacts are not yet fully known. What is certain, though, is that the Bureau's fair lending work is and will continue to be a critical component of the Bureau and the Federal government's response to the pandemic and the elimination of racial injustice. In 2021, the Bureau's Fair Lending Office will be front and center in the agency's efforts to advance racial and economic equity.

2. Fair Lending Supervision and Enforcement

2.1 Risk-Based Prioritization

Because Congress charged the Bureau with the responsibility of overseeing many lenders and products, the Bureau has long-used a risk-based approach to prioritizing supervisory examinations and enforcement activity. This approach helps ensure that the Bureau focuses on areas that present substantial risk of credit discrimination for consumers.[2]

As part of the prioritization process, the Bureau identifies emerging developments and trends by monitoring key consumer financial markets. If this field and market intelligence identifies fair lending risks in a particular market, that information is used to determine the type and extent of attention required to address those risks.

The prioritization process incorporates a number of additional factors, including tips and leads from industry whistleblowers, advocacy groups, and government agencies; supervisory and enforcement history; consumer complaints; and results from analysis of HMDA and other data. As a result of its annual risk-based prioritization process for 2020, the Bureau focused its fair lending supervision efforts on mortgage origination, small business lending, and student loan origination.

As in previous years, the Bureau's 2020 mortgage origination work continued to focus on redlining (and whether lenders intentionally discouraged prospective applicants living or seeking credit in minority neighborhoods from applying for credit); assessing whether there is discrimination in underwriting and pricing processes such as steering; and HMDA data integrity and validation reviews (both as standalone exams and in preparation for ECOA exams that will follow).

The Bureau's small business lending work focused on assessing whether (1) there is discrimination in the application, underwriting, and pricing processes, (2) creditors are redlining, and (3) there are weaknesses in fair lending related compliance management systems (CMS).

The Bureau's student loan origination work focused on whether there is discrimination in policies and practices governing underwriting and pricing.

In May 2020, in response to the COVID–19 pandemic, the Bureau rescheduled about half of its planned examination work and instead conducted Prioritized Assessments. Prioritized Assessments were designed to cover a greater number of institutions than the typical examination schedule allows, gain a greater understanding of industry responses to pandemic-related challenges, and help ensure that entities were attentive to practices that may result in consumer harm. The Bureau's Supervision program evaluated fair lending risks through Prioritized Assessments in the small business lending and mortgage servicing, automobile loan servicing, and credit card markets.

2.2 Fair Lending Supervision

The Bureau's Fair Lending Supervision program assesses compliance with Federal fair lending consumer financial laws and regulations at banks and nonbanks over which the Bureau has supervisory authority. As a result of the Bureau's efforts to fulfill its fair lending mission during 2020, the Bureau initiated 13 fair lending examinations/targeted reviews. The Bureau also initiated a significant number of Prioritized Assessments that included important fair lending components.

In 2020, the Bureau issued several fair lending-related Matters Requiring Attention, directing entities to take corrective actions that will be monitored by the Bureau through follow-up supervisory events. The Bureau also issued Supervisory Recommendations in 2020 relating to weak or nonexistent fair lending policies and procedures, risk assessments, and fair lending training.[3]

2.3 Fair lending enforcement

The Bureau has the statutory authority to bring actions to enforce the requirements of ECOA and HMDA. The

[1] *https://www.consumerfinance.gov/coronavirus/.*

[2] For additional information regarding the Bureau's risk-based approach in prioritizing supervisory examinations, see section 2.2.3, Risk-Based Approach to Examinations, *Supervisory Highlights Summer 2013, available at https://files.consumerfinance.gov/f/201308_cfpb_supervisory-highlights_august.pdf.*

[3] Consumer Fin. Prot. Bureau, *BCFP Bulletin 2018–01: Changes to types of supervisory communications* (Sept. 25, 2018), *https://files.consumerfinance.gov/f/documents/bcfp_bulletin-2018-01_changes-to-supervisory-communications.pdf.* Additional activity has occurred with this matter since the end of this reporting period. On March 31, 2021, the Bureau issued *CFPB Bulletin 2021–01: Changes to Types of Supervisory Communications,* which announces changes to how examiners articulate supervisory expectations to supervised entities in connection with supervisory events, *https://files.consumerfinance.gov/f/documents/cfpb_bulletin_2021-01_changes-to-types-of-supervisory-communications_2021-03.pdf* (Mar. 31, 2021).

Bureau has the authority to engage in research, conduct investigations, file administrative complaints, hold hearings, and adjudicate claims through the Bureau's administrative enforcement process regarding ECOA and HMDA. The Bureau also has independent litigation authority and can file cases in federal court alleging violations of fair lending laws under the Bureau's jurisdiction. Like other Federal regulators, the Bureau is required to refer matters to the Department of Justice (DOJ) when it has reason to believe that a creditor has engaged in a pattern or practice of lending discrimination.[4]

2.3.1 Public Enforcement Actions

In 2020, the Bureau announced two public fair lending enforcement actions: Townstone Financial Inc., and Washington Federal Bank, N.A.

Townstone Financial Inc.

On July 15, 2020, the Bureau filed a lawsuit in federal district court in the Northern District of Illinois against Townstone Financial, Inc. (Townstone), a nonbank retail-mortgage creditor based in Chicago. On November 25, 2020, the Bureau amended the complaint.[5] The Bureau alleges that Townstone violated ECOA and Regulation B. As alleged in the complaint, from 2014 through 2017, Townstone drew almost no applications for mortgages on properties in African American neighborhoods located in the Chicago-Naperville-Elgin Metropolitan Statistical Area (Chicago MSA) and few applications from African Americans throughout the Chicago MSA. The Bureau alleges that Townstone engaged in acts or practices, including making statements during its weekly radio shows and podcasts through which it marketed its services, that illegally discouraged African American prospective applicants from applying for mortgage loans and engaged in illegal redlining by engaging in acts or practices that discouraged prospective applicants living or seeking credit in African American neighborhoods in the Chicago MSA from applying for mortgage loans. The Bureau's complaint seeks an injunction against Townstone, as well as damages, redress to consumers, and the imposition of a civil money penalty. Litigation is ongoing.

Washington Federal Bank, N.A.

On October 27, 2020, the Bureau settled with Washington Federal Bank, N.A. (Washington Federal), a federally-insured national bank, to address the Bureau's finding that it reported inaccurate HMDA data about its mortgage transactions for 2016 and 2017.[6] Inaccurate HMDA data can make it difficult for the public and regulators to discover and stop discrimination in home mortgage lending or for public officials and lenders to tell whether a community's credit needs are being met. The settlement requires Washington Federal to pay a $200,000 civil money penalty and develop and implement an effective compliance-management system to prevent future violations.

Washington Federal reported HMDA data for over 7,000 mortgage applications in both 2016 and 2017. The Bureau found that these data included significant errors, with some samples having error rates as high as 40%. The Bureau found that the errors in Washington Federal's 2016 HMDA data were caused by a lack of appropriate staffing, insufficient staff training, and ineffective quality control. The errors in its 2017 HMDA data were directly related to weaknesses in Washington Federal's compliance-management system. The Bureau found weaknesses in the areas of board and management oversight, monitoring, and policies and procedures. The significant errors in reported mortgage-application data violated HMDA and Regulation C. These violations also constituted violations of the Consumer Financial Protection Act.

2.3.2 ECOA Referrals to the Department of Justice

The Bureau must refer to DOJ a matter when it has reason to believe that a creditor has engaged in a pattern or practice of lending discrimination in violation of ECOA.[7] The Bureau may refer other potential ECOA violations to DOJ.[8] In 2020, the Bureau referred four matters to DOJ about discrimination pursuant to section 706(g) of ECOA. Two referrals involved redlining in mortgage origination based on race and national origin. One referral involved discrimination based on receipt of public assistance income in mortgage origination and one referral involved pricing discrimination in mortgage origination based on race and sex.

2.3.3 Implementing Enforcement Orders

When an enforcement action is resolved through a public enforcement order, the Bureau (together with DOJ, when relevant) takes steps to ensure that the respondent or defendant complies with the requirements of the order. Depending on the specific requirements of individual public enforcement orders, the Bureau may take steps to ensure that borrowers who are eligible for compensation receive remuneration and that the defendant has complied with the injunctive provisions of the order, including implementing a comprehensive fair lending compliance management system.

In January 2020, DOJ and the Bureau, together with BancorpSouth Bank (BancorpSouth), submitted a joint motion for early termination of the Consent Order in the BancorpSouth case, which was granted by the court.[9]

More information about our enforcement activity, past and present, is available at *www.consumerfinance.gov/enforcement/actions/.*

2.3.4 Pending Fair Lending Investigations

In 2020, the Bureau had a number of ongoing and newly opened fair lending investigations of institutions. The Bureau investigated potential discrimination in several markets, including student lending, payday lending, credit cards, and mortgage lending, including the unlawful practice of redlining. These matters are ongoing.

3. Interagency Reporting on ECOA and HMDA

The Bureau is statutorily required to file a report to Congress annually describing the administration of its functions under ECOA, summarizing public enforcement actions taken by other agencies with administrative enforcement responsibilities under ECOA, and providing an assessment of the extent to which compliance with ECOA has been achieved.[10] In addition, the Bureau's annual HMDA reporting requirement calls for the Bureau, in consultation with the Department of Housing and Urban Development (HUD), to report annually on the utility of HMDA's requirement that covered lenders itemize certain mortgage loan data.[11]

[4] *See* 15 U.S.C. 1691e(h).

[5] Consumer Fin. Prot. Bureau, *Townstone Financial, Inc.* (July 15, 2020), *https://www.consumerfinance.gov/enforcement/actions/townstone-financial-inc-and-barry-sturner/.*

[6] Consent Order, *In re Washington Federal Bank, N.A.,* CFPB No. 2020–BCFP–0019 (Oct. 24, 2020), *https://files.consumerfinance.gov/f/documents/cfpb_washington-federal-na_consent-order_2020-10.pdf.*

[7] 15 U.S.C. 1691e(g).

[8] *Id.*

[9] Order, *United States* v. *BancorpSouth Bank,* No. 1:16–cv–00118–MPM–DAS (N.D. Miss. Jan. 27, 2020), ECF No. 8, *https://files.consumerfinance.gov/f/documents/cfpb_bancorpsouth_order-terminating-consent-order.pdf.*

[10] 15 U.S.C. 1691f.

[11] 12 U.S.C. 2807.

3.1 Reporting on ECOA Enforcement

The enforcement efforts and compliance assessments made by the eleven agencies assigned enforcement authority under section 704 of ECOA are discussed in this section. Each of the agencies reported information describing their efforts to achieve general compliance.

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TABLE 1: FFIEC AGENCIES WITH ADMINISTRATIVE ENFORCEMENT OF ECOA[12]

FFIEC AGENCIES	Bureau of Consumer Financial Protection (CFPB)	Federal Deposit Insurance Corporation (FDIC)	Federal Reserve Board (FRB)	National Credit Union Administration (NCUA)	Office of the Comptroller of the Currency (OCC)

TABLE 2: NON-FFIEC AGENCIES WITH ADMINISTRATIVE ENFORCEMENT OF ECOA

NON-FFIEC AGENCIES	Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture (USDA)[13]	Department of Transportation (DOT)	Farm Credit Administration (FCA)
	Federal Trade Commission (FTC)	Securities and Exchange Commission (SEC)	Small Business Administration (SBA)[14]

[12] Collectively, the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Bureau of Consumer Financial Protection (Bureau) comprise the Federal Financial Institutions Examination Council (FFIEC). The State Liaison Committee was added to FFIEC in 2006 as a voting member. Federal Financial Institutions Examination Council, *http://www.ffiec.gov* (last visited Mar. 30, 2021).

[13] The Grain Inspection, Packers and Stockyards Administration (GIPSA) was eliminated as a stand-alone agency within USDA in 2017. The functions previously performed by GIPSA have been incorporated into the Agricultural Marketing Service (AMS), and ECOA reporting comes from the Packers and Stockyards Division, Fair Trade Practices Program, AMS.

[14] 15 U.S.C. 1691c.

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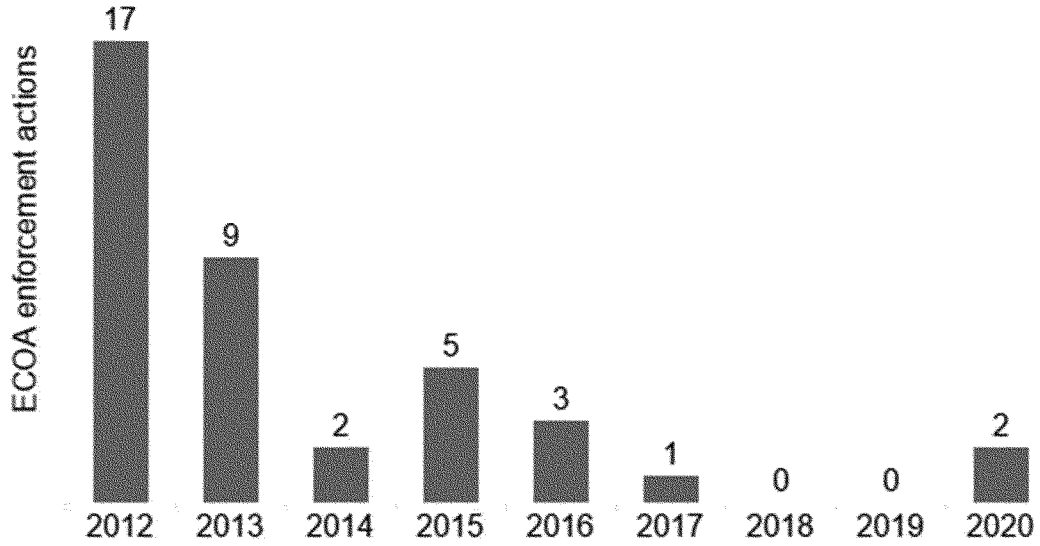
3.1.1 Public Enforcement Actions

In 2020, two of the eleven Federal agencies with ECOA enforcement authority brought public enforcement actions for violations of ECOA. The FTC brought an enforcement action in federal court against New York City car dealer Bronx Honda and its general manager, Carlo Fittanto, alleging that defendants violated ECOA and Regulation B by discriminating against African American and Hispanic consumers who financed vehicle purchases. According to the FTC's complaint, among other things, defendants charged African American and Hispanic customers higher markups and fees for financing than similarly situated non-Hispanic white consumers. In May 2020, the defendants agreed to pay $1.5 million to settle the charges. In addition, along with relief for other illegal practices alleged by the complaint, defendants are also required to establish a fair lending program that will, among other requirements, cap the amount of any additional interest markup they charge consumers. The FTC issued refunds totaling nearly $1.5 million to individuals affected by the allegedly unlawful financing and sales practices of defendants, with refunds averaging about $371 each to 3,977 victims of Bronx Honda's practices.

As described in section 2.3, in July 2020, the Bureau brought a public enforcement action in federal district court in the Northern District of Illinois against Townstone Financial, Inc., a nonbank retail-mortgage creditor based in Chicago, alleging discouragement of prospective applicants, redlining, and other violations of ECOA and Regulation B.

Below is an overview of the number of ECOA enforcement actions by all Federal agencies since 2012:

TABLE 3: NUMBER OF ECOA ENFORCEMENT ACTIONS (2012-2020)[15]



3.1.2 Number of Institutions Cited for ECOA/Reg B Violations

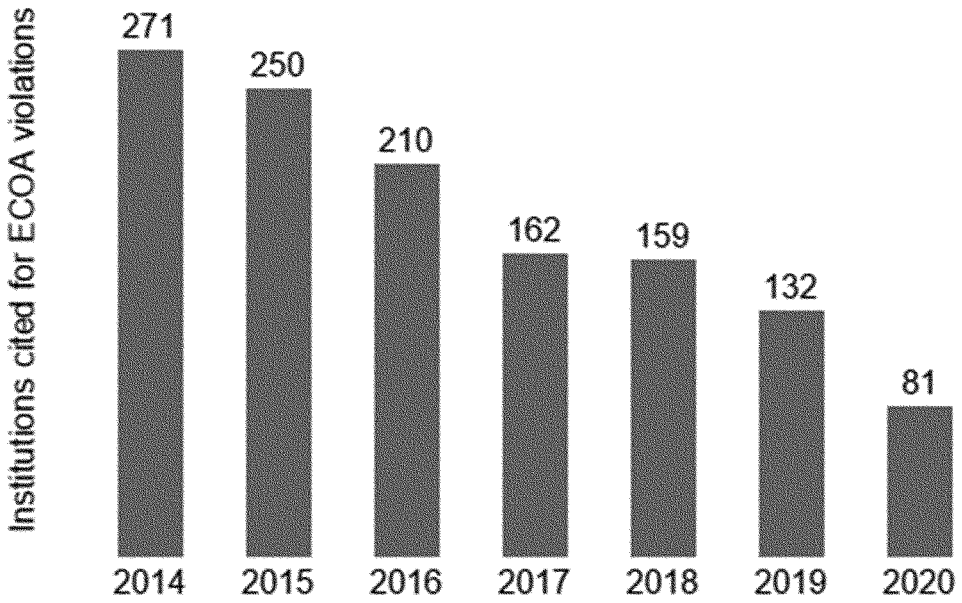
In 2020, the Federal Banking Agencies and the CFPB reported citing 81 institutions with violations of ECOA and/or Regulation B.[16]

Below is an overview of the number of institutions cited with ECOA and Regulation B violations by the Federal Banking Agencies and the CFPB since 2014:

[15] Table 3 identifies public enforcement actions by the year they were initiated (when filed and announced publicly).

[16] For these purposes, the Federal Banking Agencies refer to the FDIC, FRB, and OCC. In addition to the number of institutions cited by the Federal Banking Agencies and the CFPB, the NCUA reported citing 116 credit unions for ECOA and/or Regulation B violations in 2020.

TABLE 4: NUMBER OF INSTITUTIONS CITED FOR ECOA VIOLATIONS (2014-2020)[17]



3.1.3 Violations Cited During ECOA Examinations

Among institutions examined for compliance with ECOA and Regulation B, the FFIEC agencies reported that the most frequently cited violations were as follows:

TABLE 5—REGULATION B VIOLATIONS CITED BY FFIEC AGENCIES, 2020

Regulation B violations: 2020	FFIEC agencies reporting
12 CFR 1002.4(a), 1002.4(b), 1002.7(d)(1): Discrimination: Discrimination on a prohibited basis in a credit transaction; discouragement of prospective applicants on a prohibited basis; a creditor shall not inquire about the race, color, religion, national origin, or sex of an applicant or any other person in connection with a credit transaction; improperly considering receipt of public assistance in a system of evaluating applicant creditworthiness; improperly requiring the signature of the applicant's spouse or other person.	NCUA,[18] OCC,[19] FRB,[20] CFPB.[21]
12 CFR 1002.9(a)(1), (a)(1)(i)–(ii), (a)(2), (b)(2): Adverse Action: Failure to provide notice to the applicant 30 days after receiving a completed application concerning the creditor's approval of, counteroffer or adverse action on the application; failure to provide appropriate notice to the applicant 30 days after taking adverse action on an incomplete application; failure to provide sufficient information in an adverse action notification, including the specific reasons for the action taken.	FDIC,[22] NCUA,[23] OCC,[24] FRB,[25] CFPB.[26]
12 CFR 1002.12(b)(1): Record Retention: Failure to preserve application records	CFPB.
12 CFR 1002.14 (a)(1), (a)(2), (a)(3), (a)(4): Appraisals and Valuations: Failure to provide appraisals and other valuations.	OCC,[27] FDIC.[28]

Among institutions examined for compliance with ECOA and Regulation B, the Non-FFIEC agencies reported that the most frequently cited violations were as follows:

[17] Table 4 reflects data provided only by the Federal Banking Agencies and the CFPB. NCUA data is not included in the table because the relevant data are unavailable for years 2014–2019. The NCUA reported citing 116 credit unions for ECOA and/or Regulation B violations in 2020.

[18] 12 CFR 1002.4(a).

[19] 12 CFR 1002.7(d)(1).

[20] 12 CFR 1002.7(d)(1).

[21] 12 CFR 1002.4(a) and 1002.4(b).

[22] 12 CFR 1002.9(a)(2), 1002.9(b)(2).

[23] 12 CFR 1002.9(a)(1), 1002.9(a)(2), 1002.9(b)(2).

[24] 12 CFR 1002.9(a)(1)(i), 1002.9(a)(1)(ii), 1002.9(a)(2).

[25] 12 CFR 1002.9 (a)(2), 1002.9(b)(2).

[26] 12 CFR 1002.9(a)(1); 1002.9(a)(2); 1002.9(b)(2).

[27] 12 CFR 1002.14(a)(1), 1002.14(a)(2).

[28] 12 CFR 1002.14(a)(1), 1002.14(a)(2), ID02.14(a)(3), 1002.14(a)(4).

TABLE 6—REGULATION B VIOLATIONS CITED BY NON-FFIEC AGENCIES ENFORCING ECOA, 2020

Regulation B violations: 2020	Non-FFIEC agencies reporting
12 CFR 1002.9(a)(1)(i): Adverse Action: Failure to provide notice to the applicant 30 days after receiving a completed application concerning the creditor's approval of, counteroffer or adverse action on the application; failure to provide sufficient information in an adverse action notification, including the specific reasons for the action taken; failure to provide ECOA notice.	FCA.

The AMS, SEC, and the SBA reported that they received no complaints based on ECOA or Regulation B in 2020. In 2020, the DOT Office of Aviation Enforcement and Proceedings reported that it ''may have received a relatively small number of consumer inquiries or complaints concerning credit matters possibly covered by ECOA,'' which it ''processed informally.''

3.1.4 Additional Efforts To Ensure Compliance With ECOA and Regulation B

The agencies with administrative enforcement responsibilities under ECOA engage in other activities to ensure compliance with ECOA and Regulation B. Below is a sample of activities that agencies reported for 2020:

- Hosting or participating in meetings, conferences, and trainings with consumer advocates, industry representatives, and interagency groups on fair lending and consumer protection issues.
- Releasing publications focused on consumer compliance.
- Hosting or participating in interagency webinars on fair lending supervision.
- Providing technical assistance and outreach to educate community banks regarding the requirements of the regulation.
- Providing comments in response to the Bureau's Request for Information on ECOA and Regulation B.
- Providing training and workshops for military consumers on protections provided by ECOA and Regulation B.
- Issuing blog posts for consumers and businesses regarding ECOA and Regulation B on important topics, such as artificial intelligence.

3.1.5 Referrals to the Department of Justice

The agencies assigned enforcement authority under section 704 of ECOA must refer a matter to DOJ when there is reason to believe that a creditor has engaged in a pattern or practice of lending discrimination in violation of ECOA.[29] They also may refer other potential ECOA violations to DOJ.[30] In 2020, four agencies (CFPB, FDIC, FRB, and NCUA) made twelve such referrals to DOJ involving discrimination in violation of ECOA. A brief description of those matters follows.

As reported in section 2.3.2, in 2020, the Bureau referred four matters to DOJ. Two referrals involved redlining in mortgage origination based on race and national origin. One referral involved discrimination based on receipt of public assistance income in the mortgage servicing context and one referral involved pricing discrimination in mortgage origination based on race and sex.

In 2020, FDIC referred three matters to DOJ. The first referral involved discrimination in the underwriting of unsecured consumer loans on the basis of age and receipt of public assistance income. The second referral involved discrimination in the pricing of unsecured consumer loans on the basis of marital status. The third referral involved discrimination in underwriting and the pricing of unsecured consumer loans on the bases of age, sex, and receipt of public assistance income.

The NCUA referred three matters to DOJ in 2020. One referral was for discrimination on the prohibited basis of age and two referrals were for discrimination on the basis of marital status.

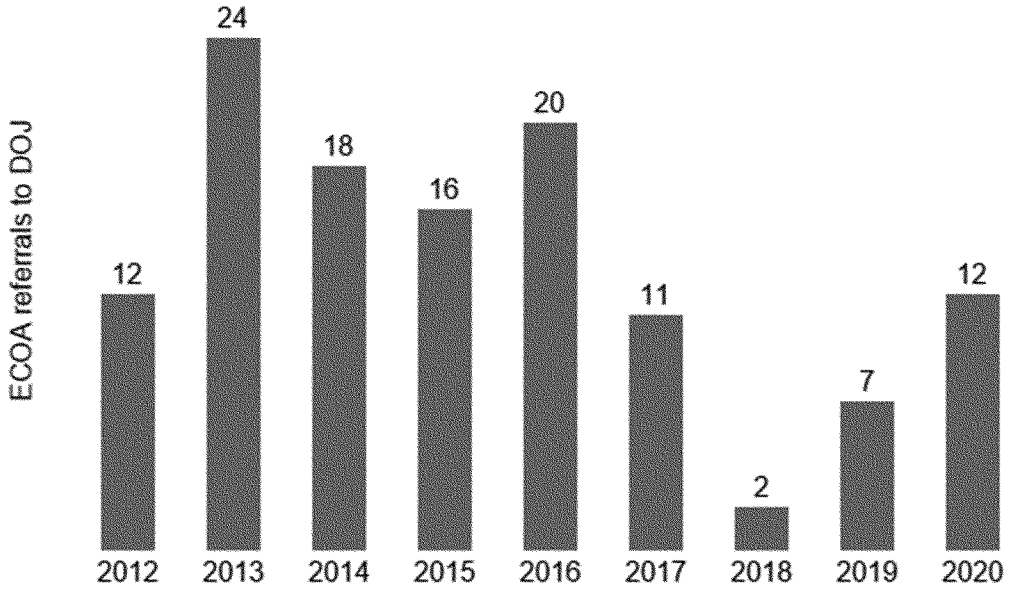
In 2020, FRB referred two matters to DOJ. One matter involved discrimination based on marital status in requiring spousal guarantees on loans. The second matter involved a pattern or practice of redlining in mortgage lending based on race or national origin.

Below is an overview of the number of ECOA referrals to DOJ by all Federal agencies since 2012:

[29] 15 U.S.C. 1691e(g).

[30] *Id.*

TABLE 7: NUMBER OF ECOA REFERRALS TO DOJ (2012-2020)



3.2 Reporting on HMDA

The Bureau's annual HMDA reporting requirement calls for the Bureau, in consultation with HUD, to report annually on the utility of HMDA's requirement that covered lenders itemize loan data in order to disclose the number and dollar amount of certain mortgage loans and applications, grouped according to various characteristics.[31] The Bureau, in consultation with HUD, finds that itemization and tabulation of these data furthers the purposes of HMDA.

4. Guidance and Rulemaking

4.1 ECOA and Regulation B Rulemaking

4.1.1 Small Business Lending and Data Collection

In the Dodd-Frank Act, Congress directed the Bureau to adopt regulations governing the collection of small business lending data. Section 1071 of the Dodd-Frank Act (section 1071) amended ECOA to require financial institutions to compile, maintain, and submit to the Bureau certain data on applications for credit for women-owned, minority-owned, and small businesses.

Congress enacted section 1071 for the purpose of facilitating enforcement of fair lending laws and enabling communities, governmental entities, and creditors to identify business and community development needs and opportunities for women-owned, minority-owned, and small businesses.

Under the process established by Congress in the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), the Bureau is required to consult with representatives of small entities likely to be directly affected by the regulations the Bureau is considering proposing and to obtain feedback on the likely impacts the rules under consideration would have on small entities.

In September 2020, the Bureau released its *Outline of Proposals Under Consideration and Alternatives Considered for Section 1071 of the Dodd-Frank Act* governing small business lending data collection and reporting, which described proposals under consideration to implement section 1071 along with the relevant law, the regulatory process, and an economic analysis of the potential impacts of the proposals on directly affected small entities.[32]

The Bureau also convened a Small Business Advocacy Review panel in October 2020. The panel was comprised of a representative from the Bureau, the Chief Counsel for Advocacy of the SBA, and a representative from the Office of Information and Regulatory Affairs in the Office of Management and Budget. The panel collected comments and recommendations from representatives of small entities that are likely to be subject to the regulation that the Bureau is considering proposing.

In December 2020, the Bureau released the *Final Report of the Small Business Review Panel on the CFPB's Proposals Under Consideration for the Small Business Lending Data Collection Rulemaking.*[33] This report includes a summary of the feedback received from small entity representatives (SERs) during the panel process, and findings and recommendations made by the panel.

In their feedback, SERs were generally supportive of the Bureau's statutory mission to enact rules under section 1071 and several SERs stated that a 1071 rulemaking is necessary to better understand the small business lending market. Further, SERs requested, and the panel agreed that, among other things, the Bureau should issue implementation and guidance materials specifically to assist small financial institutions in complying with an eventual section 1071 rule, and to consider providing sample disclosure language.

The feedback from small entity representatives and the panel's findings and recommendations will be used by the Bureau as it prepares a notice of

[31] 12 U.S.C. 2807.

[32] Consumer Fin. Prot. Bureau, *Small Business Advisory Review Panel For Consumer Financial Protection Bureau Small Business Lending Data Collection Rulemaking* (Sept. 15, 2020), *https://files.consumerfinance.gov/f/documents/cfpb_1071-sbrefa_outline-of-proposals-under-consideration_2020-09.pdf.*

[33] Consumer Fin. Prot. Bureau, *Final Report of the Small Business Review Panel on the CFPB's Proposals Under Consideration for the Small Business Lending Data Collection Rulemaking* (Dec. 14, 2020), *https://files.consumerfinance.gov/f/documents/cfpb_1071-sbrefa-report.pdf.*

proposed rulemaking to implement section 1071.

4.2 ECOA and Regulation B Guidance

4.2.1 Special Purpose Credit Program Interpretive Rule

In December 2020, the Bureau issued an interpretive rule, styled as an Advisory Opinion, related to special purpose credit programs, clarifying the regulations and promoting equitable access to credit for historically economically disadvantaged groups and communities.[34] This interpretive rule followed the Bureau's issuance of an RFI on ECOA and Regulation B (*see* section 6.2.2), where the Bureau sought public opinion on, among other things, special purpose credit programs. Through extensive stakeholder feedback and comments received in response to the RFI, the Bureau learned that stakeholders were interested in additional guidance to help them develop compliant special purpose credit programs.

As detailed in the interpretive rule, ECOA and Regulation B prohibit discrimination on certain prohibited bases in any aspect of a credit transaction, but the statute and regulation clarify that it is not discrimination for for-profit organizations to provide special purpose credit programs designed to meet special social needs. The Bureau does not determine whether individual programs qualify for special purpose credit status. Instead, the creditor offering the special purpose credit program must determine the status of its program. Regulation B provides creditors with general guidance for developing special purpose credit programs that are compliant with ECOA.

To guide this determination and to address regulatory uncertainty, the Bureau issued this interpretive rule with the hope that more creditors will offer special purpose credit programs and increase access to credit to underserved groups. Specifically, the Bureau clarified the content that a for-profit organization must include in a written plan that establishes and administers a special purpose credit program under Regulation B. The interpretive rule also clarified the type of research and data that may be appropriate to inform a for-profit organization's determination that a special purpose credit program would benefit a certain class of people.

This, and other interpretive rules issued by the Bureau, are available at *www.consumerfinance.gov/compliance/advisory-opinion-program/.*

4.2.2 ECOA Valuations Rule Fact Sheets

Regulation B requires creditors to provide applicants free copies of all appraisals and other written valuations developed in connection with an application for a loan to be secured by a first lien on a dwelling. Known as the ECOA Valuations Rule, the rule also requires creditors to notify applicants in writing that copies of appraisals will be provided to them promptly upon completion or no later than three business days before consummation or account opening, whichever is earlier. In April 2020, the Bureau released two factsheets on the ECOA Valuations Rule. The factsheets provide information on transaction coverage[35] under the Valuations Rule and delivery method and timing requirements for appraisals and other written valuations.[36] The Bureau also published a frequently asked questions sheet (FAQ) related to the ECOA Valuations Rule in light of the COVID–19 pandemic.[37]

4.2.3 Paycheck Protection Program FAQs

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act),[38] which included a temporary small business lending program known as the Paycheck Protection Program (PPP). Under this program, small businesses could receive loans from private lenders to cover eligible payroll, costs, business mortgage payments and interest, rent, and utilities for either an 8- or 24-week period after disbursement. Each loan is fully guaranteed by the SBA, which administers the PPP; small business borrowers do not have to make any payments during the first six months of the loan term and may receive a deferral up to one year; and small businesses may receive complete or partial forgiveness of their loans if they use their loans to cover certain expenses and meet other requirements. A wide range of financial institutions were eligible to participate as lenders in the PPP, including institutions that normally do not participate in the SBA's 7(a) lending program.[39] This includes federally insured depository institutions, credit unions, and nonbanks.[40]

In May 2020, the Bureau issued clarifying FAQs to support small businesses that applied for a loan under the PPP.[41] Creditors are generally required under ECOA and Regulation B to notify applicants within 30 days of receiving a ''completed application'' of the creditor's approval, counteroffer, denial or other adverse notice regarding the application. Regulation B notifications of action taken are designed to help consumers and businesses by providing transparency to the credit underwriting process in a timely manner. Information that is generally included in a complete application includes any approvals or reports by governmental agencies or others who can guarantee, insure, or provide security for the credit or collateral. In its FAQs, the Bureau clarified that a PPP application is only a ''completed application'' once the creditor has received a loan number from the SBA or a response about the availability of funds. This ensures that the time awaiting this information from the SBA does not count toward the 30-day notice requirement, and that applications will therefore not ''time out'' during the process.

The FAQs also made clear that if the creditor denies an application without ever sending the application to the SBA, the creditor must give notice of this adverse action within 30 days. The FAQs further clarified that a creditor cannot deny a loan application based on incompleteness, where an application is incomplete regarding matters the applicant cannot provide, such as a loan number or response about the availability of funds from the SBA.

[34] Consumer Fin. Prot. Bureau, *Consumer Financial Protection Bureau Issues Advisory Opinion to Help Expand Fair, Equitable, and Nondiscriminatory Access to Credit* (Dec. 21, 2020), *https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-issues-advisory-opinion-to-help-expand-fair-equitable-and-nondiscriminatory-access-to-credit.*

[35] Consumer Fin. Prot. Bureau, *Factsheet: Transaction coverage under the ECOA Valuations Rule* (May 14, 2020), *https://www.consumerfinance.gov/documents/8736/cfpb_ecoa-valuation_transaction-coverage-factsheet.pdf.*

[36] Consumer Fin. Prot. Bureau, *Factsheet: Delivery of appraisals* (June 5, 2020), *https://www.consumerfinance.gov/documents/8737/cfpb_ecoa-valuation_delivery-of-appraisals-factsheet.pdf.*

[37] Consumer Fin. Prot. Bureau, *The Bureau's Mortgage Origination Rules FAQs related to the COVID–19 Emergency* (Apr. 29, 2020), *https://files.consumerfinance.gov/f/documents/cfpb_mortgage-origination-rules_faqs-covid-19.pdf.*

[38] Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136, 134 Stat. 281 (Mar. 27, 2020).

[39] The 7(a) loan program is the SBA's primary program for providing financial assistance to small businesses. The program's name comes from section 7(a) of the Small Business Act, 15 U.S.C. 636(a). The SBA offers several different types of loans through the program.

[40] Institutions that were not SBA-certified did have to apply to the SBA and receive delegated authority to process PPP loan applications.

[41] Consumer Fin. Prot. Bureau, *Consumer Financial Protection Bureau Issues Clarifications to Support Small Business Applying for PPP Loans* (May 6, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-issues-clarifications-support-small-business-applying-ppp-loans/.*

4.2.4 Supervisory Highlights Issue 22, Summer 2020

The Bureau periodically publishes *Supervisory Highlights* to communicate about the Bureau's supervisory activity and to share key examination findings. These reports also communicate operational changes to our supervision program and provide a convenient and easily accessible resource for information on our recent guidance documents.

In September 2020, the Bureau published Issue 22 of *Supervisory Highlights.*[42] In this edition, the Bureau noted that one or more lenders violated ECOA and Regulation B by intentionally redlining majority minority neighborhoods in two MSAs by engaging in acts or practices directed at prospective applicants that may have discouraged reasonable people from applying for credit.

Additionally, Bureau examiners found that one or more lenders violated ECOA and Regulation B by maintaining a policy and practice that excluded certain forms of public assistance income, including unemployment compensation and Supplemental Nutrition Assistance Program (SNAP benefits)—commonly known as food stamps, from consideration in determining a borrower's eligibility for mortgage modification programs. ECOA and Regulation B prohibit lenders from discriminating in any aspect of a credit transaction against an applicant ''because all or part of the applicant's income derives from any public assistance program.'' [43]

All editions of *Supervisory Highlights* are available at *www.consumerfinance.gov/compliance/supervisory-highlights/.*

4.2.5 Help Desk Program

To promote fair lending compliance, during 2020, the Bureau hosted ''Fair Lending Help Desks.'' The help desks, hosted at two external stakeholder conferences, allowed conference participants to engage with Bureau subject matter experts on regulatory compliance issues relating to ECOA and Regulation B, as well as HMDA and Regulation C.

4.3 HMDA and Regulation C Rulemaking

4.3.1 Final Rule Raising Reporting Thresholds Under HMDA

In April 2020, the Bureau issued a final rule raising the loan-volume coverage thresholds for financial institutions reporting data under HMDA. The final rule, amending Regulation C, increased the permanent threshold for collecting, recording, and reporting data about closed-end mortgage loans from 25 to 100 loans, effective July 1, 2020. The final rule will also amend Regulation C to increase the permanent threshold for collecting, recording, and reporting data about open-end lines of credit from 100 to 200, effective January 1, 2022, when the current temporary threshold of 500 of open-end lines of credit expires.

4.3.2 HMDA Notices of Proposed Rulemaking

In the Fall 2020 Rulemaking Agenda, the Bureau announced that it anticipated publishing two Notices of Proposed Rulemaking (NPRMs) in early 2021 concerning possible revisions to the 2015 HMDA rule. One of these indicated that it followed an Advance Notice of Proposed Rulemaking in May 2019 concerning certain data points that are required to be reported under the HMDA rule and coverage of certain business or commercial purpose loans, addressing concerns about regulatory burden. The second indicated it would address the public disclosure of HMDA data in light of consumer privacy interests, so that stakeholders can concurrently consider and comment on the collection and reporting of data points and public disclosure of those data points. Concurrent with the publication of the Fall 2020 Unified Agenda, the Bureau's Office of Regulations issued a blog post on the Bureau's website stating that the data points and disclosure rules may not be released by the anticipated February target in the Unified Agenda.

4.4 HMDA and Regulation C Guidance

4.4.1 HMDA Data Point Articles With Observations of the 2019 HMDA Data

In 2020, the Bureau released two HMDA data point articles presenting Bureau analysis of the 2019 HMDA data. The first was issued in June 2020, which describes mortgage market activity over time based on data reported under HMDA. It summarizes the historical data points in the 2019 HMDA data, as well as recent trends in mortgage and housing markets.

The second article was released in August 2020. The focus of the article was on the data points newly added or revised by the 2015 HMDA rule, specifically through cross-sectional analyses, *i.e.,* using the data contained in one year's loan application register (LAR) to explore various patterns and relationships between different data fields to provide some initial observations. To the extent some of those patterns or relationships might have changed significantly over the last year, the article highlighted such changes. Otherwise, the majority of the analyses were limited to the data collected in 2019 and reported in 2020.

4.4.2 HMDA Reporting Notification Program

On occasion, the Bureau will send notification letters to advise recipients that the Bureau has information that appears to show that the recipients might be in violation of Federal consumer financial law. The letters are not accusations of wrongdoing. Instead, they are intended to help recipients review certain practices to ensure that they comply with Federal law. One such letter pertains to compliance with HMDA, through the Bureau's HMDA Reporting Notification Program (HMDA RNP).

As part of the HMDA RNP, in September 2020, the Bureau issued notification letters to 40 non-depository mortgage lenders regarding potential non-compliance with certain reporting requirements of HMDA and Regulation C. Specifically, the letters informed recipients that they may be required to collect, record, and report data about their mortgage-lending activity under HMDA and Regulation C, and that they may be in violation of those requirements. The letters also provided information about specific reporting requirements under HMDA and Regulation C and provided links to educational resources for HMDA reporters. The letters urged recipients to review their practices to ensure compliance with all relevant laws. The recipients were encouraged to respond to the Bureau to advise if they had taken, or would take, steps to ensure compliance with the law. Recipients were invited to tell the Bureau if they thought their activities did not meet HMDA reporting thresholds.

The Bureau's HMDA RNP sought to increase HMDA compliance through education and direct outreach to potential non-reporting mortgage lenders, and to improve HMDA data quality and completeness through accurate reporting. Since commencing the HMDA non-reporters project pilot in 2016, more than 224,000 previously

[42] Consumer Fin. Prot. Bureau, *Supervisory Highlights, Summer 2020* (Sept. 2020), https://files.consumerfinance.gov/f/documents/cfpb_supervisory-highlights_issue-22_2020-09.pdf.

[43] 15 U.S.C. 1691(a)(2); 12 CFR 1002.2(z).

unreported mortgage loan records have now been reported.

4.4.3 HMDA Data Browser Webinars

HMDA data are the most comprehensive source of publicly available information on the U.S. mortgage market. Each year, thousands of financial institutions are required to maintain, report, and publicly disclose loan-level information about mortgages under HMDA. These data serve multiple purposes: Helping to show whether lenders are serving the housing needs of their communities, giving public officials information that helps them make decisions and policies, and shedding light on lending patterns that could be discriminatory. The public data are modified to protect applicant and borrower privacy.

In 2019, the HMDA Data Browser was launched as a tool to access HMDA data collections for the years 2018 and onward. While a single year of HMDA data may contain tens of millions of records and require special software to analyze, the HMDA Data Browser allows users to filter and download more manageable and targeted HMDA datasets, including by geographic area. Upon selection, users can download a comma separated values (CSV) file, compatible with Excel, that includes this geographic data, along with all 99 public data fields. If a user would like to filter data further, they can select from up to two of 11 available variables. Users can then view an aggregated summary table of the data requested and download a CSV file of the filtered data.

In 2020, the Bureau hosted five webinars on HMDA and the HMDA Data Browser, which were presented to educate civil rights groups, consumer advocates, industry, and other government agencies on the tool. These skill-building webinars provided background information on HMDA, including the types of mortgage transactions and the specific data points reported under the law and a step-by-step demonstration on how to use the HMDA Data Browser.

A recorded version of the live HMDA Data Browser webinar is available at *www.consumerfinance.gov/about-us/events/archive-past-events/hmda-data-browser/*.

Access to the HMDA Data Browser is available at *https://ffiec.cfpb.gov/data-browser/*. For questions or suggestions about HMDA or the HMDA Data Browser, contact *HMDAHelp@cfpb.gov.*

4.4.4 Other HMDA Guidance and Resources

The Bureau maintains a suite of resources on its public website to help facilitate compliance with HMDA and Regulation C, including an Executive Summary of HMDA rule changes; Small Entity Compliance Guide; Key Dates Timeline; Institutional and Transactional Coverage Charts; Reportable HMDA Data Chart; sample data collection form; and FAQs, in addition to downloadable webinars, which provide an overview of the HMDA rule. The Bureau also provides on its website an Interactive Bureau Regulations version of Regulation C.

The Bureau routinely updates its HMDA resources throughout the year to ensure HMDA reporters have the most up-to-date information. For example, in November 2020, the Bureau released the 2021 Filing Instructions Guide (FIG) and the Supplemental Guide for Quarterly Filers. Together with the FFIEC, in January 2020, the Bureau also published the 2020 edition of the HMDA Getting it Right Guide. The Bureau also works with the FFIEC to publish data submission resources for HMDA filers and vendors on its Resources for HMDA Filers website, *https://ffiec.cfpb.gov.*

In addition, HMDA reporters can ask technical questions about HMDA and Regulation C, including how to submit HMDA data, by emailing the Bureau's HMDA Help at *HMDAHelp@cfpb.gov.* The Bureau also offers financial institutions, service providers, and others, informal staff guidance on specific questions about the statutes and rules the Bureau implements, including ECOA and Regulation B and HMDA and Regulation C, through its Regulation Inquiries platform at *www.reginquiries.consumerfinance.gov.* Additionally, questions about HMDA may be asked at the Bureau's Fair Lending Help Desks as referenced in section 4.2.5.

5. Tech Sprints: Using Innovative Technology To Address Fair Lending Compliance

The Bureau's Tech Sprint Program gathers regulators, technologists, academics, financial institutions, vendors, and subject matter experts from key stakeholders for several days to work together to develop innovative solutions to specific challenges at the intersection of emerging technology and Federal consumer protection laws. Inspired by a similar program successfully launched by the Financial Conduct Authority in the United Kingdom, the Tech Sprint program aims to (1) develop actionable technology-focused solutions to a variety of regulatory and consumer protection challenges; (2) harness technology to reduce burden, improve results, and create greater efficiencies across financial markets; and (3) explore how technology can reshape compliance and speed effective interaction between regulators and financial institutions.

During a Tech Sprint, participants work together in small teams. The teams include participants from both the regulator and a diversity of entities to ensure the inclusion of regulatory, consumer advocate, industry, academic, and technologist perspectives. The regulator assigns a specific regulatory compliance or market problem to each team and challenges the teams to solve or mitigate the problem using modern technologies and approaches. The teams then work for several days to produce actionable ideas, write computer code, and present their solutions. On the final day, each team presents their solutions to an independent panel of evaluators that selects the outstanding teams in several categories. The most promising ideas can then be further developed either in collaboration with the regulator or by external parties.

In June 2020, the Bureau announced its first Tech Sprint which was held October 5–9, 2020, virtually, due to the pandemic. This Tech Sprint focused on electronically delivered adverse action notices that that serve statutory purposes under ECOA and the Fair Credit Reporting Act (FCRA).[44] The event challenged participants to develop innovative approaches to electronically-delivered ways to notify consumers of, and inform them about, adverse credit actions. Teams were asked to show how their solution could improve on current adverse action notices to better realize three core goals:

- Accuracy—using accurate information to take adverse action;
- Anti-discrimination—preventing illegal discrimination in credit decisions; and
- Education—helping consumers fare better in future credit applications.

Participants were informed that innovations could include any aspect, or potential aspect, of adverse action communication. The Tech Sprint attracted numerous expressions of interest, and more than 80 participants formed into 13 ''sprint teams.'' Participants represented a wide variety

[44] Consumer Fin. Prot. Bureau, *CFPB Announces Tech Sprints To Empower Consumers, Reduce Regulatory Burden* (June 29, 2020), *https://www.consumerfinance.gov/about-us/newsroom/tech-sprints.* Additional activity has occurred with this matter since the end of the reporting period. The second Tech Sprint occurred from March 22–26, 2021. During this week, 17 teams, with over 100 total members participated in the Tech Sprint. Teams presented their solutions to a panel of evaluators on the last day, which included many novel and innovative solutions to the problem statement.

of stakeholders including large financial institutions, community and consumer organizations, FinTechs, research organizations, and academia.

On the final day of the Tech Sprint, the teams presented their solutions to a panel of evaluators. The solutions developed by the sprint teams were creative and varied. Some of the solutions included providing more detailed information on what role each denial reason played in the credit decision; identifying how the denied applicant might obtain a credit approval in the future by, for example, raising the credit score to a certain level, decreasing credit inquiries to a certain number, or requesting a different loan term or amount; delivering additional information or educational content with the electronic notice to the consumer to assist them in making more informed financial decisions; and proposing methodologies for identifying principal reasons for adverse action when algorithms—including, potentially, algorithms that make use of artificial intelligence—are used in the credit decision.

Following the conclusion of the Tech Sprint, some of the participants informed the Bureau that they would work to incorporate their innovations into their delivery of adverse action notices or would consider working with the Bureau to further develop their ideas. The creative solutions presented will also help better inform the Bureau's policy making.

The Bureau also announced its second Tech Sprint, focused on improvements to submitting and publishing HMDA data, to be held between March 22–26, 2021.[45] Participants in this Tech Sprint were invited to help create additional tools for users on the HMDA Platform and to develop and document HMDA Platform Applicant Programming Interfaces (APIs). Alternatively, participants may develop additional enhancements to HMDA data products and services, or new ways to interact with existing products, data analysis capabilities, or interfaces to other datasets. Details about the HMDA Tech Sprint will be published in the 2022 Annual Report.

6. Outreach: Promoting Fair Lending Compliance and Education

Pursuant to the Dodd-Frank Act, the Bureau regularly engages in outreach with stakeholders, including consumer advocates, civil rights organizations, industry, academia, and other government agencies, to (1) educate them about fair lending compliance and access to credit issues and (2) hear their views on the Bureau's work to inform its policy decisions.[46]

In coordinating fair lending efforts Bureau-wide, throughout 2020, the Office of Fair Lending worked closely with other Bureau offices to execute the Bureau's fair lending outreach and education efforts.

6.1 Educating Stakeholders About Fair Lending Compliance and Access to Credit Issues

6.1.1 Bureau Blog Posts, Statements, Reports, and Press Releases

The Bureau regularly uses blog posts, statements, reports, and press releases as tools to timely and effectively communicate with consumers, small business owners, financial institutions, and other stakeholders about fair lending issues, emerging areas of concern, Bureau initiatives, and more. In 2020, the Bureau published seven blog posts related to fair lending topics including the announcement of the 2019 Fair Lending Annual Report to Congress;[47] the importance of fair and equitable access to credit for minority and women-owned businesses, including businesses applying for PPP relief;[48] providing adverse action notices when using artificial intelligence and machine learning models;[49] announcing an RFI related to ECOA;[50] expanding access to credit to underserved communities through the special purpose credit programs provisions of ECOA and Regulation B;[51] the availability of Bureau resources for consumers in multiple languages;[52] a request for public comments to inform Bureau guidance on serving LEP consumers;[53] [54] and the Bureau's first tech sprint on improving electronically-delivered adverse action notices to consumers.[55] The Bureau's blog posts, including those related to fair lending, may be accessed at *www.consumerfinance.gov/blog.*

In 2020, the Bureau also issued ten press releases related to fair lending topics including the flexibilities provided to financial institutions during the COVID–19 pandemic relating to certain HMDA reporting requirements;[56] the release of the Bureau's *Outline of Proposals Under Consideration and Alternatives Considered* regarding section 1071 of the Dodd-Frank Act;[57] the release of 2019 HMDA data to the public;[58] the Bureau's analysis of 2019 HMDA data

[45] *Id.*

[46] Consumer Fin. Prot. Bureau, *Fiscal Year 2020: Annual Performance Plan and Report, and Budget Overview,* Performance goal 2.1.1, at 69 (Feb. 2021), *https://files.consumerfinance.gov/f/documents/cfpb_performance-plan-and-report_fy20.pdf.*

[47] Patrice Alexander Ficklin and J. Frank Vespa-Papaleo, Consumer Fin. Prot. Bureau, *Protecting consumers and encouraging innovation: 2019 Fair Lending Report to Congress* (Apr. 30, 2020), *https://www.consumerfinance.gov/about-us/blog/protecting-consumers-and-encouraging-innovation-2019-fair-lending-report-congress/.*

[48] Patrice Alexander Ficklin, Grady Hedgespeth, and Lora McCray, Consumer Fin. Prot. Bureau, *The importance of fair and equitable access to credit for minority and women-owned businesses* (Apr. 27, 2020), *https://www.consumerfinance.gov/about-us/blog/fair-equitable-access-credit-minority-women-owned-businesses/.*

[49] Patrice Alexander Ficklin, Tom Pahl, and Paul Watkins, Consumer Fin. Prot. Bureau, *Innovation spotlight: Providing adverse action notices when using AI/ML models* (July 7, 2020), *https://www.consumerfinance.gov/about-us/blog/innovation-spotlight-providing-adverse-action-notices-when-using-ai-ml-models/.*

[50] Kathleen L. Kraninger, Consumer Fin. Prot. Bureau, *The Bureau is taking action to build a more inclusive financial system* (July 28, 2020), *https://www.consumerfinance.gov/about-us/blog/bureau-taking-action-build-more-inclusive-financial-system/.*

[51] Susan M. Bernard and Patrice Alexander Ficklin, Consumer Fin. Prot. Bureau, *Expanding access to credit to underserved communities* (July 31, 2020), *https://www.consumerfinance.gov/about-us/blog/expanding-access-credit-underserved-communities/.*

[52] Desmond Brown, Keo Chea, and Frank Vespa-Papaleo, Consumer Fin. Prot. Bureau, *More CFPB resources available in multiple languages* (Aug. 26, 2020), *https://content.consumerfinance.gov/about-us/blog/cfpb-multilingual-resources-webinar/.*

[53] Elena Babinecz and Frank Vespa-Papaleo, Consumer Fin. Prot. Bureau, *Bureau seeks formal comments to inform forthcoming guidance on serving LEP consumers* (Nov. 16, 2020), *https://www.consumerfinance.gov/about-us/blog/bureau-seeks-formal-comments-to-inform-forthcoming-guidance-serving-lep-consumers/.*

[54] Additional activity has occurred with this issue since the end of this reporting period. In January 2021, the Bureau issued a statement to encourage financial institutions to better serve consumers with limited English proficiency (LEP) and to provide principles and guidelines to assist financial institutions in complying with the Dodd-Frank Act, ECOA, and other applicable laws. More information can be found here: *https://www.consumerfinance.gov/rules-policy/notice-opportunities-comment/open-notices/statement-regarding-the-provision-of-financial-products-and-services-to-consumers-with-limited-english-proficiency/.*

[55] Albert Chang, Tim Lambert, and Jennifer Lassiter, Consumer Fin. Prot. Bureau, *CFPB's first tech sprint on October 5–9, 2020: Help improve consumer adverse action notices* (Sept. 1, 2020), *https://www.consumerfinance.gov/about-us/blog/cfpb-tech-sprint-october-2020-consumer-adverse-action-notices/.*

[56] Consumer Fin. Prot. Bureau, *CFPB Provides Flexibility During COVID–19 Pandemic* (March 26, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-provides-flexibility-during-covid-19-pandemic/.*

[57] Consumer Fin. Prot. Bureau, *CFPB Releases Outline of Proposals Under Consideration to Implement Small Business Lending Data Collection Requirements* (Sept. 15, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-releases-outline-proposals-implement-small-business-lending-data-collection-requirements/.*

[58] Consumer Fin. Prot. Bureau, *FFIEC Announces Availability of 2019 Data on Mortgage Lending* (June 24, 2020), *https://www.consumerfinance.gov/about-us/newsroom/ffiec-announces-availability-2019-data-mortgage-lending/.*

points;[59] the issuance of a final HMDA rule raising data reporting thresholds;[60] the issuance of an RFI on ECOA[61] and an extension of its public comment period;[62] the Bureau's announcements of public enforcement actions against Townstone Financial, Inc.[63] and Washington Federal Bank[64]; and the issuance of an interpretive rule pertaining to special purpose credit programs.[65]

The Bureau's statements and press releases, including those related to fair lending, may be accessed at *www.consumerfinance.gov/about-us/newsroom.*

6.1.2 Bureau Outreach Engagements With Stakeholders

Bureau staff participated in 93 outreach engagements throughout 2020 about fair lending compliance and access to credit issues. In many of those engagements, Bureau personnel also received information and feedback on the Bureau's policy decisions.

Specifically, in 2020, the Bureau communicated directly with stakeholders through speeches, presentations, webinars, and smaller discussions on issues pertaining to fair, equitable, and nondiscriminatory access to credit. Some examples of the topics covered in these engagements included the impacts of the COVID–19 pandemic on the economy, and racial and economic justice issues; fair lending supervision and enforcement priorities; innovations in lending; HMDA and Regulation C; ECOA and Regulation B; small business lending; access to credit for LEP consumers; providing adverse action notices when using machine learning models; and the use of alternative data in credit underwriting.

6.2 Listening to Stakeholders To Inform the Bureau's Policy Decisions

6.2.1 Bureau Outreach Engagements With Stakeholders

As described above in section 6.1, Bureau outreach engagements with stakeholders inform the Bureau's policy decisions. In these events, Bureau staff received feedback from stakeholders on issues pertaining to fair, equitable, and nondiscriminatory access to credit.

For example, in July 2020, the Bureau hosted a roundtable discussion on credit access issues faced by Limited English Proficient (LEP) consumers and the challenges financial institutions face when addressing language access needs. Throughout 2020, the Bureau engaged in eight additional meetings with stakeholders to inform Bureau guidance on serving LEP consumers.[66]

The Bureau also engaged with stakeholders throughout the year on a variety of other issues related to fair lending, including section 1071 governing small business lending data collection and reporting; HMDA; agricultural and rural lending; student lending; alternative data; artificial intelligence and machine learning methods; and credit reporting.

6.2.2 Request for Information: Building a More Inclusive Financial System

On July 28, 2020, the Bureau issued an RFI on the following topics under ECOA and Regulation B:

- Disparate impact.
- Serving LEP consumers.[67]
- Special Purpose Credit Programs.
- Affirmative advertising to disadvantaged groups.
- Small business lending.
- Sexual orientation and gender identity discrimination.[68]
- Scope of federal preemption of state law.
- Public assistance income.
- Artificial intelligence and machine learning.
- Adverse action notices under ECOA.

The Bureau received 144 comments from consumer and civil rights advocates, industry, academics and researchers, government agencies and entities, as well as individuals, attorneys, and law firms. The information provided will help the Bureau continue to explore ways to address regulatory compliance challenges while fulfilling the Bureau's core mission to prevent unlawful discrimination.

For example, in response to many commenters' requests for additional guidance regarding the special purpose credit programs provisions of ECOA and Regulation B, in December 2020, the Bureau issued an interpretive rule styled as an Advisory Opinion to address regulatory uncertainty regarding Regulation B, as it applies to certain aspects of special purpose credit programs. Additional information regarding the interpretive rule on special purpose credit programs can be found in section 4.2.1 of this report.

7. Amicus Program and Other Litigation

The Bureau files *amicus,* or ''friend-of-the-court,'' briefs in significant court cases concerning Federal consumer financial protection laws, including ECOA.

In 2020, the Bureau and the FTC jointly filed an amicus brief in *TeWinkle* v. *Capital One, N.A.,* explaining that the term ''applicant'' in ECOA and Regulation B includes both those who are currently seeking credit and those currently receiving credit. This interpretation is the best reading of the

[59] Consumer Fin. Prot. Bureau, *CFPB Issues Analysis of HMDA Data Points* (Aug. 27, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-issues-analysis-hmda-data-points/.*

[60] Consumer Fin. Prot. Bureau, *CFPB Issues Final Rule Raising Data Reporting Thresholds Under the Home Mortgage Disclosure Act* (Apr. 16, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-issues-final-rule-raising-data-reporting-thresholds-under-hmda/.*

[61] Consumer Fin. Prot. Bureau, *CFPB Requests Information on Ways to Prevent Credit Discrimination and Build a More Inclusive Financial System* (July 28, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-rfi-prevent-credit-discrimination-build-more-inclusive-financial-system/.*

[62] Consumer Fin. Prot. Bureau, *CFPB Extends Comment Period on Request for Information on Ways to Prevent Credit Discrimination and Build a More Inclusive Financial System* (Aug. 19, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-extends-rfi-comment-period-ways-prevent-credit-discrimination-build-more-inclusive-financial-system/.*

[63] Consumer Fin. Prot. Bureau, *CFPB Files Suit Against Mortgage Creditor for Discriminatory Mortgage-Lending Practices* (July 15, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-files-suit-against-mortgage-creditor-discriminatory-mortgage-lending-practices/.*

[64] Consumer Fin. Prot. Bureau, *CFPB Announces Settlement With Washington Federal Bank, N.A. For Flawed Mortgage-Loan Data Reporting* (Oct. 27, 2020), *https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-announces-settlement-washington-federal-bank-na-flawed-mortgage-loan-data-reporting/.*

[65] Consumer Fin. Prot. Bureau, *Consumer Financial Protection Bureau Issues Advisory Opinion to Help Expand Fair, Equitable, and Nondiscriminatory Access to Credit* (Dec. 21, 2020), *https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-issues-advisory-opinion-to-help-expand-fair-equitable-and-nondiscriminatory-access-to-credit/.*

[66] Additional activity has occurred regarding this issue since the end of this reporting period. On January 13, 2021, in response to requests for additional guidance regarding providing products and services to LEP consumers, the Bureau issued a statement to encourage financial institutions to better serve consumers with limited English proficiency and to provide principles and guidelines to assist financial institutions in complying with the Dodd-Frank Act, ECOA, and other applicable laws. More information can be found here: *https://www.consumerfinance.gov/rules-policy/notice-opportunities-comment/open-notices/statement-regarding-the-provision-of-financial-products-and-services-to-consumers-with-limited-english-proficiency/.*

[67] *Id.*

[68] Additional activity has occurred regarding this issue since the end of this reporting period. On March 9, 2021, the Bureau issued an interpretive rule clarifying that the prohibition against sex discrimination under ECOA and Regulation B includes sexual orientation discrimination and gender identity discrimination. This prohibition also covers discrimination based on actual or perceived nonconformity with traditional sex- or gender-based stereotypes, and discrimination based on an applicant's social or other associations. More information can be found here: *https://www.consumerfinance.gov/about-us/newsroom/cfpb-clarifies-discrimination-by-lenders-on-basis-of-sexual-orientation-and-gender-identity-is-illegal/.*

statute itself, and any doubt whether the term ''applicant'' includes current borrowers is put to rest by Regulation B, which for decades has expressly defined the term to include current borrowers. Information regarding the Bureau's amicus program, including a description of previously filed amicus briefs, is available on the Bureau's website, at *www.consumerfinance.gov/policy-compliance/amicus/.*

With regard to other litigation, in 2019, the Bureau was sued in the U.S. District Court for the Northern District of California by the California Reinvestment Coalition, *et al.,* regarding the Bureau's obligation to issue rules implementing section 1071. In February 2020, the court approved a stipulated settlement agreement. As part of the agreement, the Bureau agreed to a September 15, 2020, deadline for the release of an outline of proposals under consideration and alternatives considered, consistent with SBREFA. The settlement agreement also provided a process for setting appropriate deadlines for the issuance of a proposed and final rule implementing section 1071. The Bureau has made significant progress with this rulemaking. For a comprehensive update on 1071 activity, see section 4.1.1 of this report.

In August 2020, the Bureau was sued in the U.S. District Court for the District of Columbia by the National Community Reinvestment Coalition, *et al.,* over the Bureau's final rule amending Regulation C to raise the loan-volume coverage thresholds for financial institutions reporting data under HMDA (the 2020 HMDA rule). The Plaintiffs argue that the 2020 HMDA rule violates the Administrative Procedure Act. The litigation is ongoing.

8. Interagency Coordination and Engagement

Throughout 2020, the Bureau coordinated fair lending regulatory, supervisory, and enforcement activities with those of other Federal agencies and state regulators to promote consistent, efficient, and effective enforcement of Federal fair lending laws. Interagency engagement occurs in numerous ways, including through several interagency organizations.

In 2020, the FFIEC was chaired by the Bureau's Director.[69] Through the FFIEC, the Bureau has robust engagement with other partner agencies that focus on fair lending issues. For example, in 2020, the Bureau chaired the FFIEC HMDA/Community Reinvestment Act (CRA) Data Collection Subcommittee of the FFIEC Task Force on Consumer Compliance. This subcommittee oversees FFIEC projects and programs involving HMDA data collection and dissemination, the preparation of the annual FFIEC budget for processing services, and the development and implementation of other related HMDA processing projects as directed by the FFIEC Task Force.

Additionally, the Bureau, along with the Federal Trade Commission (FTC), Department of Housing and Urban Development (HUD), Federal Deposit Insurance Corporation (FDIC), Federal Reserve Board (FRB), National Credit Union Association (NCUA), Office of the Comptroller of the Currency (OCC), Department of Justice (DOJ), and the Federal Housing Finance Agency (FHFA), comprise the Interagency Task Force on Fair Lending. In 2020, the Bureau chaired the Interagency Task Force, which met regularly to discuss fair lending enforcement efforts, share current methods of conducting supervisory and enforcement fair lending activities, and coordinate fair lending policies.[70]

Further, the Bureau also participated in the Interagency Working Group on Fair Lending Enforcement, a standing working group of Federal agencies—DOJ, HUD, and FTC—that met regularly to discuss issues relating to fair lending enforcement. The agencies use these meetings to also discuss fair lending developments and trends, methods for evaluating fair lending risks

The Bureau is also a member of the FFIEC's Appraisal Subcommittee (ASC) that provides federal oversight of state appraiser and appraisal management company regulatory programs, and a monitoring framework for the Appraisal Foundation and the Federal Financial Institutions Regulatory Agencies in their roles to protect federal financial and public policy interests in real estate appraisals utilized in federally related transactions. The ASC is considering its authorities and ability to promote fairness and equity, and prevent bias, in appraisals.[71]

Also, in October 2020, the Bureau signed a Memorandum of Understanding (MOU) with the FTC, HUD, FDIC, FRB, NCUA, OCC, DOJ, and FHFA—representing Federal agencies that, in addition to the Bureau, conduct fair lending analyses. The MOU allows economists from the agencies to voluntarily share confidential information with respect to analytical methodologies used to understand and assess compliance with fair lending laws.[72]

In addition to these established interagency organizations, Bureau personnel meet regularly with the DOJ, HUD, state Attorneys General, and the prudential regulators to coordinate the Bureau's fair lending work.

9. Coordination With the Bureau's Innovation Programs

The Dodd-Frank Act established the Bureau's mission to include both fair lending and innovation components. Specifically, the Bureau is authorized to exercise its authorities under Federal consumer financial law for the purposes of ensuring—with respect to consumer financial products and services—that consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination,[73] and that markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.[74]

As part of its coordination function, the Office of Fair Lending worked in 2020 with the Office of Innovation regarding applications to the Bureau's innovation programs that involved fair lending and access to credit matters.

Review of such applications included consideration of the potential fair lending risks associated with the proposed product or service, as well as its potential for expanding access to credit for underserved or underbanked populations. In addition, after an application related to fair lending or access to credit has been granted by the Bureau, the two offices continue to collaborate, for example by reviewing any data submitted by the recipient relating to fair lending and access issues during the monitoring period.

[69] Collectively, the FRB, FDIC, NCUA, OCC, and the Bureau comprise the FFIEC. The FFIEC is a ''formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions'' by the member agencies listed above and the State Liaison Committee ''and to make recommendations to promote uniformity in the supervision of financial institutions.'' Federal Financial Institutions Examination Council, *http://www.ffiec.gov* (last visited Mar. 30, 2021). The State Liaison Committee was added to FFIEC in 2006 as a voting member. Additional activity has occurred on this issue since the end of this reporting period. In April 2021, the NCUA's Chairman took over as chair of the FFIEC.

[70] Additional activity has occurred since the end of this reporting period. In 2021, the FDIC took over as chair of the Interagency Task Force on Fair Lending.

[71] The Appraisal Subcommittee includes the FFIEC agencies, HUD, and the FHFA.

[72] For more information on the MOU, see *Director Kraninger's Remarks During ''Current Priorities in Consumer Financial Protection Seminar'' At Harvard Kennedy School* (Oct. 29, 2020), *https://www.consumerfinance.gov/about-us/newsroom/director-kraningers-remarks-current-priorities-seminar-harvard-kennedy-school/.*

[73] Dodd-Frank Act sec. 1021(b)(2).

[74] Dodd-Frank Act sec. 1021(b)(5).

In 2020, Upstart Network, Inc. (Upstart) was granted a No-Action Letter (NAL). [75] Upstart, a company that that uses alternative data and machine learning in making credit underwriting and pricing decisions, received a NAL pertaining to regulatory uncertainty under ECOA and Regulation B.[76]

APPENDIX A—DEFINED TERMS

Term	Definition
AMS	Agricultural Marketing Service of the U.S. Department of Agriculture.
APA	Administrative Procedure Act.
API	Application Programming Interface.
ASC	FFIEC's Appraisal Subcommittee.
Bureau	Consumer Financial Protection Bureau/Bureau of Consumer Financial Protection.
CARES Act	Coronavirus Aid, Relief, and Economic Security Act.
CMS	Compliance Management System.
COVID–19	Coronavirus Disease/Pandemic 2019.
Dodd-Frank Act	Dodd-Frank Wall Street Reform and Consumer Protection Act.
DOJ	U.S. Department of Justice.
DOT	U.S. Department of Transportation.
ECOA	Equal Credit Opportunity Act.
FCA	Farm Credit Administration.
FCRA	Fair Credit Reporting Act.
FDIC	Federal Deposit Insurance Corporation.
FHFA	Federal Housing Finance Agency.
Federal Reserve Board or FRB	Board of Governors of the Federal Reserve System.
FFIEC	Federal Financial Institutions Examination Council—the FFIEC member agencies are the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Bureau of Consumer Financial Protection (The Bureau). The State Liaison Committee was added to FFIEC in 2006 as a voting member.
FTC	Federal Trade Commission.
GIPSA	Grain Inspection, Packers and Stockyards Administration of the U.S. Department of Agriculture.
HMDA	Home Mortgage Disclosure Act.
HUD	U.S. Department of Housing and Urban Development.
LAR	Loan Application Register (HMDA).
LEP	Limited English Proficient.
MSA	Metropolitan Statistical Area.
MOU	Memorandum of Understanding.
NCUA	National Credit Union Administration.
NPRM	Notice of Proposed Rulemaking.
OCC	Office of the Comptroller of the Currency.
PPP	Paycheck Protection Program (CARES Act).
RFI	Request for Information.
SBA	Small Business Administration.
SBREFA	Small Business Regulatory Enforcement Fairness Act of 1996.
SEC	Securities and Exchange Commission.
SER	Small Entity Representatives.
SNAP	Supplemental Nutrition Assistance Program ("Food Stamps").
USDA	U.S. Department of Agriculture.

Signing Authority

The Acting Director of the Bureau, David Uejio, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: April 22, 2021.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2021–08716 Filed 4–26–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Human Resources Activity, Department of Defense (DoD).

ACTION: Notice of revised per diem rates in non-foreign areas outside the continental U.S.

SUMMARY: Defense Human Resources Activity publishes this Civilian

[75] Consumer Fin. Prot. Bureau, *Upstart Network No-Action Letter* (Nov. 30, 2020), *https://files.consumerfinance.gov/f/documents/cfpb_upstart-network-inc_no-action-letter_2020-11.pdf.* In addition to the Upstart NAL, in 2020, the Bureau granted a total of three Approvals under the Compliance Assistance Sandbox policy and six NAL or NAL Templates. These applications, however, do not directly pertain to fair lending issues. All granted applications can be found on the Bureau's website, at *https://www.consumerfinance.gov/rules-policy/innovation/granted-applications.*

[76] On September 14, 2017, Upstart was granted a NAL for a term of three years. This NAL expired on December 1, 2020.

Personnel Per Diem Bulletin Number 317. Bulletin Number 317 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2021 lodging rate review resulted in lodging rate changes in certain locations.

DATES: The updated rates take effect May 1, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Laws, 571–372–1282.

SUPPLEMENTARY INFORMATION: This document notifies the public of revisions in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for travel to non-foreign areas outside the continental United States. The FY 2021 lodging rate review for Puerto Rico resulted in lodging rate changes in certain locations. Bulletin Number 317 is published in the **Federal Register** to ensure that Government travelers outside the Department of Defense are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see the Defense Travel Management Office's Per Diem Rate Review Frequently Asked Questions (FAQ) page at *https://www.defensetravel.dod.mil/site/faqraterev.cfm.*

Dated: April 21, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	175	113	288	10/01/2020
ALASKA	ADAK	01/01	12/31	175	117	292	10/01/2020
ALASKA	ANCHORAGE [INCL NAV RES]	01/01	12/31	229	125	354	10/01/2020
ALASKA	BARROW	05/15	09/14	326	129	455	10/01/2020
ALASKA	BARROW	09/15	05/14	252	129	381	10/01/2020
ALASKA	BARTER ISLAND LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	BETHEL	01/01	12/31	219	101	320	10/01/2020
ALASKA	BETTLES	01/01	12/31	175	113	*288	10/01/2020
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	CLEAR AB	01/01	12/31	175	113	288	10/01/2020
ALASKA	COLD BAY	01/01	12/31	175	113	288	10/01/2020
ALASKA	COLD BAY LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	COLDFOOT	01/01	12/31	219	93	312	10/01/2020
ALASKA	COPPER CENTER	01/01	12/31	175	115	290	10/01/2020
ALASKA	CORDOVA	03/01	10/31	175	106	281	10/01/2020
ALASKA	CORDOVA	11/01	02/28	150	106	256	10/01/2020
ALASKA	CRAIG	05/01	09/30	139	94	233	10/01/2020
ALASKA	CRAIG	10/01	04/30	109	94	203	10/01/2020
ALASKA	DEADHORSE	01/01	12/31	120	113	*233	10/01/2020
ALASKA	DELTA JUNCTION	01/01	12/31	175	101	276	10/01/2020
ALASKA	DENALI NATIONAL PARK	06/01	09/30	164	98	258	10/01/2020
ALASKA	DENALI NATIONAL PARK	10/01	05/31	114	98	188	10/01/2020
ALASKA	DILLINGHAM	07/01	08/31	320	113	433	10/01/2020
ALASKA	DILLINGHAM	09/01	06/30	298	113	411	10/01/2020
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	175	129	304	10/01/2020
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	10/01/2020
ALASKA	EIELSON AFB	05/01	09/15	154	100	254	10/01/2020
ALASKA	EIELSON AFB	09/16	04/30	79	100	179	10/01/2020
ALASKA	ELFIN COVE	01/01	12/31	175	113	288	10/01/2020
ALASKA	ELMENDORF AFB	01/01	12/31	229	125	354	10/01/2020
ALASKA	FAIRBANKS	05/01	09/15	154	100	254	10/01/2020
ALASKA	FAIRBANKS	09/16	04/30	79	100	179	10/01/2020
ALASKA	FORT YUKON LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	FT. GREELY	01/01	12/31	175	101	276	10/01/2020
ALASKA	FT. RICHARDSON	01/01	12/31	229	125	354	10/01/2020
ALASKA	FT. WAINWRIGHT	05/01	09/15	154	100	254	10/01/2020
ALASKA	FT. WAINWRIGHT	09/16	04/30	79	100	179	10/01/2020
ALASKA	GAMBELL	01/01	12/31	175	113	288	10/01/2020
ALASKA	GLENNALLEN	01/01	12/31	175	115	290	10/01/2020
ALASKA	HAINES	01/01	12/31	149	113	262	10/01/2020
ALASKA	HEALY	06/01	09/30	164	98	262	10/01/2020
ALASKA	HEALY	10/01	05/31	114	98	212	10/01/2020
ALASKA	HOMER	05/01	09/30	189	124	313	10/01/2020
ALASKA	HOMER	10/01	04/30	104	124	228	10/01/2020
ALASKA	JB ELMENDORF-RICHARDSON	01/01	12/31	229	125	354	10/01/2020
ALASKA	JUNEAU	02/01	09/30	249	118	367	10/01/2020
ALASKA	JUNEAU	10/01	01/31	175	118	293	10/01/2020
ALASKA	KAKTOVIK	01/01	12/31	175	129	*304	10/01/2020
ALASKA	KAVIK CAMP	01/01	12/31	175	113	*288	10/01/2020
ALASKA	KENAI-SOLDOTNA	05/01	09/30	151	113	264	10/01/2020
ALASKA	KENAI–SOLDOTNA	10/01	04/30	99	113	212	10/01/2020
ALASKA	KENNICOTT	01/01	12/31	175	85	260	10/01/2020
ALASKA	KETCHIKAN	04/01	09/30	250	118	368	10/01/2020
ALASKA	KETCHIKAN	10/01	03/31	140	118	258	10/01/2020
ALASKA	KING SALMON	01/01	12/31	175	89	264	10/01/2020
ALASKA	KING SALMON LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	KLAWOCK	05/01	09/30	139	94	233	10/01/2020
ALASKA	KLAWOCK	10/01	04/30	109	94	203	10/01/2020
ALASKA	KODIAK	04/01	09/30	207	109	316	10/01/2020

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	KODIAK	10/01	03/31	123	109	232	10/01/2020
ALASKA	KOTZEBUE	01/01	12/31	175	121	296	10/01/2020
ALASKA	KULIS AGS	01/01	12/31	229	125	354	10/01/2020
ALASKA	MCCARTHY	01/01	12/31	175	85	260	10/01/2020
ALASKA	MCGRATH	01/01	12/31	175	113	*288	10/01/2020
ALASKA	MURPHY DOME	05/01	09/15	154	100	254	10/01/2020
ALASKA	MURPHY DOME	09/16	04/30	79	100	179	10/01/2020
ALASKA	NOME	01/01	12/31	200	118	318	10/01/2020
ALASKA	NOSC ANCHORAGE	01/01	12/31	229	125	354	10/01/2020
ALASKA	NUIQSUT	01/01	12/31	175	113	*288	10/01/2020
ALASKA	OLIKTOK LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	PALMER	01/01	12/31	175	117	292	10/01/2020
ALASKA	PETERSBURG	01/01	12/31	130	108	238	10/01/2020
ALASKA	POINT BARROW LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	POINT HOPE	01/01	12/31	175	113	*288	10/01/2020
ALASKA	POINT LONELY LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	PORT ALEXANDER	01/01	12/31	175	113	*288	10/01/2020
ALASKA	PORT ALSWORTH	01/01	12/31	175	113	288	10/01/2020
ALASKA	PRUDHOE BAY	01/01	12/31	120	113	*233	10/01/2020
ALASKA	SELDOVIA	05/01	09/30	189	124	313	10/01/2020
ALASKA	SELDOVIA	10/01	04/30	104	124	223	10/01/2020
ALASKA	SEWARD	04/01	09/30	299	146	445	10/01/2020
ALASKA	SEWARD	10/01	03/31	104	146	250	10/01/2020
ALASKA	SITKA-MT. EDGECUMBE	04/01	09/30	220	116	336	10/01/2020
ALASKA	SITKA–MT. EDGECUMBE	10/01	03/31	189	116	305	10/01/2020
ALASKA	SKAGWAY	04/01	09/30	250	118	368	10/01/2020
ALASKA	SKAGWAY	10/01	03/31	140	118	258	10/01/2020
ALASKA	SLANA	01/01	12/31	175	113	288	10/01/2020
ALASKA	SPARREVOHN LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	SPRUCE CAPE	04/01	09/30	207	109	316	10/01/2020
ALASKA	SPRUCE CAPE	10/01	03/31	123	109	232	10/01/2020
ALASKA	ST. GEORGE	01/01	12/31	175	113	288	10/01/2020
ALASKA	TALKEETNA	01/01	12/31	175	120	295	10/01/2020
ALASKA	TANANA	01/01	12/31	200	118	318	10/01/2020
ALASKA	TATALINA LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	TIN CITY LRRS	01/01	12/31	175	113	288	10/01/2020
ALASKA	TOK	01/01	12/31	105	113	218	10/01/2020
ALASKA	VALDEZ	05/16	09/15	212	110	322	10/01/2020
ALASKA	VALDEZ	09/16	05/15	154	110	264	10/01/2020
ALASKA	WAINWRIGHT	01/01	12/31	275	77	352	10/01/2020
ALASKA	WAKE ISLAND DIVERT AIRFIELD	01/01	12/31	175	113	288	10/01/2020
ALASKA	WASILLA	05/01	09/30	190	94	284	10/01/2020
ALASKA	WASILLA	10/01	04/30	100	94	194	10/01/2020
ALASKA	WRANGELL	04/01	09/30	250	118	368	10/01/2020
ALASKA	WRANGELL	10/01	03/31	140	118	258	10/01/2020
ALASKA	YAKUTAT	06/01	09/30	350	111	461	10/01/2020
ALASKA	YAKUTAT	10/01	05/31	150	111	261	10/01/2020
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	86	225	07/01/2019
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	86	225	07/01/2019
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	96	255	04/01/2021
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	159	96	255	04/01/2021
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	159	96	255	04/01/2021
GUAM	TAMUNING	01/01	12/31	159	96	255	04/01/2021
HAWAII	[OTHER]	01/01	12/31	218	149	367	01/01/2021
HAWAII	CAMP H M SMITH	01/01	12/31	177	149	326	01/01/2021
HAWAII	CNI NAVMAG PEARL HARBOR-HICKAM.	01/01	12/31	177	149	326	01/01/2021
HAWAII	FT. DERUSSEY	01/01	12/31	177	149	326	01/01/2021
HAWAII	FT. SHAFTER	01/01	12/31	177	149	326	01/01/2021
HAWAII	HICKAM AFB	01/01	12/31	177	149	326	01/01/2021
HAWAII	HONOLULU	01/01	12/31	177	149	326	01/01/2021
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	120	319	01/01/2021
HAWAII	ISLE OF HAWAII: LOCATIONS OTHER THAN HILO.	01/01	12/31	218	156	374	01/01/2021
HAWAII	ISLE OF KAUAI	01/01	12/31	325	141	466	01/01/2021
HAWAII	ISLE OF LANAI	01/01	12/31	218	134	352	01/01/2021
HAWAII	ISLE OF MAUI	01/01	12/31	304	150	454	01/01/2021
HAWAII	ISLE OF MOLOKAI	01/01	12/31	218	106	324	01/01/2021
HAWAII	ISLE OF OAHU	01/01	12/31	177	149	326	01/01/2021
HAWAII	JB PEARL HARBOR–HICKAM	01/01	12/31	177	149	326	01/01/2021
HAWAII	KAPOLEI	01/01	12/31	177	149	326	01/01/2021
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	141	466	01/01/2021
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	120	319	01/01/2021
HAWAII	LIHUE	01/01	12/31	325	141	466	01/01/2021
HAWAII	MCB HAWAII	01/01	12/31	177	149	326	01/01/2021
HAWAII	NCTAMS PAC WAHIAWA	01/01	12/31	177	149	326	01/01/2021
HAWAII	NOSC PEARL HARBOR	01/01	12/31	177	149	326	01/01/2021
HAWAII	PEARL HARBOR	01/01	12/31	177	149	326	01/01/2021
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	141	466	01/01/2021
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	177	149	326	01/01/2021

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
HAWAII	TRIPLER ARMY MEDICAL CENTER.	01/01	12/31	177	149	326	01/01/2021
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	149	326	01/01/2021
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	01/01/2021
NORTHERN MARIANA ISLANDS	[OTHER]	01/01	12/31	80	113	182	04/01/2021
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	130	114	244	04/01/2021
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	113	274	04/01/2021
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	80	93	162	04/01/2021
PUERTO RICO	[OTHER]	01/01	12/31	159	100	259	05/01/2021
PUERTO RICO	AGUADILLA	01/01	12/31	149	90	239	05/01/2021
PUERTO RICO	BAYAMON	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	BAYAMON	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	CAROLINA	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	CAROLINA	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	CEIBA	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	CULEBRA	01/01	12/31	159	105	264	05/01/2021
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	HUMACAO	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	LUQUILLO	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	94	203	05/01/2021
PUERTO RICO	PONCE	01/01	12/31	149	130	279	05/01/2021
PUERTO RICO	RIO GRANDE	01/01	12/31	169	85	254	05/01/2021
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	VIEQUES	01/01	12/31	159	94	253	05/01/2021
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	120	419	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	120	367	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	123	353	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	123	293	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	118	367	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	118	457	04/01/2021
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	01/01/2021

*Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2021–08682 Filed 4–26–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0012]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Example Application for the Emergency Assistance to Non-Public Schools Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before May 27, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, 202–453–6136.

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: Example Application for the Emergency Assistance to Non-Public Schools Program.

OMB Control Number: 1810–0751.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 20,000.

Total Estimated Number of Annual Burden Hours: 40,000.

Abstract: This is a request for approval of an extension without change of an information collection that allows the Department to distribute to States an example application for the Emergency Assistance to Non-Public Schools (EANS) program under section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act), Public Law 116–260, to provide services or assistance to non-public schools. Under the EANS program, we will award grants by formula to each Governor with an approved Certification and Agreement to provide services or assistance to eligible non-public schools to address the impact that the Coronavirus Disease 2019 (COVID–19) has had, and continues to have, on non-public school students and teachers in the State. The CRRSA Act requires that State's collect applications from non-public schools in order to award these funds. This request is being made to allow the distribution of an example application States can use to collect the needed information from eligible non-public schools. States are not required to use this application and may create their own.

Dated: April 22, 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. 2021–08755 Filed 4–26–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD21–6–000; AD20–6–000]

RTO/ISO Credit Principles and Practices; Credit Reforms in Organized Wholesale Electric; Notice Inviting Post-Technical Conference Comments

On February 25 and 26, 2021, Federal Energy Regulatory Commission (Commission) staff convened a technical conference to discuss principles and best practices for credit risk management in organized wholesale electric markets.

All interested persons are invited to file post-technical conference comments on the issues raised during the technical conference, including the questions listed in the Supplemental Notice of Technical Conference issued February 24, 2021, and on the questions listed in the attachment to this Notice. Commenters need not answer all of the questions but are encouraged to organize responses using the numbering and sequencing in the Supplemental Notice and the attached questions. In addition, commenters are invited to reference material previously filed in this docket, including the technical conference transcript and submitted opening remarks, but are encouraged to avoid repetition or replication of previous material. Comments must be submitted on or before 45 days from the date of this Notice.

Comments may be filed electronically via the internet.[1] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For more information about this Notice, please contact:

David Bowers (Technical Information), Office of Energy Policy and Innovation, (202) 502–8594, *David.Bowers@ferc.gov*

Kaleb Lockwood (Legal Information), Office of the General Counsel, (202) 502–8255, *Kaleb.Lockwood@ferc.gov*

Dated: April 21, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08746 Filed 4–26–21; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* 18 CFR 385.2001(a)(1)(iii).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–172–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on April 16, 2021, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Columbia's blanket certificate issued in Docket No. CP83–76–000, for authorization to abandon four injection/withdrawal wells, their associated pipelines and appurtenances, and one additional segment of storage line, located in its Holmes and Wayne Storage Fields in Ashland, Holmes, and Wayne Counties, Ohio. Columbia states that there will be no change to the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the Holmes and Wayne Storage Fields. Therefore, Columbia states that the proposed abandonment will not affect its ability to continue to maintain the current quality of service to its storage customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this prior notice request should be directed to Sorana Linder, Director, Modernization & Certificates, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas,

77002–2700, at (832) 320–5209 or *sorana_linder@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on June 21, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is June 21, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is June 21, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before June 21, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–172–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below.[7] Your submission must reference the Project docket number CP21–172–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: 700 Louisiana Street, Suite 1300, Houston, Texas, 77002–2700 or email (with a link to the document) at *sorana_linder@tcenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 21, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08744 Filed 4–26–21; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

[7] Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4451–024]

Green Mountain Power Corporation; City of Somersworth, New Hampshire; Notice of Waiver Period for Water Quality Certification Application

On April 6, 2021, Green Mountain Power Corporation and the City of Somersworth, New Hampshire submitted to the Federal Energy Regulatory Commission a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the New Hampshire Department of Environmental Services (New Hampshire DES), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the New Hampshire DES of the following:

Date of Receipt of the Certification Request: April 6, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: April 7, 2022.

If New Hampshire DES fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: April 21, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08743 Filed 4–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4451–024]

Green Mountain Power Corporation; City of Somersworth, New Hampshire; Notice of Waiver Period for Water Quality Certification Application

On April 6, 2021, Green Mountain Power Corporation and the City of Somersworth, New Hampshire submitted to the Federal Energy Regulatory Commission a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Maine Department of Environmental Protection (Maine DEP), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the Maine DEP of the following:

Date of Receipt of the Certification Request: April 6, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: April 7, 2022.

If Maine DEP fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: April 21, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08745 Filed 4–26–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0068; FRL–10022–83]

Certain New Chemicals; Receipt and Status Information for March 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 03/01/2021 to 03/31/2021.

DATES: Comments identified by the specific case number provided in this document must be received on or before May 27, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0068, and the specific case number for the chemical substance related to your comment, through the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 03/01/2021 to 03/31/2021. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended Toxic Substances Control Act (TSCA), including the TSCA section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 03/01/2021 TO 03/31/2021

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–21–0004	3	01/25/2021	Danisco US, Inc	(G) Production of a chemical substance	(G) Genetically modified microorganism for the production of a chemical substance.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 03/01/2021 TO 03/31/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–21–0005A	4	03/05/2021	CBI	(G) Chemical production	(G) Modified Saccharomyces cerevisiae enhanced ethanol yield.
J–21–0006A	4	03/05/2021	CBI	(G) Chemical production	(G) Modified Saccharomyces cerevisiae enhanced ethanol yield.
P–16–0404A	6	03/01/2021	CBI	(G) A colorant for dyeing various synthetic fibers and fabrics. Open, non-dispersive use.	(G) Alkyl ester, 2-({4-[2-(trisubstituted phenyl)azo]-5-acetamido-2-substitutedphenyl} (substituted alkoxy)amino).
P–18–0281A	5	03/26/2021	CBI	(G) Electrolyte additive	(G) Cyclic sulfate.
P–18–0301A	4	03/31/2021	CBI	(G) Coating component	(G) Alkanedioic acid, polymer with cycloalkyl dimethanol, alkyl and cycloalkyl diisocyanates, dimethyl-alkanediol, dihydroxyalkanoic acid methylenebis[isocyanatocyclohexane, hydroxyethyl acrylate- and polyalkyl glycol monoalkyl ether blocked.
P–18–0326A	10	03/29/2021	CBI	(G) Chemical Intermediate	(G) Alkanoic acid, alkyl ester, manuf. of, byproducts from, distn. residues.
P–18–0378A	6	03/18/2021	CBI	(G) Industrial coatings additive	(G) Acrylic and Methacrylic acids and esters, polymer with alkenylimidazole, alkyl polyalkylene glycol, alkenylbenzene, alkylbenzeneperoxoic acid ester initiated, compds. with Dialkylaminoalkanol.
P–20–0058A	6	03/18/2021	CBI	(G) Additive for automatic dishwashing, Additive for hard surface cleaner.	(G) Polysaccharide, polymer with unsaturated carboxylic acid and methacryloxyethyltrimethyl ammonium chloride, sodium salt, acid salt initiated.
P–20–0058A	7	03/19/2021	CBI	(G) Additive for automatic dishwashing, Additive for hard surface cleaner.	(G) Polysaccharide, polymer with unsaturated carboxylic acid and methacryloxyethyltrimethyl ammonium chloride, sodium salt, acid salt initiated.
P–20–0078A	7	03/24/2021	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkylalkyldiamine alkyldioate alkyldioate (1:2:1:1).
P–20–0079A	7	03/24/2021	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkylalkyldiamine (3:2).
P–20–0080A	10	03/24/2021	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, hydrochloride (1:3).
P–20–0081A	10	03/24/2021	Ascend Performance Materials.	(G) A stabilizer for industrial applications	(G) Carboxylic acid, compd. with aminoalkylalkyldiamine (3:1).
P–20–0082A	10	03/24/2021	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, carboxylate (1:3).
P–20–0144A	5	03/01/2021	CBI	(G) Asphalt emulsion applications	(S) Fatty acids, soya, reaction products with polyethylenepolyamines.
P–20–0148A	6	03/15/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0148A	7	03/22/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149A	6	03/15/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149A	7	03/22/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150A	6	03/15/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150A	7	03/22/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151A	6	03/15/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151A	7	03/22/2021	Solugen Inc	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0169A	6	03/15/2021	CBI	(G) Battery Plastics and coatings applications, Conductive agent for conductive plastic and paint.	(S) multiwalled carbon nanotube.
P–20–0169A	7	03/26/2021	CBI	(G) Battery Plastics and coatings applications, Conductive agent for conductive plastic and paint.	(S) multiwalled carbon nanotube.
P–20–0174A	5	03/16/2021	P2 Science, Inc	(S) For use in consumer products, as well as direct addition to consumer products. Specific functions would be as solubilizer, rheology modifier and fragrance oil.	(S) 6-Octen-1-ol, 3,7-dimethyl-, homopolymer, monoacetate.
P–20–0184A	3	03/16/2021	P2 Science, Inc	(S) For use in fragrances for consumer products, as well as direct addition to consumer products. Specific functions would be as solubilizer, rheology modifier and fragrance oil.	(S) 6-Octen-1-ol, 3,7-dimethyl-, homopolymer.
P–21–0012A	4	03/24/2021	CBI	(G) The notified substance will be used as a fragrance ingredient.	(G) Multialkylbicycloalkenyl substituted propanenitrile.
P–21–0028	2	03/01/2021	CBI	(G) Hardener for composite applications	(G) Phenol, methylethylidene, polymer chloromethyl epoxide and methylethylidene bis-oxy, bis-amine.
P–21–0029	2	03/01/2021	CBI	(G) Bulk formulated mixture for research and development purposes only.	(G) Amine, methylethylidenebis(oxy).
P–21–0066A	5	03/02/2021	L & L Products	(S) Blended or stand alone, epoxy curative (hardener) and foaming agent when blended with certain ingredients.	(G) 1,2-alkanediol, 3 aryloxy, mono phosphate ester.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 03/01/2021 TO 03/31/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–21–0086	3	03/18/2021	Croda Inc	(G) Marine engine oil additive, polymer additive, Greases, Refrigeration oil, Metal working fluid, Industrial drilling oil, Industrial Rolling oil, Compressor Oil, hydraulic oil, Inudstrial turbine oil, Industrial gear oil, Automotive engine oil additive, Automotive gear oil.	(S) Isooctadecanamide, N,N-bis(2-ethylhexyl).
P–21–0086A	4	03/26/2021	CRODA INC	(G) Automotive engine oil additive, polymer additive Greases, Refrigeration oil, Metal working fluid, Industrial drilling oil, Industrial Rolling oil, Compressor Oil, hydraulic oil, Inudstrial turbine oil, Industrial gear oil, Automotive gear oil, Marine engine oil additive.	(S) Isooctadecanamide, N,N-bis(2-ethylhexyl).
P–21–0090	3	03/02/2021	CBI	(G) Component in paving formulations	(G) Lignin, modified, reaction products with alkylamine by-products.
P–21–0091	3	03/12/2021	CBI	(G) Laundry detergent additive/emulsifier., emulsifier—water treatment, Emulsifier, Industrial fluid, Coatings and Plastics.	(G) Fatty acid esters polymer with Dicarboxylic Acid.
P–21–0092	3	03/09/2021	Miwon North America, Inc..	(S) thermoset composites, industrial coatings, 3D printing.	(G) 2-Propenoic acid, (polyhydro-1,3-dioxo-2H-isoindol-2-yl)alkyl ester.
P–21–0094	1	03/01/2021	CBI	(S) Deposition precursor for the manufacture of electronic components.	(G) Silane, halogenated.
P–21–0095	4	03/16/2021	CBI	(S) Crankcase Motor Oil applications, formulated transmission oils. Industrial applications (especially compressor and gear fluids).	(G) Alkene Homopolymer Hydrogenated.
P–21–0095A	5	03/30/2021	CBI	(S) Crankcase Motor Oil applications, formulated transmission oils. Industrial applications (especially compressor and gear fluids).	(G) Alkene Homopolymer Hydrogenated.
P–21–0097	1	03/05/2021	CBI	(S) Plasticizer for use in dryblend applications (*i.e.*—injection molding, slush molding, extrusion, calendering), Component in lubricants and industrial oils, Plastisol in spread-coating applications..	(S) 1,2,4-Benzenetricarboxylic acid, trinonyl ester, branched and linear.
P–21–0098	3	03/18/2021	Hubergroup	(S) Co-initiator for the curing of UV printing inks.	(G) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-[2(or 3)-[[substituted benzoyl]oxy]hydroxypropoxyl]-, alpha, alpha′, alpha″ -ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1).
P–21–0100	1	03/24/2021	ENI Trading & Shipping Inc.	(G) Used as a lubricant and lubricant additive, Lubricant and lubricant additive.	(G) Raffinates (petroleum), vacuum distillate solvent, solvent-dewaxed, hydrotreated.
P–21–0101	1	03/24/2021	ENI Trading & Shipping Inc.	(G) Used as a lubricant and lubricant additive, Lubricant and lubricant additive.	(G) Benzenesulfonic acid, polyalkyl derivs., calcium salts.
SN–20–0007A	2	03/08/2021	CBI	(S) A component of UV Curable Coatings and Printing Inks.	(S) 2-Propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester.
SN–21–0003	1	03/02/2021	Norquay Technology Inc.	(G) Intermediate	(S) 1,1′-Biphenyl, 4,4′-dibromo-.

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 03/01/2021 TO 03/31/2021

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–01–0925	03/30/2021	04/16/2004	N	(G) 1,2 ethanediamine, n-[3-trimethoxysilyl) propyl] reaction product with silanes.
P–01–0926	03/30/2021	04/16/2004	N	(G) 2-propenoic acid, 2-methyl-butyl ester polymer.
P–17–0390	03/09/2021	02/27/2021	N	(G) Carbomonocyclic dicarboxylic acid, polymer with alkenedioic acid, substituted heteropolycycle, substituted heteromonocycle, alkanediol, alkanedioic acid, alkoxylated substituted dicarbomonocycle, alkoxylated substituted dicarbomonocycle and alkanetriol, carbomonocyclic carboxylate alkanoate.

TABLE II—NOCS APPROVED * FROM 03/01/2021 TO 03/31/2021—Continued

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–18–0308	03/15/2021	02/23/2021	N	(G) Bis[(hydroxyalkoxy)aryl]carbopolycyclic.
P–20–0094	03/23/2021	03/17/2021	N	(G) Aliphatic urethane methacrylate.
P–20–0097	03/29/2021	03/24/2021	N	(G) Butanedioic acid, monopolyisobutylene derivs., mixed dihydroxyalkyl and hydroxyalkoxyalkyl diesters.
P–20–0185	03/12/2021	03/09/2021	N	(S) Amines, c36-alkylenedi-, polymers with bicyclo[2.2.1]heptanedimethanamine, [5,5′-biisobenzofuran]-1,1′,3,3′-tetrone and 3a,4,5,7a-tetrahydro-7-methyl-5-(tetrahydro-2,5-dioxo-3-furanyl)-1,3-benzofurandione, maleated.
P–87–0115	03/05/2021	02/26/2021	N	(G) Polyurethane prepolymer.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 03/01/2021 TO 03/31/2021

Case No.	Received date	Type of test information	Chemical substance
L–21–0067	03/11/2021	Fish Acute Toxicity Test and Earthworm Acute Toxicity Test.	(G) Graphene nanoplatelet.
L–21–0067	03/11/2021	Fish Acute Toxicity Test and Earthworm Acute Toxicity Test.	(G) Graphene nanoplatelets.
P–16–0404A	03/01/2021	Fish Acute Toxicity Test, Freshwater, and Marine (OCSPP Test Guideline 850.1075).	(G) Alkyl ester, 2-({4-[2-(trisubstituted phenyl)azo]-5-acetamido-2-substitutedphenyl} (substituted alkoxy)amino).
P–18–0294	03/10/2021	Chemilian H4000 XP: ToxTracker ACE Assay	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.
P–18–0350	03/08/2021	Surface Tension of Aqueous Solutions (Test Guideline OECD 115).	(G) Aqueous methacrylamido modified polysiloxane.
P–18–0374	03/08/2021	Surface Tension of Aqueous Solutions (Test Guideline OECD 115).	(G) Cationic aminomodified alkylpolysiloxane.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 19, 2021.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–08756 Filed 4–26–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–10022–66]

Pesticide Registration Review; Pesticide Dockets Opened for Review and Comment; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the EPA's preliminary work plan for the following chemical: Metrafenone. With this document, the EPA is opening the public comment period for registration review for this chemical.

DATES: Comments must be received on or before June 28, 2021.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is the EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the agency may consider during the course of registration reviews. As part of the registration review process, the Agency has completed preliminary workplans for all pesticides listed in the Table in Unit IV. Through this program, the EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

The EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. Registration Reviews

A. What action is the Agency taking?

A pesticide's registration review begins when the agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. Pursuant to 40 CFR 155.50, this notice announces the availability of the EPA's preliminary work plan for the pesticide shown in the following table and opens a 60-day public comment period on the work plan.

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Metrafenone; Case Number 7052 ..	EPA–HQ–OPP–2020–0032	Srijana Shrestha, *shrestha.srijana@epa.gov,* (703) 305–6471.

B. Docket Content

The registration review docket contains information that the agency may consider in the course of the registration review. The agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the agency is asking that interested persons identify any additional information they believe the agency should consider during the registration reviews of these pesticides. The agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

The registration review final rule at 40 CFR 155.50(b) provides for a minimum 60-day public comment period on all preliminary registration review work plans. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary changes to a pesticide's workplan. All comments should be submitted using the methods in **ADDRESSES** and must be received by the EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Table in Unit IV. Comments received

after the close of the comment period will be marked ''late.'' The EPA is not required to consider these late comments.

The agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The final registration review work plan will explain the effect that any comments had on the final work plan and provide the agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 15, 2021.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–08674 Filed 4–26–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
10122	Georgia Bank	Atlanta	GA	09/25/2009
10177	First Regional Bank	Los Angeles	CA	01/29/2010
10228	Frontier Bank	Everett	WA	04/30/2010
10302	Hillcrest Bank	Overland Park	KS	10/22/2010
10405	Community Banks of Colorado	Greenwood Village	CO	10/21/2011
10493	The Bank of Union	El Reno	OK	01/24/2014
10533	Resolute Bank	Maumee	OH	10/25/2019

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this time frame.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on April 21, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–08704 Filed 4–26–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Economic Inclusion (ComE-IN); Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Economic Inclusion. The Advisory Committee will provide advice and recommendations on initiatives to expand access to banking services by underserved populations.

DATES: Thursday, May 13, 2021, from 1:00 p.m. to 5:00 p.m.

ADDRESSES: To view the live event, visit *http://fdic.windrosemedia.com.* To view the recording, visit *http://fdic.windrosemedia.com/index.php?category=Advisory+Committee+on+Economic+Inclusion+(Come-IN).* If you require a reasonable accommodation to participate, please contact *DisabilityProgram@fdic.gov* or call 703–562–2096 to make necessary arrangements.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Ms. Debra Decker, Committee Management Officer of the FDIC, at (202) 898–8748.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will focus on updates from the committee members about key challenges facing their communities or organizations, expanding account access—#GetBanked, and expanding inclusion through technology and innovation. The agenda may be subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: This meeting of the Advisory Committee on Economic Inclusion will be Webcast live via the internet *http://fdic.windrosemedia.com.* For optimal viewing, a high-speed internet connection is recommended. The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this Advisory Committee on Economic Inclusion meeting will be via a Webcast live on the internet. In addition, the meeting will be recorded and subsequently made available on-demand approximately two weeks after the event.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on April 20, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–08556 Filed 4–26–21; 8:45 am]

BILLING CODE 6714–01–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 May 12, 2021.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Greater Community Bank Employee Stock Ownership and 401(k) Plan, Robert L. Berry and Kenneth Wayne Jones, Jr., as co-trustees, all of Rome, Georgia; and David J. Lance, also a co-trustee of the Plan, Calhoun, Georgia;* to retain voting shares of Greater Community Bancshares, Inc., and thereby indirectly retain voting shares of Greater Community Bank, both of Rome, Georgia.

B. Federal Reserve Bank of Dallas (Karen Smith, Director, Applications) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Susan Luecke Walther, Lincoln, Texas; Fred Luecke and Jimmie Luecke, individually, and as general partner of the Jimmie Luecke Children Partnership, Ltd. I, all of Giddings, Texas;* to become the Luecke Family Group, a group acting in concert, to retain voting shares of Giddings Bancshares, Inc., and thereby indirectly retain voting shares of First National Bank of Giddings, both of Giddings, Texas.

Board of Governors of the Federal Reserve System, April 22, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–08779 Filed 4–26–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 26, 2021.

A. *Federal Reserve Bank of St. Louis* (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *First Bank Corp., Fort Smith, Arkansas;* to merge with Central Bancshares of Poteau, Inc., and thereby indirectly acquire Central National Bank of Poteau, both of Poteau, Oklahoma.

Board of Governors of the Federal Reserve System, April 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–08664 Filed 4–26–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to modify an existing system of records, entitled BGFRS–27, ''FRB—Performance Management Program Records,'' which the Board proposes to rename BGFRS–27, ''FRB—Performance Records.'' BGFRS–27 includes performance appraisals, attachments and supporting documentation related to performance including feedback from various sources.

DATES: Comments must be received on or before May 27, 2021. This new system of records will become effective May 27, 2021, without further notice, unless comments dictate otherwise.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 30-day period prior to publication in the **Federal Register** in which to review the system and to provide any comments to the agency. The public is then given a 30-day period in which to comment, in accordance with 5 U.S.C. 552a(e)(4) and (11).

ADDRESSES: You may submit comments, identified by *BGFRS–27 ''FRB—Performance Management Program Records,''* by any of the following methods:

- *Agency Website: https://www.federalreserve.gov.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include SORN name and number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove sensitive personally identifiable information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: David B. Husband, Counsel, (202) 530–6270, or *david.b.husband@frb.gov;* Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board is updating this system of records to reflect the transition to a cloud-based application for storing and managing the records. The Board is taking the opportunity to identify additional sources of information being collected, update the category of records in the system, clarify that only final performance appraisals are retained under the retention schedule, reflect additional detail on the management of the system, and rename the system. Accordingly, the Board is updating the system location, the system manager, the categories of records in the system, the record source categories, the policies and practices for the retention of records, and the administrative and physical safeguards sections. The Board is also updating the ''Routine Uses'' section to add a link to the Board's general routine uses and is amending the system-specific routine use to specify that only information regarding employee awards may be released to organizations that grant or publicize employee awards.

The Board is also making technical changes to BGFRS–27 consistent with the template laid out in OMB Circular No. A–108. Accordingly, the Board has made technical corrections and non-substantive language revisions to the following categories: ''Policies and Practices for Storage of Records,'' ''Policies and Practices for Retrieval of Records,'' ''Policies and Practices for Retention and Disposal of Records,'' ''Administrative, Technical and Physical Safeguards,'' ''Record Access Procedures,'' ''Contesting Record Procedures,'' and ''Notification Procedures.'' The Board has also created the following new fields: ''Security Classification'' and ''History.''

SYSTEM NAME AND NUMBER:

BGFRS–27 ''FRB—Performance Records''.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. The Human Resources Function of the Management Division maintains final performance appraisals. Divisions may retain copies and other performance-related documents.

SYSTEM MANAGER(S):

Lewis Andrews, Sr. Manager—HR Analytics, Systems, and Operations, Human Resources, Management Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551, (202) 452–3082, or *lewis.e.andrews@frb.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244 and 248).

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to assist the Board in administering its personnel functions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Board employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains performance appraisal documents, and feedback from other sources, and attachments (*e.g.,* supporting documentation related to performance).

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains, the individual's manager(s), and other individuals with knowledge of the individual's performance including individuals that the individual to whom the records pertains identifies as a source of additional feedback.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

General routine uses A, B, C, D, E, F, G, H, I, and J apply to this system. These general routine uses are located at *https://www.federalreserve.gov/files/SORN-page-general-routine-uses-of-board-systems-of-records.pdf* and are published in the **Federal Register** at 83 FR 43872 at 43873–74 (August 28, 2018). Records may also be used to disclose information regarding employee awards to public and private organizations, including news media, which grant or publicize employee awards.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records are stored offsite or onsite in locked filing cabinets. Electronic records are stored in the Board's record-keeping solution, a background investigations system, a secure file server, or in the online system, depending on the age and nature of the record.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records can be retrieved by the names of the individuals on whom they are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Final performance appraisals are retained for a period of ten years or longer as needed for business purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are stored offsite or onsite in locked file cabinets. Electronic files are stored on secure servers. The system has the ability to track individual user actions within the system. The audit and accountability controls are based on NIST and Board standards which, in turn, are based on applicable laws and regulations. The controls assist in detecting security violations and performance or other issues in the system. Access to the system is restricted to authorized users within the Board who require access for official business purposes. Users are classified into different roles and common access and usage rights are established for each role. User roles are used to delineate between the different types of access requirements such that users are restricted to data that is required in the performance of their duties. Periodic assessments and reviews are conducted to determine whether users still require access, have the appropriate role, and whether there have been any unauthorized changes.

RECORD ACCESS PROCEDURES:

The Privacy Act allows individuals the right to access records maintained about them in a Board system of records. Your request for access must: (1) Contain a statement that the request is made pursuant to the Privacy Act of 1974; (2) provide either the name of the Board system of records expected to contain the record requested or a concise description of the system of records; (3) provide the information necessary to verify your identity; and (4) provide any other information that may assist in the rapid identification of the record you seek.

Current or former Board employees may make a request for access by contacting the Board office that maintains the record. The Board handles all Privacy Act requests as both a Privacy Act request and as a Freedom of Information Act request. The Board does not charge fees to a requestor seeking to access or amend his/her Privacy Act records.

You may submit your Privacy Act request to the—Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

You may also submit your Privacy Act request electronically through the Board's FOIA ''Electronic Request Form'' located here: *https://www.federalreserve.gov/secure/forms/efoiaform.aspx.*

CONTESTING RECORD PROCEDURES:

The Privacy Act allows individuals to seek amendment of information that is erroneous, irrelevant, untimely, or incomplete and is maintained in a system of records that pertains to them. To request an amendment to your record, you should clearly mark the request as a ''Privacy Act Amendment Request.'' You have the burden of proof for demonstrating the appropriateness of the requested amendment and you must provide relevant and convincing evidence in support of your request.

Your request for amendment must: (1) Provide the name of the specific Board system of records containing the record you seek to amend; (2) identify the specific portion of the record you seek to amend; (3) describe the nature of and reasons for each requested amendment; (4) explain why you believe the record is not accurate, relevant, timely, or complete; and (5) unless you have already done so in a related Privacy Act request for access or amendment, provide the necessary information to verify your identity.

NOTIFICATION PROCEDURES:

Same as ''Access procedures'' above. You may also follow this procedure in order to request an accounting of previous disclosures of records pertaining to you as provided for by 5 U.S.C. 552a(c).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was previously published in the **Federal Register** at 73 FR 24984 at 25005 (May 6, 2008). The SORN was also amended to incorporate two new routine uses required by OMB at 83 FR 43872 (August 28, 2018).

Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–08669 Filed 4–26–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 26, 2021.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *WSFS Financial Corporation, Wilmington, Delaware;* to merge with Bryn Mawr Bank Corporation, and therefore indirectly acquire The Bryn Mawr Trust Company, both of Bryn Mawr, Pennsylvania. Bryn Mawr Bank Corporation has applied to become a savings and loan holding company, pursuant to section 10(e) of the HOLA, with respect to Bryn Mawr Trust Company's conversion into a stock federal savings association.

Board of Governors of the Federal Reserve System, April 21, 2021.

Michele Taylor Fennell

Deputy Associate Secretary of the Board.

[FR Doc. 2021–08663 Filed 4–26–21; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0010; Docket No. 2021–0053; Sequence No. 8]

Information Collection; Progress Payments (SF 1443)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision and renewal concerning progress payments (Standard Form (SF) 1443). DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through September 30, 2021. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 28, 2021.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection 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. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0010, Progress Payments (SF 1443). 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.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0010, Progress Payments (SF 1443), Standard Form 1443, Contractor's Request for Progress Payment.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

• *FAR 52.232–16, Progress Payments, and Standard Form (SF) 1443, Contractor's Request for Progress Payment.* Paragraph (g) of this FAR clause requires contractors to furnish reports, certificates, financial statements, and other pertinent information (including estimates to complete) reasonably requested by contracting officers for the administration of fixed-price contracts under which the Government will provide progress payments based on costs. Each request for progress payment shall be submitted on a SF 1443.

Contracting officers use this information to administer progress payments under a contract. This collection of information is necessary for protection of the Government against financial loss through making of progress payments.

C. Annual Burden

Respondents: 11,804.
Total Annual Responses: 377,728.
Total Burden Hours: 158,646.

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. 9000–0010, Progress Payments (SF 1443).

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–08715 Filed 4–26–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3413–PN]

Medicare Program; Application by Association of Diabetes Care and Education Specialists (ADCES) for Continued CMS Approval of Its Diabetes Outpatient Self-Management Training Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Association of Diabetes Care and Education Specialists for continued recognition as a national accrediting organization (AO) for accrediting entities that wish to furnish diabetes outpatient self-management training services to Medicare beneficiaries.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by May 27, 2021.

ADDRESSES: In commenting, refer to file code CMS–3413–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address *only:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3413–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address *only:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3413–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:
Shannon Freeland, (410) 786–4348.
Caroline Gallaher, (410) 786–8705.
Lillian Williams, (410) 786–8636.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Diabetes outpatient self-management training services are defined at section 1861(qq)(1) of the Social Security Act (the Act) as ''educational and training services furnished (at such times as the Secretary determines appropriate) to an individual with diabetes by a certified provider (as described in paragraph (2)(A)) in an outpatient setting by an individual or entity who meets the quality standards described in paragraph (2)(B), but only if the physician who is managing the individual's diabetic condition certifies that such services are needed under a comprehensive plan of care related to the individual's diabetic condition to ensure therapy compliance or to provide the individual with necessary skills and knowledge (including skills related to the self-administration of injectable drugs) to participate in the management of the individual's condition.''

In addition, section 1861(qq)(2)(A) of the Act describes a ''certified provider''

as a physician, or other individual or entity designated by the Secretary of the Department of Health and Human Services (the Secretary), that, in addition to providing diabetes outpatient self-management training services, provides other items or services for which payment may be made under this title. Section 1861(qq)(2)(B) of the Act further specifies that a physician, or such other individual or entity, must meet the quality standards established by the Secretary, except that the physician or other individual or entity shall be deemed to have met such standards if the physician or other individual or entity meets applicable standards originally established by the National Diabetes Advisory Board and subsequently revised by organizations who participated in the establishment of standards by such Board, or is recognized by an organization that represents individuals (including individuals under this title) with diabetes as meeting standards for furnishing the services.

Section 1865 of the statute also permits the Secretary to use accrediting bodies to determine whether a provider entity meets Medicare regulatory quality standards, such as those established for diabetes outpatient self-management training service programs. A national AO must be approved by CMS and meet the standards and requirements specified in 42 CFR part 410, subpart H, to qualify for Medicare deeming authority.

Our regulations pertaining to the application procedures for diabetes outpatient self-management training AOs seeking CMS approval are set forth at § 410.142. A national accreditation organization applying for deeming authority must provide CMS with reasonable assurance that it requires the diabetes outpatient self-management training suppliers it accredits to meet the CMS' quality standards, the National Standards for Diabetes Outpatient Self-Management Education and Support (NSDSMES) standards, or an alternative set of standards that meet or exceed our requirements that have been developed by that AO and have been approved by CMS. (See § 410.144.)

Section 410.142(a) states that ''CMS may approve and recognize a nonprofit organization with demonstrated experience in representing the interests of individuals with diabetes to accredit entities to furnish training.'' Therefore, diabetes outpatient self-management training AOs must be not-for-profit organizations. The national accreditation organization, after being approved and recognized by CMS, may accredit an entity to meet one of the sets of quality standards in § 410.144.

II. Approval of Accreditation Organizations

Section 1865(a)(2) of the Act and § 410.142 require that our findings from review of a national AO's application consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide the Secretary with the necessary data for validation.

Section 1865(a)(3) of the Act and § 410.142(d) require that we publish, within 60 days after receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. Section 1865(a)(3)(A) of the Act further states, we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the Association of Diabetes Care and Education Specialists' (ADCES') submission of an application requesting renewal of the CMS approval for its diabetes outpatient self-management training accreditation program. This notice also solicits public comment on whether ADCES's requirements meet or exceed the NSDSMES, which are the accreditation standards used for certification of the diabetes outpatient self-management training programs accredited by the ADCES, pursuant to § 410.144(b).

III. Evaluation of Deeming Authority Request

The ADCES submitted all the necessary materials to enable us to make a determination concerning its request for renewed CMS approval of its diabetes outpatient self-management training accreditation program. This application was determined to be complete on March 1, 2021. Under section 1865(a)(2) of the Act and our regulations at § 410.142, our review and evaluation of ADCES' application will be conducted in accordance with, but not necessarily limited to—

- The requirements and quality standards ADCES uses to accredit entities to furnish diabetes outpatient self-management training.
- The accreditation process used by ADCES to determine the following:

++ Frequency of accreditation.

++ Copies of accreditation forms, guidelines, and instructions to evaluators.

++ The accreditation review process and the accreditation status decision making process.

++ The procedures used to notify a deemed diabetes outpatient self-management training entity of deficiencies in its diabetes outpatient self-management training program and the procedures used to monitor the correction of those deficiencies.

++ The procedures used to enforce compliance with the accreditation requirements and standards.

++ Detailed information about the individuals who perform evaluations for the AO.

++ A description of the AO's data management and analysis system for its accreditation activities and decisions, including reports, tables, and other displays generated by that system.

++ A description of the AO's procedures for responding to and investigating complaints against an approved entity, including policies and procedures regarding coordination of these activities with appropriate licensing bodies, ombudsmen programs, and CMS.

++ A description of the AO's policies and procedures for withholding or removing a certificate of accreditation for failure to meet the AO's standards or requirements, and other actions the AO takes in response to noncompliance with its standards and requirements.

++ A description of all types (for example, full or partial) and categories (for example, provisional, conditional, or temporary) of accreditation offered by the AO, the duration of each type and category of accreditation, and a statement identifying the types and categories that will serve as a basis for accreditation if CMS approves the organization's application.

++ A list of all of the approved entities currently accredited to furnish diabetes outpatient self-management training and the type, category, and expiration date of the accreditation held by each of them.

++ The name and address of each person with an ownership or control interest in the AO.

++ Documentation that demonstrates ADCES' ability to furnish CMS with electronic data in CMS-compatible format.

++ A resource analysis that demonstrates that ADCES' staffing, funding, and other resources are

adequate to perform the required accreditation activities.

++ A statement acknowledging that, as a condition for approval and recognition by CMS of its accreditation program, ADCES agrees to comply with the requirements set forth in §§ 410.142 through 410.146.

++ Additional information CMS requests to enable it to respond to the AO's request for CMS approval and recognition of its diabetes outpatient self-management training accreditation program.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), Elizabeth Richter, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 22, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021–08752 Filed 4–26–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–1880]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 28, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: CMS–P–0015A, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–1880 Request for Certification as Supplier of Portable X-Ray Services under the Medicare/Medicaid Program

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Request for Certification as Supplier of Portable X-Ray Services under the Medicare/Medicaid Program; *Use:* CMS–1880 is initially completed by suppliers of portable X-ray services, expressing an interest in and requesting participation in the Medicare program. The CMS–1880 form initiates the process of obtaining a decision as to whether the conditions of coverage are met by the portable X-ray supplier seeking Medicare participation. It also promotes data reduction or introduction to, and retrieval from, the Certification and

Survey Provider Enhanced Reporting (CASPER) by the CMS Regional Offices (ROs). The CMS–1880 form is also completed by current Medicare participating portable x-ray supplier during each recertification survey. *Form Numbers:* CMS–1880 (OMB control number: 0938–0027); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 104; *Total Annual Responses:* 104; *Total Annual Hours:* 26. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

Dated: April 21, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–08688 Filed 4–26–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3412–PN]

Medicare Program; Application by American Diabetes Association (ADA) for Continued CMS Approval of Its Diabetes Outpatient Self-Management Training Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This proposed notice acknowledges the receipt of an application from the American Diabetes Association (ADA) for continued recognition as a national accrediting organization (AO) for accrediting entities that wish to furnish diabetes outpatient self-management training services to Medicare beneficiaries.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by May 27, 2021.

ADDRESSES: In commenting, refer to file code CMS–3412–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address *only:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3412–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address *only:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3412–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Shannon Freeland, (410) 786–4348.
Caroline Gallaher, (410) 786–8705.
Lillian Williams, (410) 786–8636.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Diabetes outpatient self-management training services are defined at section 1861(qq)(1) of the Social Security Act (the Act) as ''educational and training services furnished (at such times as the Secretary determines appropriate) to an individual with diabetes by a certified provider (as described in paragraph (2)(A)) in an outpatient setting by an individual or entity who meets the quality standards described in paragraph (2)(B), but only if the physician who is managing the individual's diabetic condition certifies that such services are needed under a comprehensive plan of care related to the individual's diabetic condition to ensure therapy compliance or to provide the individual with necessary skills and knowledge (including skills related to the self-administration of injectable drugs) to participate in the management of the individual's condition.''

In addition, section 1861(qq)(2)(A) of the Act describes a ''certified provider'' as a physician, or other individual or entity designated by the Secretary of the Department of Health and Human Services (the Secretary), that, in addition to providing diabetes outpatient self-management training services, provides other items or services for which payment may be made under this title. Section 1861(qq)(2)(B) of the Act further specifies that a physician, or such other individual or entity, must meet the quality standards established by the Secretary, except that the physician or other individual or entity shall be deemed to have met such standards if the physician or other individual or entity meets applicable standards originally established by the National Diabetes Advisory Board and subsequently revised by organizations who participated in the establishment of standards by such Board, or is recognized by an organization that represents individuals (including individuals under this title) with diabetes as meeting standards for furnishing the services.

Section 1865 of the statute also permits the Secretary to use accrediting bodies to determine whether a provider entity meets Medicare regulatory quality standards, such as those established for diabetes outpatient self-management training service programs. A national AO must be approved by CMS and meet the standards and requirements specified in 42 CFR part 410, subpart H, to qualify for Medicare deeming authority.

Our regulations pertaining to the application procedures for diabetes outpatient self-management training AOs seeking CMS approval are set forth at § 410.142. A national accreditation organization applying for deeming authority must provide CMS with reasonable assurance that it requires the diabetes outpatient self-management training suppliers it accredits to meet the CMS' quality standards, the National Standards for Diabetes Outpatient Self-Management Education and Support (NSDSMES) standards, or an alternative set of standards that meet or exceed our requirements that have been developed by that AO and have been approved by CMS. (See § 410.144.)

Section 410.142(a) states that ''CMS may approve and recognize a nonprofit organization with demonstrated experience in representing the interests of individuals with diabetes to accredit entities to furnish training.'' Therefore, diabetes outpatient self-management training AOs must be not-for-profit organizations. The national accreditation organization, after being approved and recognized by CMS, may accredit an entity to meet one of the sets of quality standards in § 410.144.

II. Approval of Accreditation Organizations

Section 1865(a)(2) of the Act and § 410.142 require that our findings from review of a national AO's application consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide the Secretary with the necessary data for validation.

Section 1865(a)(3) of the Act and § 410.142(d) require that we publish, within 60 days after receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. Section 1865(a)(3)(A) of the Act further states, we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the American Diabetes Association's (ADA's) submission of an application requesting renewal of the CMS approval for its diabetes outpatient self-management training accreditation program. This notice also solicits public comment on whether ADA's requirements meet or exceed the NSDSMES, which are the accreditation standards used for certification of the diabetes outpatient self-management training programs accredited by the ADA, pursuant to § 410.144(b).

III. Evaluation of Deeming Authority Request

The ADA submitted all the necessary materials to enable us to make a determination concerning its request for renewed CMS approval of its diabetes outpatient self-management training accreditation program. This application was determined to be complete on March 1, 2021. Under section 1865(a)(2) of the Act and our regulations at § 410.142, our review and evaluation of the ADA's application will be conducted in accordance with, but not necessarily limited to:

- The requirements and quality standards the ADA uses to accredit entities to furnish diabetes self-outpatient management training.
- The accreditation process used by ADA to determine the following:

++ Frequency of accreditation.

++ Copies of accreditation forms, guidelines, and instructions to evaluators.

++ The accreditation review process and the accreditation status decision making process.

++ The procedures used to notify a deemed diabetes outpatient self-management training entity of deficiencies in its diabetes outpatient self-management training program and the procedures used to monitor the correction of those deficiencies.

++ The procedures used to enforce compliance with the accreditation requirements and standards.

++ Detailed information about the individuals who perform evaluations for the AO.

++ A description of the AO's data management and analysis system for its accreditation activities and decisions, including reports, tables, and other displays generated by that system.

++ A description of the AO's procedures for responding to and investigating complaints against an approved entity, including policies and procedures regarding coordination of these activities with appropriate licensing bodies, ombudsmen programs, and CMS.

++ A description of the AO's policies and procedures for withholding or removing a certificate of accreditation for failure to meet the AO's standards or requirements, and other actions the AO takes in response to noncompliance with its standards and requirements.

++ A description of all types (for example, full or partial) and categories (for example, provisional, conditional, or temporary) of accreditation offered by the AO, the duration of each type and category of accreditation, and a statement identifying the types and categories that will serve as a basis for accreditation if CMS approves the organization's, application.

++ A list of all of the approved entities currently accredited to furnish diabetes outpatient self-management training and the type, category, and expiration date of the accreditation held by each of them.

++ The name and address of each person with an ownership or control interest in the AO.

++ Documentation that demonstrates ADA's ability to furnish CMS with electronic data in CMS-compatible format.

++ A resource analysis that demonstrates that ADA's staffing, funding, and other resources are adequate to perform the required accreditation activities.

++ A statement acknowledging that, as a condition for approval and recognition by CMS of its accreditation program, ADA agrees to comply with the requirements set forth in §§ 410.142 through 410.146.

++ Additional information CMS requests to enable it to respond to the AO's request for CMS approval and recognition of its diabetes outpatient self-management training accreditation program.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), Elizabeth Richter, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 22, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021–08751 Filed 4–26–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–0320]

Nonclinical Testing of Individualized Antisense Oligonucleotide Drug Products for Severely Debilitating or Life-Threatening Diseases; Draft Guidance for Sponsor-Investigators; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Nonclinical Testing of Individualized Antisense Oligonucleotide Drug Products for Severely Debilitating or Life-Threatening Diseases.'' FDA is publishing this draft guidance to help sponsor-investigators (hereafter referred to as sponsors) with developing the nonclinical information that FDA recommends to support an investigational new drug application (IND) for certain individualized antisense oligonucleotide (ASO) drug products. ASO drug products that are the focus of this draft guidance are those being developed to treat rapidly progressing, severely debilitating or life-threatening (SDLT) disease attributable to a unique genetic variant or variants that may be amenable to RNA-directed treatment.

DATES: Submit either electronic or written comments on the draft guidance by June 28, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time 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–D–0320 for ''Nonclinical Testing of Individualized Antisense Oligonucleotide Drug Products for Severely Debilitating or Life-Threatening Diseases.'' Received comments 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 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Ronald Wange, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3342, Silver Spring, MD 20903, 301–796–1304.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Nonclinical Testing of Individualized Antisense Oligonucleotide Drug Products for Severely Debilitating or Life-Threatening Diseases.'' FDA is publishing this draft guidance, that, when finalized, will help sponsors with developing the nonclinical information that FDA recommends to support an IND for certain individualized ASO drug products. ASO drug products that are the focus of this draft guidance are those being developed to treat a rapidly progressing, SDLT disease attributable

to a unique genetic variant or variants that may be amenable to RNA-directed treatment.

The draft guidance addresses the nonclinical information that FDA recommends to support an IND for the development of an antisense oligonucleotide from a well-characterized chemical class, for which there is substantial nonclinical information and clinical experience that is publicly available or to which the sponsor has a right of reference. The draft guidance discusses the importance of sponsors providing convincing in vitro and/or in vivo proof of concept data as part of any such IND submission. The draft guidance describes recommended nonclinical safety studies that should be submitted with such IND submissions, the duration and timing of general toxicity studies, first-in-human dose selection, and dose escalation, each within the context stipulated above. Finally, the draft guidance describes certain factors, present in the context of an IND for an individualized investigational antisense oligonucleotide developed to treat a rapidly progressing SDLT disease, that support differences in the nonclinical safety package recommended in this context from that generally recommended for non-SDLT diseases, for modalities other than antisense oligonucleotides, and for use in larger patient populations.

The draft guidance is intended to help sponsors of such development programs, who may be relatively unfamiliar with FDA regulations, processes, and practices, seek feedback from FDA on their development programs and make regulatory submissions related to these development programs. The draft guidance is expected to facilitate the preparation of adequate pre-IND and IND submissions for review by the Agency that will enable prompt initiation of the clinical trial.

This draft guidance represents the second in a series of guidances FDA intends to publish to advise and help sponsors developing individualized ASO drug products for individuals who have SDLT diseases or conditions and no approved products available to them to treat their disease.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Nonclinical Testing of Individualized Antisense Oligonucleotide Drug Products for Severely Debilitating or Life-Threatening Diseases.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required.

However, this draft guidance refers to previously approved FDA collections of information. These collections of information are subject to review by OMB under the PRA.

- The following collections of information in 21 CFR part 312 (IND regulations) have been approved under OMB control number 0910–0014: (1) Submissions of IND applications, amendments, safety reports, and investigator brochures and (2) requests for pre-IND meetings.
- The collections of information in 21 CFR parts 50 and 56 for obtaining informed consent for prospective patients have been approved under OMB control number 0910–0130.
- The collections of information for paper submissions of Form FDA 3500A (Mandatory Reporting) have been approved under OMB control number 0910–0291.
- The collections of information in the final guidance entitled ''Formal Meetings Between the FDA and Sponsors or Applicants'' have been approved under OMB control number 0910–0429.
- The collections of information relating to electronic submissions of Form FDA 3500 used for voluntary reporting (not mandated by law or regulation) by healthcare professionals, including safety reporting submissions relating to bioavailability and bioequivalence studies under 21 CFR 320.31(d)(3), have been approved under OMB control number 0910–0645.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs* or *https://www.regulations.gov.*

Dated: April 20, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–08675 Filed 4–26–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Information (RFI): Developing the National Public Health Strategy for the Prevention and Control of Vector-Borne Diseases in Humans

AGENCY: Office of the Assistant Secretary for Health (OASH), Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The development of a national strategy on vector-borne diseases including tickborne diseases was mandated by Congress. To inform development of the national strategy to address vector-borne diseases, HHS is issuing this Request for Information (RFI). The RFI solicits specific input regarding strategic goals, benchmarks, gaps, duplicative federally funded programs, and opportunities to enhance coordination data collection, research, and the development of diagnostics, treatments, vaccines and other related activities across HHS and other federal departments. The set of questions is available in the **SUPPLEMENTARY INFORMATION** section below.

DATES: To be considered, public comments must be received electronically no later than midnight eastern standard time (EST) on June 11, 2021.

ADDRESSES: Public comments should be submitted online at *http://www.regulations.gov.* All submissions must be submitted to the Docket named HHS–OASH–2021–0001 to ''Request for Information (RFI) from Non-Federal Stakeholders: Developing the National Public Health Strategy for the Prevention and Control of Vector-Borne Diseases in Humans.'' Comments submitted electronically, including attachments, will be posted to the docket unchanged and available to view by the public. Evidence and information supporting your comment can be submitted as attachments. Please provide your contact information or organization name on the web-based form for possible follow up from HHS. There is a 5,000 character limit on comments and maximum number (10) of attached files and maximum size (10 MB) of each attached file.

FOR FURTHER INFORMATION CONTACT: Dr. Kristen Honey, Chief Data Scientist, Senior Advisor, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201, *vectorbornedisease@hhs.gov,* (202) 853–7680.

SUPPLEMENTARY INFORMATION: The development of a national strategy on vector-borne diseases including tickborne diseases was mandated by Congress through Section 404 of H.R. 1865, the Further Consolidated Appropriations Act. Section 404 is Section 317u of the Public Service Act and is named the Kay Hagan Tick Act (Act), in honor of Senator Kay Hagan, who died from complications of having tickborne Powassan virus disease. The Act requires HHS to develop a national strategy to address vector-borne diseases including tickborne diseases (National Strategy). Preparation of the National Strategy builds upon an inter-departmental effort to develop A National Public Health Framework for the Prevention and Control of Vector-Borne Diseases in Humans, released in September 2020.[1]

Vector-borne diseases, including diseases caused by mosquitoes, ticks, and fleas, pose an increasing threat to our nation's health. From 2004 to 2018, U.S. cases doubled and nine new pathogens—including chikungunya and Zika viruses—were introduced or discovered.[2] [3] Tickborne diseases account for nearly 80% of all U.S. vector-borne disease cases, with approximately 476,000 Americans diagnosed and treated for Lyme disease annually.[2] [4] When not diagnosed and treated early, consequences of Lyme disease can include death due to acute carditis as well as late manifestations that can be difficult to treat and costly.[5]

Local health departments and vector control organizations are the nation's first defense against vector-borne disease outbreaks. Yet some evidence indicates they lack the tools, resources, and training to prevent these outbreaks. For example, an assessment of mosquito control competency at the local-level found that during the 2016–2017 Zika emergency response 84% lacked one or more core vector control competencies.[6] In parallel, widespread and growing insecticide-resistance threatens the ability of standard pest control measures to control these disease vectors. Additional capacity is needed at state and local levels for vector tracking, testing, and control as well as the prevention of vector-borne disease transmission. Currently no effective population-level interventions that address tickborne diseases exist. No human vaccines against any vector-borne diseases endemic to the continental United States are widely available. Additionally, evidence-based community interventions (*e.g.,* acaricide spraying, animal host vaccination) have not been studied sufficiently to support their use as effective measures to prevent vector-borne disease.

Recognizing the numerous public health challenges and stakeholders involved in the prevention of vector-borne diseases, OASH is working closely with a range of federal partners to lead the development of the National Strategy. This five-year strategy will establish goals to address vector-borne diseases including improving surveillance, diagnosis, prevention, treatment, and research. It will also identify strategies and benchmarks to measure and drive progress toward achieving the goals. To develop this plan, OASH seeks input from subject matter experts, non-federal stakeholders, and other members of the public. Examples of these stakeholders may include health care providers, national professional organizations, state and local health departments, community-based and faith-based organizations, manufacturers, researchers, advocates, and persons affected by vector-borne diseases.

This RFI seeks public input on strengthening and improving the nation's response to vector-borne diseases in a number of areas. Responses may address one or more of the areas below:

1. What do you recommend as the top priorities to address vector-borne diseases in the United States during the next five years? Why are these the most important priorities?
2. What goals, objectives, and strategies would you propose for each of your top priority areas?
3. Do you have recommendations on specific research or programmatic efforts to improve surveillance, diagnosis, prevention, and treatment of vector-borne diseases?
4. Any additional topics you wish to provide input on.

The information received will inform the development of the National Strategy to address vector-borne diseases.

Kristen Honey,

Chief Data Scientist, Senior Advisor, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services.

Endnotes

[1] *A National Public Health Framework for the Prevention and Control of Vector-Borne Diseases in Humans,* Centers for Disease Control and Prevention, 28 Sept. 2020, *www.cdc.gov/ncezid/dvbd/pdf/Brochure_National_Framework_VBDs-P.pdf.*

[2] Centers for Disease Control and Prevention. 2019. National notifiable diseases surveillance system, 2018 annual tables of infectious disease data. Centers for Disease Control and Prevention. *https://www.cdc.gov/nndss/infectious-tables.html.*

[3] Rosenberg, R., N.P. Lindsey, M. Fischer, C.J. Gregory, A.F. Hinckley, P.S. Mead, G. Paz-Bailey, S.H. Waterman, N.A. Drexler, G.J. Kersh, et al. 2018. Vital signs: Trends in reported vectorborne disease cases—United States and territories, 2004–2016. MMWR. Morb. Mortal. Wkly. Rep. 67: 496–501. *https://www.cdc.gov/mmwr/volumes/67/wr/mm6717e1.htm.*

[4] Centers for Disease Control and Prevention. 2018. Lyme Disease. *https://www.cdc.gov/lyme/stats/humancases.html.*

[5] Marx et al. Ann Intern Med. 2020;172(3):222–224. DOI: 10.7326/L19–0483.

[5] National Association of County and City Health Officials. 2017. NACCHO report: Vector control assessment in Zika virus priority jurisdictions. Washington, DC: National Association of County and City Health Officials; *http://nacchopreparedness.org/naccho-report-vector-control-assessment-in-zika-virus-priority-jurisdictions.*

[FR Doc. 2021–08167 Filed 4–26–21; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Clinicians/Health Professionals AGCD–3 Clinical and Patient-oriented career awards.

Date: June 1–2, 2021.

Time: 10:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 496–9374, *grimaldim2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–08670 Filed 4–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0973]

Random Drug Testing Rate for Covered Crewmembers for 2021

AGENCY: Coast Guard, DHS.

ACTION: Notice of minimum random drug testing rate.

SUMMARY: The Coast Guard has set the calendar year 2021 minimum random drug testing rate at 50 percent of covered crewmembers.

DATES: The minimum random drug testing rate is effective January 1, 2021 through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Patrick Mannion, Drug and Alcohol Prevention and Investigation Program Manager, Office of Investigations and Analysis (CG–INV), U.S. Coast Guard Headquarters, via email; *DAPI@uscg.mil* or phone, 202–372–1033.

SUPPLEMENTARY INFORMATION: The Coast Guard requires marine employers to establish random drug testing programs for covered crewmembers in accordance with 46 CFR 16.230. Marine employers are required by 46 CFR 16.500 to collect and maintain a record of drug testing data for each calendar year, and submit this data to the Coast Guard in a Management Information System (MIS) Report by March 15 of the following year.

Each year, the Coast Guard will publish a notice reporting the results of random drug testing for the previous calendar year's MIS data and the required minimum annual percentage rate for random drug testing for the next calendar year. The purpose of setting a minimum random drug testing rate is to promote maritime safety by establishing an effective deterrent to drug misuse within the maritime workforce. Intoxicated operations poses a serious threat to life, property and the environment in the maritime commons. As such, the minimum random drug testing rate is intended to deter and detect illegal drug misuse in the maritime industry.

The Coast Guard announces that the minimum random drug testing rate for calendar year 2021 is 50 percent. The Coast Guard continues a 50 percent minimum random drug testing rate for 2021 as a result of MIS data for the most recent reporting year which indicated that the positive rate continues to be greater than one percent. 46 CFR 16.230(f)(2) requires the Commandant to set the minimum random drug testing rate at 50 percent when the positivity rate for drug use is greater than 1 percent.

For 2021, the minimum random drug testing rate will be 50 percent of covered employees for the period of January 1, 2021 through December 31, 2021 in accordance with 46 CFR 16.230(e).

Dated: April 21, 2021.

Wayne R. Arguin,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2021–08706 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0180]

Cooperative Research and Development Agreement—Beyond Visual Line of Sight (BVLOS) Technology for Coast Guard (CG) Unmanned Aircraft System (UAS) Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into one or more cooperative research and development agreements (CRADA) with companies to evaluate a detect and avoid (DAA) system to determine its potential use in a maritime environment to enable the Coast Guard to safely fly sUAS beyond visual line of sight (BVLOS). The Coast Guard will conduct flight testing and evaluations of sUAS under a wide variety of simulated but realistic and relevant real-world maritime operational scenarios, such as: Law enforcement; search and rescue; and maritime environmental responses. The Coast Guard is currently considering separate partnerships with Scientific Applications & Research Associates (SARA) Inc., Iris Automation Inc., and Echodyne Corp. and solicits public comment on the possible participation of other parties in the proposed CRADAs, and the nature of that participation. The Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must reach the Coast Guard on or before May 27, 2021. Synopses of proposals regarding future CRADAs must also reach the Coast Guard on or before May 27, 2021.

ADDRESSES: Submit comments online at *http://www.regulations.gov* following website instructions. Submit synopses of proposals regarding future CRADAs to Mr. Steve Dunn at his address listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Mr. Steve Dunn, Project Official, Aviation Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2600, email *RDC-Info@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to publish responses to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2021–0180 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.* We do accept anonymous comments.

We encourage you to submit comments through the Federal Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice and all public comments, will be in our online docket at *http://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.

Do not submit detailed proposals for future CRADAs to *http://www.regulations.gov.* Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADAs, the Coast Guard's Research and Development Center (RDC) will collaborate with one or more non-Federal participants. Together, the RDC and the non-Federal participants will evaluate detect and avoid (DAA) systems to determine their potential for use in a maritime environment to safely fly sUAS beyond visual line of sight (BVLOS).

We anticipate that the Coast Guard's contributions under the proposed CRADAs will include the following:

(1) In conjunction with the non-Federal participant(s), develop the demonstration test plan to be executed under the CRADA;

(2) Provide the sUAS test range, test range support, facilities, and all approvals required for a sUAS demonstration and assessment under the CRADA;

(3) Provide government available sUAS platforms and associated equipment necessary to conduct the demonstration described in the demonstration test plan;

(4) Provide all required operators and technicians to conduct the demonstration;

(5) Conduct the privacy threshold analysis required for the demonstration;

(6) Conduct the privacy impact assessment required for the demonstration;

(7) Coordinate any required spectrum approval for the sUAS;

(8) Coordinate and receive any required interim flight clearance for the demonstration;

(9) Provide any required airspace coordination and de-confliction for the demonstration test plan;

(10) Collaboratively collect and analyze demonstration test plan data; and

(11) Collaboratively develop a demonstration final report documenting the methodologies, findings, conclusions, and recommendations of this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADAs will include the following:

(1) Provide DAA system and all other equipment to conduct the demonstration described in the demonstration test plan;

(2) Provide all required operators and technicians to integrate DAA in government sUAS platform and conduct the demonstration;

(3) Provide technical data for the DAA to be utilized;

(4) Provide shipment and delivery of all DAA equipment required for the demonstration; and

(5) Provide travel and associated personnel and other expenses as required.

(6) Provide documentation, analysis, graphical user interfaces, and algorithms supporting future FAA DAA BVLOS authorizations.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering the above named companies for participation in separate CRADAs, because they have a solution in place for providing detect and avoid capabilities for UAS. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology demonstration effort to evaluate and assess ship/ground-based technologies which support BVLOS UAS operations. The goal of these CRADAs is to identify and investigate the potential of the sUAS and their airborne sensors to determine their potential use in a maritime environment by the first responder and the DHS operational components. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S.

This notice is issued under the authority of 5 U.S.C. 552(a) and 15 U.S.C. 3710(a).

Dated: April 20, 2021.

Captain Daniel P. Keane,

USCG, Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2021–08678 Filed 4–26–21; 8:45 am]

BILLING CODE P

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0189]

Cooperative Research and Development Agreement—Tactical Mobile Technology Architecture

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into a cooperative research and development agreement (CRADA) with several companies to help inform the Cutter IT Integrated Product Team on methods for improving the Cutter Tactical Commander to Boarding Team communications user experience when using CG tactical mobile IT systems. This CRADA will also investigate alternative equipment and or architectures which may provide more robust and reliable tactical mobile network connectivity to underway cutters under a variety of scenarios. The Coast Guard is currently considering partnering with IMPRESS Technologies Inc. and solicits public comment on the possible participation of other parties in the proposed CRADA, and the nature of that participation. The Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions

to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before May 27, 2021.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before May 27, 2021.

ADDRESSES: Submit comments online at *http://www.regulations.gov* following website instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Mr. David Cote, Project Official, IT and Networks Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2693, email *david.e.cote@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenter and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2020–0270 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008). We also accept anonymous comments.

We encourage you to submit comments through the Federal rulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice and all public comments, are in our online docket at *http://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.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADA, the Coast Guard's Research and Development Center (RDC) will collaborate with one or more non-Federal participants. Together, the RDC and the non-Federal participants will evaluate mission essential tactical mobile communication technologies in a shipboard environment.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Develop a test plan for execution under the CRADA;

(2) Provide network access, data, facilities, and approvals required for work under the CRADA;

(3) Collect and analyze test plan data; and

(4) Develop a report documenting the methodologies, findings, conclusions, and recommendations related to this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(I) Provide tactical communications mobile technologies to conduct work to be described in test plan;

(2) Provide required operators and technicians to perform work identified in the test plan;

(3) Provide technical data for the equipment and services to be utilized;

(4) Provide shipment and delivery of any equipment required;

(5) Provide travel and associated personnel and other expenses as required for subject work.

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.).

The Coast Guard will select proposals at its sole discretion on the basis of:

(I) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

This is a technology suitability effort. The goal of this CRADA is to evaluate and inform the Cutter IT Integrated Product Team on how to move forward to improve the Cutter Tactical Commander to Boarding Team communications user experience when using CG tactical mobile IT systems. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S.

This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: April 14, 2021.

Daniel P. Keane,

Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2021–08666 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter

referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Adams (FEMA Docket No.: B–2100).	City of Thornton (20–08–0251P).	The Honorable Janifer Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	Mar. 26, 2021	080007
Adams (FEMA Docket No.: B–2100).	Unincorporated areas of Adams County (20–08–0251P).	The Honorable Emma Pinter, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Suite C5000A, Brighton, CO 80601.	Adams County Community and Economic Development Department, 4430 South Adams County Parkway, Suite W2000, Brighton, CO 80601.	Mar. 26, 2021	080001
Jefferson (FEMA Docket No.: B–2076).	Unincorporated areas of Jefferson County (20–08–0724P).	The Honorable Lesley Dahlkemper, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.	Mar. 19, 2021	080087
Florida:					
Collier (FEMA Docket No.: B–2100).	City of Naples (20–04–5396P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, 2nd Floor, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Mar. 22, 2021	125130
Hillsborough (FEMA Docket No.: B–2100).	Unincorporated areas of Hillsborough County (20–04–1456P).	Ms. Bonnie M. Wise, Hillsborough County Administrator, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	Hillsborough County Center, 601 East Kennedy Boulevard, 22nd Floor, Tampa, FL 33602.	Mar. 18, 2021	120112
Hillsborough (FEMA Docket No.: B–2100).	Unincorporated areas of Hillsborough County (20–04–4569P).	Ms. Bonnie M. Wise, Hillsborough County Administrator, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	Hillsborough County Center, 601 East Kennedy Boulevard, 22nd Floor, Tampa, FL 33602.	Apr. 1, 2021	120112
Lee (FEMA Docket No.: B–2106).	Unincorporated areas of Lee County (20–04–5420P).	Mr. Roger Desjarlais, Lee County Manager, 2120 Main Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Mar. 23, 2021	125124

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Miami-Dade (FEMA Docket No.: B–2100).	City of Miami (20–04–6068P).	The Honorable Francis X. Suarez, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.	Mar. 22, 2021	120650
Monroe (FEMA Docket No.: B–2100).	Village of Islamorada (20–04–6217P).	The Honorable Mike Forster, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Apr. 1, 2021	120424
Palm Beach (FEMA Docket No.: B–2076).	City of Westlake (20–04–2587P).	The Honorable Roger Manning, Mayor, City of Westlake, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	City Hall, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	Mar. 15, 2021	120018
Palm Beach (FEMA Docket No.: B–2100).	Town of Jupiter (20–04–3713P).	Mr. Matt Benoit, Manager, Town of Jupiter, 210 Military Trail, Jupiter, FL 33458.	Building and Stormwater Utility Department, 210 Military Trail, Jupiter, FL 33458.	Mar. 24, 2021	125119
Palm Beach (FEMA Docket No.: B–2100).	Village of Royal Palm Beach (20–04–0312P).	The Honorable Fred Pinto, Mayor, Village of Royal Palm Beach, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Village Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Mar. 23, 2021	120225
Massachusetts: Bristol (FEMA Docket No.: B–2076).	Town of Easton (20–01–0637P).	The Honorable Dottie Fulginiti, Chair, Town of Easton Select Board, 136 Elm Street, Easton, MA 02356.	Department of Public Works, 130 Center Street, Easton, MA 02356.	Mar. 15, 2021	250053
Pennsylvania:					
Dauphin (FEMA Docket No.: B–2100).	Borough of Middletown (20–03–1407P).	The Honorable Ian Reddinger, President, Borough of Middletown Council, 60 West Emaus Street, Middletown, PA 17057.	Borough Hall, 60 West Emaus Street, Middletown, PA 17057.	Mar. 26, 2021	420388
Lancaster (FEMA Docket No.: B–2076).	Township of East Lampeter (20–03–1645P).	Mr. Ralph Hutchison, Manager, Township of East Lampeter, 2250 Old Philadelphia Pike, Lancaster, PA 17602.	Planning, Zoning, and Building Department, 2250 Old Philadelphia Pike, Lancaster, PA 17602.	Mar. 22, 2021	421771
Rhode Island: Washington (FEMA Docket No.: B–2100).	Town of South Kingstown (20–01–1104P).	The Honorable Abel G. Collins, President, Town of South Kingstown Council, 180 High Street, Wakefield, RI 02879.	Building Inspection and Zoning Department, 180 High Street, Wakefield, RI 02879.	Mar. 19, 2021	445407
South Carolina: Charleston (FEMA Docket No.: B–2076).	City of Charleston (20–04–5212P).	The Honorable John J. Tecklenburg, Mayor, City of Charleston, 80 Broad Street, Charleston, SC 29401.	Department of Public Service, 2 George Street, Suite 2100, Charleston, SC 29401.	Mar. 22, 2021	455412
Texas:					
Collin (FEMA Docket No.: B–2100).	City of Wylie (20–06–2188P).	The Honorable Eric Hogue, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	Apr. 1, 2021	480759
Dallas (FEMA Docket No.: B–2100).	City of Carrollton (20–06–2233P).	Ms. Erin Rinehart, Manager, City of Carrollton, 1945 East Jackson Road, Carrollton, TX 75006.	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.	Mar. 22, 2021	480167
Denton (FEMA Docket No.: B–2076).	City of Carrollton (20–06–0797P).	Ms. Erin Rinehart, Manager, City of Carrollton, 1945 East Jackson Road, Carrollton, TX 75006.	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.	Mar. 15, 2021	480167
Tarrant (FEMA Docket No.: B–2100).	City of Arlington (20–06–2033P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Mar. 22, 2021	485454
Tarrant (FEMA Docket No.: B–2100).	City of Arlington (20–06–2035P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Apr. 1, 2021	485454
Tarrant (FEMA Docket No.: B–2100).	City of Arlington (20–06–2038P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Mar. 22, 2021	485454
Tarrant (FEMA Docket No.: B–2100).	City of Arlington (20–06–2039P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Mar. 25, 2021	485454
Travis (FEMA Docket No.: B–2100).	City of Lakeway (20–06–3378P).	The Honorable Sandy Cox, Mayor, City of Lakeway, 1102 Lohmans Crossing Road, Lakeway, TX 78734.	City Hall, 1102 Lohmans Crossing Road, Lakeway, TX 78734.	Mar. 26, 2021	481303

[FR Doc. 2021–08692 Filed 4–26–21; 8:45 am]
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2123]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alaska: Fairbanks North Star County.	Fairbanks North Star Borough (20–10–0898P).	The Honorable Bryce Ward, Mayor, Fairbanks North Star Borough, P.O. Box 71267, Fairbanks, AK 99709.	Community Planning Department, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, AK 99701.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	025009
Arizona: Maricopa.	Unincorporated Areas of Maricopa County (21–09–0221P).	The Honorable Jack Sellers, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 18, 2021	040037

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Mohave.	City of Bullhead City (20–09–1910P).	The Honorable Tom Brady, Mayor, City of Bullhead City, 2355 Trane Road, Bullhead City, AZ 86442.	Public Works Department, 2355 Trane Road, Bullhead City, AZ 86442.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 9, 2021	040125
Pima.	Town of Oro Valley (20–09–1981P).	The Honorable Joe Winfield, Mayor, Town of Oro Valley, Town Hall, 11000 North La Cañada Drive, Oro Valley, AZ 85737.	Planning and Zoning Department, 11000 North La Cañada Drive, Oro Valley, AZ 85737.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2021	040109
Pima.	Unincorporated Areas of Pima County (20–09–1981P).	The Honorable Sharon Bronson, Chairman, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2021	040073
Santa Cruz.	Unincorporated Areas of Santa Cruz County (20–09–0530P).	The Honorable Manuel Ruiz, Chairman, Board of Supervisors, Santa Cruz County, 2150 North Congress Drive #119, Nogales, AZ 85621.	Santa Cruz County Flood Control District, Gabilondo-Zehentner Building, 275 Rio Rico Drive, Rio Rico, AZ 85648.	*https://msc.fema.gov/portal/advanceSearch.*	May 5, 2021	040090
Santa Cruz.	Unincorporated Areas of Santa Cruz County (20–09–0547P).	The Honorable Manuel Ruiz, Chairman, Board of Supervisors, Santa Cruz County, 2150 North Congress Drive #119, Nogales, AZ 85621.	Santa Cruz County Flood Control District, Gabilondo-Zehentner Building, 275 Rio Rico Drive, Rio Rico, AZ 85648.	*https://msc.fema.gov/portal/advanceSearch.*	May 5, 2021	040090
California:						
Fresno.	City of Clovis (20–09–2182P).	The Honorable Drew Bessinger, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Clerk's Office, Civic Center, 1033 5th Street, Clovis, CA 93612.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	060044
Nevada.	City of Grass Valley (20–09–0976P).	The Honorable Ben Aguilar, Mayor, City of Grass Valley, 125 East Main Street, Grass Valley, CA 95945.	Public Works Department, 125 East Main Street, Grass Valley, CA 95945.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 30, 2021	060211
Riverside.	City of Banning (20–09–2180P).	The Honorable Colleen Wallace, Mayor, City of Banning, 99 East Ramsey Street, Banning, CA 92220.	Public Works Department, 99 East Ramsey Street, Banning, CA 92220.	*https://msc.fema.gov/portal/advanceSearch.*	May 28, 2021	060246
San Diego.	City of San Diego (20–09–1465P).	The Honorable Todd Gloria, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, MS 301, San Diego, CA 92101.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 1, 2021	060295
Idaho:						
Bonneville.	City of Ammon (20–10–0225P).	The Honorable Sean Coletti, Mayor, City of Ammon, City Hall, 2135 South Ammon Road, Ammon, ID 83406.	City Hall, 2135 South Ammon Road, Ammon, ID 83406.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2020	160028
Bonneville.	Unincorporated Areas of Bonneville County (20–10–0225P).	The Honorable Roger Christensen, Chairman, Bonneville County, 605 North Capital Avenue, Idaho Falls, ID 83402.	Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, ID 83402.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 9, 2020	160027
Illinois:						
Champaign.	City of Champaign (20–05–2709P).	The Honorable Deborah Frank Feinen, Mayor, City of Champaign, 102 North Neil Street, Champaign, IL 61820.	City Hall, 102 North Neil Street, Champaign, IL 61820.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 15, 2021	170026
DuPage.	Village of Lisle (20–05–2443P).	The Honorable Christopher Pecak, Mayor, Village of Lisle, 925 Burlington Avenue, Lisle, IL 60532.	Village Hall, 925 Burlington Avenue, Lisle, IL 60532.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 15, 2021	170211
Livingston.	Unincorporated Areas of Livingston County (20–05–1894P).	The Honorable Kathy Arbogast, County Board Chair Livingston County, 112 West Madison Street, Pontiac, IL 61764.	Livingston County Regional Planning Commission, 110 West Water Street, Suite 3, Pontiac, IL 61764.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 15, 2021	170929

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Livingston.	Village of Forrest (20–05–1894P).	The Honorable Lewis Breeden, Village President, Village of Forrest, 323 South Williams, Forrest, IL 61741.	Village Hall, 323 South Williams, Forrest, IL 61741.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 15, 2021	170425
Will.	Village of Monee (20–05–3654P).	The Honorable James Popp, Mayor, Village of Monee, 5130 West Court Street, Monee, IL 60449.	Village Hall, 5130 West Court Street, Monee, IL 60449.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 24, 2021	171029
Kansas:						
Johnson.	City of Olathe (20–07–1546P).	The Honorable John Bacon, Mayor, City of Olathe, P.O. Box 768, Olathe, KS 66051.	City Hall, Planning Office, 100 West Santa Fe Drive, Olathe, KS 66061.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2021	200173
Sedgwick:	City of Wichita (19–07–1328P).	The Honorable Brandon Whipple, Mayor, City of Wichita, City Hall, 455 North Main Street, 1st Floor, Wichita, KS 67202.	Office of Storm Water Management, 455 North Main Street 8th Floor, Wichita, KS 67202.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 24, 2021	200328
Sedgwick:	Unincorporated Areas of Sedgwick County (19–07–1328P).	Mr. Pete Meitzner, Chairman, 1st District Commissioner, Sedgwick County, 525 North Main Street, Suite 320, Wichita, KS 67203.	Sedgwick County, Metropolitan Area Building and Construction Department, 1144 South Seneca Street, Wichita, KS 67213.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 24, 2021	200321
Minnesota: Anoka.	City of Blaine (20–05–3678P).	The Honorable Tim Sanders, Mayor, City of Blaine, City Hall, 10801 Town Square Drive Northeast, Blaine, MN 55449.	City Hall, 10801 Town Square Drive Northeast, Blaine, MN 55449.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	270007
Nebraska: Lancaster.	City of Lincoln (20–07–1451P).	The Honorable Leirion Gaylor Baird, Mayor, City of Lincoln, 555 South 10th Street, Lincoln, NE 68508.	Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 5, 2021	315273
New Jersey: Morris.	Borough of Lincoln Park (21–02–0107P).	The Honorable David A. Runfeldt, Mayor, Borough of Lincoln Park, 34 Chapel Hill Road, Lincoln Park, NJ 07035.	Borough Building Department, 34 Chapell Hill Road, Lincoln Park, NJ 07035.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2021	345300
New York: Westchester.	Village of Mamaroneck (20–02–1481P).	The Honorable Thomas A. Murphy, Mayor, Village of Mamaroneck, 123 Mamaroneck Avenue, Mamaroneck, NY 10543.	Building Inspector, The Regatta Building, 123 Mamaroneck Avenue, Mamaroneck, NY 10543.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 24, 2021	360916
Oregon: Lane.	City of Cottage Grove (20–10–0681P).	The Honorable Jeff Gowing, Mayor, City of Cottage Grove, 337 North 9th Street, Cottage Grove, OR 97424.	City Hall, 400 East Main Street, Cottage Grove, OR 97424.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 25, 2021	410120
Texas:						
Dallas.	City of Grand Prairie (20–06–2268P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, TX 75053.	Community Development Center, 206 West Church Street, Grand Prairie, TX 75050.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	485472
Dallas.	City of Irving (20–06–2268P).	The Honorable Rick Stopfer, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Development Program, 825 West Irving Boulevard, Irving, TX 75060.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480180
Wisconsin: Waukesha.	Village of Sussex (20–05–1875P).	Mr. Anthony LeDonne, Village President, Village of Sussex, Sussex Civic Center, N64 W23760 Main Street, Sussex, WI 53089.	Village Hall, N64 W23760 Main Street, Sussex, WI 53089.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 18, 2021	550490

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BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2125]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado: Larimer.	City of Fort Collins (20–08–0643P).	The Honorable Wade Troxell, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 25, 2021	080102
Florida:						
Alachua.	Unincorporated areas of Alachua County (20–04–2956P).	Ms. Michele L. Lieberman, Alachua County Manager, 12 Southeast 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	120001
Lake.	City of Leesburg (21–04–0344P).	The Honorable John Christian, Mayor, City of Leesburg, 501 West Meadow Street, Leesburg, FL 34748.	City Hall, 501 West Meadow Street, Leesburg, FL 34748.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 13, 2021	120136

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lake.	Unincorporated areas of Lake County (21–04–0344P).	Ms. Jo Anne Drury, Interim Lake County Manager, P.O. Box 7800, Tavares, FL 32778.	Lake County Administration Building, 315 West Main Street, Tavares, FL 32778.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 13, 2021	120421
Monroe.	Unincorporated areas of Monroe County (21–04–1027P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	125129
Pinellas.	City of Treasure Island (21–04–0293P).	Mr. Garry Brumback, Manager, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706.	Community Development Department, 120 108th Avenue, Treasure Island, FL 33706.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	125153
Georgia: Barrow.	Unincorporated areas of Barrow County (20–04–3669P).	The Honorable Pat Graham, Chair, Barrow County Board of Commissioners, 30 North Broad Street, Winder, GA 30680.	Barrow County Planning and Community Development, 30 North Broad Street, Winder, GA 30680.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 8, 2021	130497
Massachusetts: Plymouth.	Town of Marion (21–01–0018P).	The Honorable Randy L. Parker, Chairman, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Building Department, 2 Spring Street, Marion, MA 02738.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 16, 2021	255213
New Mexico:						
Taos.	Town of Taos (21–06–0091P).	The Honorable Daniel R. Barrone, Mayor, Town of Taos, 400 Camino De La Placita, Taos, NM 87571.	Town Hall, 400 Camino De La Placita, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	350080
Taos.	Unincorporated areas of Taos County (20–06–2296P).	Mr. Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Suite G, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 16, 2021	350078
Taos.	Unincorporated areas of Taos County (21–06–0091P).	Mr. Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Suite G, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	350078
Pennsylvania: Columbia.	Town of Bloomsburg (20–03–1776P).	The Honorable William Kreisher, Mayor, Town of Bloomsburg, 301 East 2nd Street, Bloomsburg, PA 17815.	Town Hall, 301 East 2nd Street, Bloomsburg, PA 17815.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	420339
Texas:						
Archer.	City of Scotland (21–06–0024P).	The Honorable Ron Hoff Mayor, City of Scotland, P.O. Box 32, Scotland, TX 76379.	City Hall, 727 Avenue L, Scotland, TX 76379.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 9, 2021	481280
Archer.	Unincorporated areas of Archer County (21–06–0024P).	The Honorable Randall C. Jackson, Archer County Judge, P.O. Box 458, Archer City, TX 76351.	Archer County Courthouse, Emergency Management Office, 100 South Center Street, Archer City, TX 76351.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 9, 2021	481078
Bexar.	City of San Antonio (20–06–3342P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	480045
Bexar.	Unincorporated areas of Bexar County (20–06–2261P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 7, 2021	480035
Brazoria.	City of Pearland (20–06–2501P).	The Honorable Kevin Cole, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering Division, 3519 Liberty Drive, Pearland, TX 77581.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	480077
Dallas.	City of Dallas (20–06–2951P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain Management Department, 320 East Jefferson Boulevard, Room 312, Dallas, TX 75203.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 7, 2021	480171

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Denton.	City of Corinth (21–06–1194P).	The Honorable Bill Heidemann, Mayor, City of Corinth, 3300 Corinth Parkway, Corinth, TX 76208.	Engineering Department, 3300 Corinth Parkway, Corinth, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	481143
Harris.	City of Houston (20–06–3198P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	480296
Harris.	Unincorporated areas of Harris County (19–06–2834P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	480287
Harris.	Unincorporated areas of Harris County (19–06–3141P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	480287
Harris.	Unincorporated areas of Harris County (20–06–3198P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2021	480287
Kaufman.	Unincorporated areas of Kaufman County (20–06–3077P).	The Honorable Hal Richards, Kaufman County Judge, 100 West Mulberry Street, Kaufman, TX 75142.	Kaufman County Courthouse, 106 West Grove Street, Kaufman, TX 75142.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 9, 2021	480411
Travis.	City of Rollingwood (20–06–2815P).	The Honorable Mike Dyson, Mayor, City of Rollingwood, 403 Nixon Drive, Rollingwood, TX 78746.	City Hall, 403 Nixon Drive, Rollingwood, TX 78746.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	481029
Williamson.	City of Round Rock (20–06–3569P).	The Honorable Craig Morgan, Mayor, City of Round Rock, 221 East Main Street, Round Rock, TX 78664.	Department of Utilities and Environmental Services, 3400 Sunrise Road, Round Rock, TX 78665.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 1, 2021	481048
Virginia:						
Albemarle.	Unincorporated areas of Albemarle County (20–03–1246P).	Mr. Jeffrey B. Richardson, Albemarle County Executive, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Department of Community Development, 401 McIntire Road, Charlottesville, VA 22902.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 13, 2021	510006
Albemarle.	Unincorporated areas of Albemarle County (20–03–1533P).	Mr. Jeffrey B. Richardson, Albemarle County Executive, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Department of Community Development, 401 McIntire Road, Charlottesville, VA 22902.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2021	510006
Prince William.	Unincorporated areas of Prince William County (20–03–1200P).	The Honorable Ann B. Wheeler, Chair-At-Large, Prince William County Board of Supervisors, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2021	510119

[FR Doc. 2021–08695 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2122]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency

(FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 26, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2122, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Brown County, Kansas and Incorporated Areas Project: 19–07–0001S Preliminary Date: December 2, 2020	
City of Fairview	City Hall, 505 West Front Street, Fairview, KS 66425.
City of Hamlin	Brown County Courthouse, 601 Oregon Street, Hiawatha, KS 66434.
City of Hiawatha	City Hall, 701 Oregon Street, Hiawatha, KS 66434.
City of Horton	City Hall, 205 East 8th Street, Horton, KS 66439.
City of Morrill	City Hall, 612 Roxanna Street, Morrill, KS 66515.
City of Reserve	Reserve City Hall, 109 North Main Street, Hiawatha, KS 66434.
City of Robinson	City Hall, 118 Parsons Street, Robinson, KS 66532.
Iowa Tribe of Kansas and Nebraska	Iowa Tribe of Kansas and Nebraska, 3345 B Thrasher Road, White Cloud, KS 66094.
Kickapoo Tribe in Kansas	Kickapoo Government Offices, 824 111th Drive, Horton, KS 66439.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Sac & Fox Nation Environmental Department, 401 North Arch Street, Reserve, KS 66434.
Unincorporated Areas of Brown County	Brown County Courthouse, 601 Oregon Street, Hiawatha, KS 66434.
Van Wert County, Ohio and Incorporated Areas Project: 14–05–4448S Preliminary Date: November 13, 2020	
City of Van Wert	Municipal Building, 515 East Main Street, Van Wert, OH 45891.
Unincorporated Areas of Van Wert County	Van Wert County Annex, 114 East Main, Van Wert, OH 45891.
Village of Middle Point	Municipal Building, 103 North Adams Street, Middle Point, OH 45863.

Community	Community map repository address
Village of Willshire	Van Wert County Annex, 114 East Main, Van Wert, OH 45891.

[FR Doc. 2021–08697 Filed 4–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2124]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 26, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2124, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Jefferson County, Colorado and Incorporated Areas Project: 19–08–0040S Preliminary Date: October 28, 2020	
City of Edgewater	Civic Center, 1800 Harlan Street, Edgewater, CO 80214.
City of Lakewood	Civic Center, Public Works, 470 South Allison Parkway, Lakewood, CO 80226.
City of Wheat Ridge	City Hall, 7500 West 29th Avenue, Wheat Ridge, CO 80033.
Unincorporated Areas of Jefferson County	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.
Cumberland County, Pennsylvania (All Jurisdictions) Project: 15–03–0142S Preliminary Date: May 14, 2019 and December 18, 2020	
Borough of Camp Hill	Borough Administration Office, 2145 Walnut Street, Camp Hill, PA 17011.
Borough of Carlisle	Municipal Building, 53 West South Street, Carlisle, PA 17013.
Borough of Lemoyne	Borough Office, 510 Herman Avenue, Lemoyne, PA 17043.
Borough of Mechanicsburg	Borough Office, 36 West Allen Street, Mechanicsburg, PA 17055.
Borough of Mount Holly Springs	Municipal Building, 200 Harman Street, Mount Holly Springs, PA 17065.
Borough of New Cumberland	Borough Office, 1120 Market Street, New Cumberland, PA 17070.
Borough of Newberg	Borough Office, 105 West Main Street, Newberg, PA 17240.
Borough of Newville	Borough Office, 4 West Street, Newville, PA 17241.
Borough of Shippensburg	Borough Office, 111 North Fayette Street, Shippensburg, PA 17257.
Borough of Shiremanstown	Borough Office, 1 Park Lane, Shiremanstown, PA 17011.
Borough of Wormleysburg	Borough Hall, 20 Market Street, Wormleysburg, PA 17043.
Township of Cooke	Cooke Township Office, 1700 Centerville Road, Newville, PA 17241.
Township of Dickinson	Dickinson Township Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.
Township of East Pennsboro	East Pennsboro Township Community and Municipal Center, 98 South Enola Drive, Enola, PA 17025.
Township of Hampden	Hampden Township Municipal Building, 209 South Sporting Hill Road, Mechanicsburg, PA 17050.
Township of Hopewell	Hopewell Township Administration Building, 415 Three Square Hollow Road, Newberg, PA 17240.
Township of Lower Allen	Lower Allen Township Municipal Services Center, 2233 Gettysburg Road, Camp Hill, PA 17011.
Township of Lower Frankford	Lower Frankford Township Municipal Building, 1205 Easy Road, Carlisle, PA 17015.
Township of Lower Mifflin	Lower Mifflin Township Office, 529 Shed Road, Newville, PA 17241.
Township of Middlesex	Middlesex Township Building, 350 North Middlesex Road, Carlisle, PA 17013.
Township of Monroe	Monroe Township Municipal Complex, 1220 Boiling Springs Road, Mechanicsburg, PA 17055.
Township of North Middleton	North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, PA 17013.
Township of North Newton	North Newton Township Administrative Office, 528 Oakville Road, Shippensburg, PA 17257.
Township of Penn	Penn Township Municipal Building, 1301 Centerville Road, Newville, PA 17241.
Township of Shippensburg	Municipal Office, 81 Walnut Bottom Road, Shippensburg, PA 17257.
Township of Silver Spring	Silver Spring Township Building, 8 Flowers Drive, Mechanicsburg, PA 17050.
Township of South Middleton	South Middleton Township Municipal Building, 520 Park Drive, Boiling Springs, PA 17007.
Township of South Newton	South Newton Township Municipal Building, 11 High Mountain Road, Walnut Bottom, PA 17266.
Township of Southampton	Southampton Township Municipal Building, 200 Airport Road, Shippensburg, PA 17257.
Township of Upper Allen	Upper Allen Township Building, 100 Gettysburg Pike, Mechanicsburg, PA 17055.
Township of Upper Frankford	Upper Frankford Township Building, 660 Mohawk Road, Newville, PA 17241.
Township of Upper Mifflin	Upper Mifflin Township Municipal Building, 455 Whiskey Run Road, Newville, PA 17241.
Township of West Pennsboro	West Pennsboro Township Municipal Building, 2150 Newville Road, Carlisle, PA 17015.
Luzerne County, Pennsylvania (All Jurisdictions) Project: 15–03–0227S Preliminary Date: September 15, 2020	
Borough of Duryea	Municipal Building, 315 Main Street, Duryea, PA 18642.
Borough of Edwardsville	Municipal Building, 470 Main Street, Edwardsville, PA 18704.
Borough of Exeter	Municipal Building, 1101 Wyoming Avenue, Exeter, PA 18643.

Community	Community map repository address
Borough of Forty Fort	Municipal Building, 1271 Wyoming Avenue, Forty Fort, PA 18704.
Borough of Kingston	Municipal Building, 500 Wyoming Avenue, Kingston, PA 18704.
Borough of Larksville	Municipal Building, 211 East State Street, Larksville, PA 18704.
Borough of Luzerne	Municipal Building, 144 Academy Street, Luzerne, PA 18709.
Borough of Nescopeck	Municipal Building, 501 Raber Avenue, Nescopeck, PA 18635.
Borough of Plymouth	Municipal Building, 162 West Shawnee Avenue, Plymouth, PA 18651.
Borough of Shickshinny	Municipal Building, 35 West Union Street, Shickshinny, PA 18655.
Borough of Swoyersville	Municipal Building, 675 Main Street, Swoyersville, PA 18704.
Borough of West Pittston	Municipal Building, 555 Exeter Avenue, West Pittston, PA 18643.
Borough of West Wyoming	Municipal Building, 464 West 8th Street, West Wyoming, PA 18644.
Borough of Wyoming	Municipal Building, 277 Wyoming Avenue, Wyoming, PA 18644.
City of Nanticoke	City Hall, 15 East Ridge Street, Nanticoke, PA 18634.
City of Pittston	City Hall, 35 Broad Street, Pittston, PA 18640.
City of Wilkes-Barre	City Hall, 40 East Market Street, Wilkes-Barre, PA 18711.
Township of Conyngham	Township of Conyngham Municipal Building, 10 Pond Hill Road, Mocanaqua, PA 18655.
Township of Exeter	Township of Exeter Municipal Building, 2305 State Route 92, Harding, PA 18643.
Township of Hanover	Municipal Building, 1267 Sans Souci Parkway, Hanover Township, PA 18706.
Township of Hollenback	Township of Hollenback Municipal Building, 660 East County Road, Wapwallopen, PA 18660.
Township of Hunlock	Township of Hunlock Municipal Building, 33 Village Drive, Hunlock Creek, PA 18621.
Township of Jackson	Township Building, 1275 Huntsville Road, Jackson Township, PA 18708.
Township of Jenkins	Township of Jenkins Municipal Building, 46½ Main Street, Pittston, PA 18640.
Township of Nescopeck	Municipal Building, 429 Berwick-Hazelton Highway, Nescopeck, PA 18635.
Township of Newport	Township of Newport Municipal Building, 351 West Kirmar Avenue, Nanticoke, PA 18634.
Township of Plains	Municipal Building, 126 North Main Street, Plains, PA 18705.
Township of Plymouth	Municipal Building, 925 West Main Street, Plymouth, PA 18651.
Township of Salem	Township of Salem Municipal Building, 38 Bomboy Lane, Berwick, PA 18603.
Township of Union	Township of Union Municipal Building, 21 Municipal Road, Shickshinny, PA 18655.

[FR Doc. 2021–08698 Filed 4–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain

qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–2056).	City of Buckeye (20–09–0463P).	The Honorable Jackie A. Meck, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	Nov. 20, 2020	040039
Maricopa (FEMA Docket No.: B–2056).	City of Chandler (20–09–0945P).	The Honorable Kevin Hartke, Mayor, City of Chandler, P.O. Box 4008, Chandler, AZ 85244.	Transportation & Development Department, 215 East Buffalo Street, Chandler, AZ 85225.	Dec. 11, 2020	040040
Maricopa (FEMA Docket No.: B–2066).	City of Glendale (20–09–0467P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Suite 451, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	Dec. 18, 2020	040045
Maricopa (FEMA Docket No.: B–2071).	City of Goodyear (20–09–0477P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering and Development Services, 14455 West Van Buren Street, Suite D101, Goodyear, AZ 85338.	Jan. 15, 2021	040046
Maricopa (FEMA Docket No.: B–2056).	City of Goodyear (20–09–1530P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering and Development Services, 14455 West Van Buren Street, Suite D101, Goodyear, AZ 85338.	Dec. 11, 2020	040046
Maricopa (FEMA Docket No.: B–2056).	City of Litchfield Park (20–09–0240P).	The Honorable Thomas L. Schoaf, Mayor, City of Litchfield Park, 214 West Wigwam Boulevard, Litchfield Park, AZ 85340.	City Hall, 214 West Wigwam Boulevard, Litchfield Park, AZ 85340.	Oct. 20, 2020	040128
Maricopa (FEMA Docket No.: B–2066).	City of Peoria (20–09–0467P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Dec. 18, 2020	040050
Maricopa (FEMA Docket No.: B–2066).	City of Peoria (20–09–0555P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Dec. 28, 2020	040050
Maricopa (FEMA Docket No.: B–2066).	City of Peoria (20–09–0943P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Jan. 22, 2021	040050
Maricopa (FEMA Docket No.: B–2066).	City of Phoenix (20–09–0698P).	The Honorable Kate Gallego, Mayor, City of Phoenix, City Hall, 200 West Washington Street, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	Jan. 4, 2021	040051
Maricopa (FEMA Docket No.: B–2071).	City of Scottsdale (20–09–0557P).	The Honorable W.J. ''Jim'' Lane, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, City of Scottsdale, AZ 85251.	Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	Feb. 12, 2021	045012
Maricopa (FEMA Docket No.: B–2066).	City of Scottsdale (20–09–0698P).	The Honorable W.J. ''Jim'' Lane, Mayor, City of Scottsdale, City Hall, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	Jan. 4, 2021	045012
Maricopa (FEMA Docket No.: B–2071).	Town of Fountain Hills (20–09–1429P).	The Honorable Ginny Dickey, Mayor, Town of Fountain Hills, 16705 East Avenue of the Fountains, Fountain Hills, AZ 85268.	Town Hall, 16705 East Avenue of the Fountains, Fountain Hills, AZ 85268.	Jan. 15, 2021	040135
Maricopa (FEMA Docket No.: B–2056).	Unincorporated Areas of Maricopa County (19–09–2188P).	The Honorable Jack Sellers, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Dec. 11, 2020	040037
Maricopa (FEMA Docket No.: B–2071).	Unincorporated Areas of Maricopa County (20–09–1429P).	The Honorable Jack Sellers, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Jan. 15, 2021	040037
Pima (FEMA Docket No.: B–2056).	Town of Marana (19–09–1247P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	Engineering Department, Marana Municipal Complex, 11555 West Civic Center Drive, Marana, AZ 85653.	Sep. 24, 2020	040118
Pima (FEMA Docket No.: B–2056).	Town of Marana (20–09–0618P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	Engineering Department, Marana Municipal Complex, 11555 West Civic Center Drive, Marana, AZ 85653.	Sep. 18, 2020	040118
Pima (FEMA Docket No.: B–2056).	Town of Oro Valley (20–09–1126P).	The Honorable Joseph Winfield, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	Planning and Zoning Department, 11000 North La Canada Drive, Oro Valley, AZ 85737.	Nov. 19, 2020	040109

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Pima (FEMA Docket No.: B–2056).	Unincorporated Areas of Pima County (20–09–0478P).	The Honorable Ramón Valdez, Chairman, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Nov. 3, 2020	040073
Yavapai (FEMA Docket No.: B–2071).	Town of Prescott Valley (20–09–0254P).	The Honorable Kell Palguta, Mayor, Town of Prescott Valley, Civic Center, 7501 East Skoog Boulevard, 4th Floor, Prescott Valley, AZ 86314.	Town Hall, Engineering Division, 7501 East Civic Circle, Prescott Valley, AZ 86314.	Jan. 27, 2021	040121
Yavapai (FEMA Docket No.: B–2071).	Unincorporated Areas of Yavapai County (20–09–0254P).	The Honorable Craig L. Brown, Chairman, Board of Supervisors, Yavapai County, 1015 Fair Street, Prescott, AZ 86305.	Yavapai County Flood Control District, 1120 Commerce Drive, Prescott, AZ 86305.	Jan. 27, 2021	040093
California:					
Fresno (FEMA Docket No.: B–2056).	City of Clovis (20–09–0450P).	The Honorable Drew Bessinger, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Clerk's Office, Civic Center, 1033 5th Street, Clovis, CA 93612.	Dec. 14, 2020	060044
Imperial (FEMA Docket No.: B–2056).	Unincorporated Areas of Imperial County (20–09–0728P).	The Honorable Luis A. Plancarte, Chairman, Board of Supervisors, Imperial County, 940 West Main Street, Suite 209, El Centro, CA 92243.	Imperial County, Public Works Department, 155 South 11th Street, El Centro, CA 92243.	Nov. 18, 2020	060065
Kern (FEMA Docket No.: B–2066).	City of Tehachapi (20–09–0624P).	The Honorable Susan Wiggins, Mayor, City of Tehachapi, 115 South Robinson Street, Tehachapi, CA 93561.	City Hall, 115 South Robinson Street, Tehachapi, CA 93561.	Dec. 17, 2020	060084
Kern (FEMA Docket No.: B–2066).	Unincorporated Areas of Kern County (20–09–0624P).	The Honorable Leticia Perez, Chair, Board of Supervisors, Kern County, 1115 Truxtun Avenue, 5th Floor, Bakersfield, CA 93301.	Kern County Planning Department, 2700 M Street, Suite 100, Bakersfield, CA 93301.	Dec. 17, 2020	060075
Los Angeles (FEMA Docket No.: B–2056).	City of Santa Clarita (20–09–0137P).	The Honorable Cameron Smyth, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355.	City Hall, Planning Department, 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355.	Sep. 23, 2020	060729
Los Angeles (FEMA Docket No.: B–2066).	Unincorporated Areas of Los Angeles County (20–09–0667P).	The Honorable Kathryn Barger, Chairman, Board of Supervisors, Los Angeles County, 500 West Temple Street, Room 869, Los Angeles, CA 90012.	Los Angeles County Public Works Headquarters, Watershed Management Division, 900 South Fremont Avenue, Alhambra, CA 91803.	Jan. 20, 2021	065043
Placer (FEMA Docket No.: B–2056).	City of Roseville (20–09–0505P).	The Honorable John B. Allard II, Mayor, City of Roseville, 311 Vernon Street, Roseville, CA 95678.	Engineering Department, 316 Vernon Street, Roseville, CA 95678.	Nov. 23, 2020	060243
San Luis Obispo (FEMA Docket No.: B–2071).	City of El Paso de Robles (20–09–0780P).	The Honorable Steven W. Martin, Mayor, City of El Paso de Robles, 1000 Spring Street, Paso Robles, CA 93446.	City Hall, 1000 Spring Street, Paso Robles, CA 93446.	Feb. 18, 2021	060308
Santa Barbara (FEMA Docket No.: B–2056).	City of Santa Barbara (19–09–2341P).	The Honorable Cathy Murillo, Mayor, City of Santa Barbara, 735 Anacapa Street, Santa Barbara, CA 93101.	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.	Dec. 8, 2020	060335
Santa Barbara (FEMA Docket No.: B–2056).	Unincorporated Areas of Santa Barbara County (19–09–2341P).	The Honorable Gregg Hart, Chairman, Board of Supervisors, Santa Barbara County, 105 East Anapamu Street, 4th Floor, Santa Barbara, CA 93101.	Santa Barbara County Public Works, Water Resources Division, 130 East Victoria Street, Suite 200, Santa Barbara, CA 93101.	Dec. 8, 2020	060331
Santa Clara (FEMA Docket No.: B–2056).	City of Sunnyvale (20–09–0849P).	The Honorable Larry Klein, Mayor, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, CA 94086.	Public Works Department, 456 West Olive Avenue, Sunnyvale, CA 94086.	Nov. 18, 2020	060352
Florida:					
Duval (FEMA Docket No.: B–2066).	City of Jacksonville (19–04–2830P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Edward Ball Building Development Services, Room 2100, 214 North Hogan Street, Jacksonville, FL 32202.	Jan. 11, 2021	120077
Orange (FEMA Docket No.: B–2066).	City of Orlando (20–04–0603P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32801.	City Hall, Permitting Services, 400 South Orange Avenue, 1st Floor, Orlando, FL 32801.	Jan. 7, 2021	120186
Orange (FEMA Docket No.: B–2066).	Unincorporated Areas of Orange County (20–04–0603P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Jan. 7, 2021	120179
St. Johns (FEMA Docket No.: B–2066).	Unincorporated Areas of St. Johns County (19–04–6644P).	The Honorable Jeb S. Smith, Chair, St. Johns County Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	Jan. 15, 2021	125147
St. Johns (FEMA Docket No.: B–2056).	Unincorporated Areas of St. Johns County (20–04–1346P).	The Honorable Jeb S. Smith, Chair, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.	Nov. 20, 2020	125147
Hawaii: Honolulu (FEMA Docket No.: B–2071).	City and County of Honolulu (20–09–0544P).	The Honorable Kirk Caldwell, Mayor, City and County of Honolulu, 530 South King Street, Room 306, Honolulu, HI 96813.	Department of Planning and Permitting, 650 South King Street, 1st Floor, Honolulu, HI 96813.	Jan. 4, 2021	150001
Idaho: Ada (FEMA Docket No.: B–2056).	Unincorporated Areas of Ada County (20–10–0791P).	Ms. Kendra Kenyon, Chair, Ada County Board of Commissioners, Ada County Courthouse, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	Nov. 23, 2020	160001
Illinois:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Cook (FEMA Docket No.: B–2080).	City of Prospect Heights (19–05–1451P).	The Honorable Nicholas J. Helmer, Mayor, City of Prospect Heights, 8 North Elmhurst Road, Prospect Heights, IL 60070.	City Hall, 8 North Elmhurst Road, Prospect Heights, IL 60070.	Mar. 4, 2021	170919
Cook (FEMA Docket No.: B–2080).	Unincorporated Areas of Cook County (19–05–1451P).	The Honorable Toni Preckwinkle, County Board President, Cook County, 118 North Clark Street, Room 537, Chicago, IL 60602.	Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, IL 60602.	Mar. 4, 2021	170054
Cook (FEMA Docket No.: B–2080).	Village of Wheeling (19–05–1451P).	The Honorable Patrick Horcher, Village President, Village of Wheeling, 2 Community Boulevard, Wheeling, IL 60090.	Village Hall, Community Development Engineering Division, 2 Community Boulevard, Wheeling, IL 60090.	Mar. 4, 2021	170173
DuPage (FEMA Docket No.: B–2056).	City of Naperville (20–05–2895P).	The Honorable Steve Chirico, Mayor, City of Naperville, Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	Dec. 17, 2020	170213
DuPage (FEMA Docket No.: B–2080).	Village of Westmont (20–05–3289P).	The Honorable Ronald J. Gunter, Mayor, Village of Westmont, 31 West Quincy Street, Westmont, IL 60559.	Village Hall, 31 West Quincy Street, Westmont, IL 60559.	Mar. 19, 2021	170220
Kane (FEMA Docket No.: B–2080).	Unincorporated Areas of Kane County (20–05–2475P).	The Honorable Corinne Pierog, Chairman, Kane County Board, Kane County Government Center, Building A, 719 South Batavia Avenue, Geneva, IL 60134.	Kane County Government Center, Building A, Water Resources Department, 719 South Batavia Avenue, Geneva, IL 60134.	Feb. 19, 2021	170896
Kane (FEMA Docket No.: B–2080).	Village of Carpentersville (20–05–2475P).	The Honorable John Skillman, Village President, Village of Carpentersville, 1200 L.W. Besinger Drive, Carpentersville, IL 60110.	Village Hall, 1200 L.W. Besinger Drive, Carpentersville, IL 60110.	Feb. 19, 2021	170322
Kane (FEMA Docket No.: B–2080).	Village of Carpentersville (20–05–2659P).	The Honorable John Skillman, Village President, Village of Carpentersville, 1200 L.W. Besinger Drive, Carpentersville, IL 60110.	Village Hall, 1200 L.W. Besinger Drive, Carpentersville, IL 60110.	Feb. 25, 2021	170322
Ogle (FEMA Docket No.: B–2066).	City of Rochelle (18–05–6017P).	The Honorable John Bearrows, Mayor, City of Rochelle, 420 North 6th Street, Rochelle, IL 61068.	City Hall, 420 North 6th Street, Rochelle, IL 61068.	Dec. 31, 2020	170532
Will (FEMA Docket No.: B–2056).	City of Lockport (19–05–1153P).	The Honorable Steven Streit, Mayor, City of Lockport, 222 East 9th Street, Lockport, IL 60441.	Public Works and Engineering, 17112 South Prime Boulevard, Lockport, IL 60441.	Dec. 21, 2020	170703
Will (FEMA Docket No.: B–2056).	Unincorporated Areas of Will County (19–05–1153P).	The Honorable Jennifer Bertino-Tarrant, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	Dec. 21, 2020	170695
Will (FEMA Docket No.: B–2080).	Village of Monee (20–05–3030P).	The Honorable James F. Popp, Mayor, Village of Monee, 5130 West Court Street, Monee, IL 60449.	Village Hall, 5130 West Court Street, Monee, IL 60449.	Feb. 18, 2021	171029
Indiana:					
Allen (FEMA Docket No.: B–2056).	City of Fort Wayne (20–05–2353P).	The Honorable Tom Henry, Mayor, City of Fort Wayne, 200 East Berry Street, Suite 420, Fort Wayne, IN 46802.	Department of Planning Services, 200 East Berry Street, Suite 150, Fort Wayne, IN 46802.	Nov. 24, 2020	180003
Allen (FEMA Docket No.: B–2056).	Unincorporated Areas of Allen County (20–05–2353P).	Mr. Nelson Peters, District 1, Commissioner Allen County Citizens Square, 200 East Berry Street, Suite 410, Fort Wayne, IN 46802.	Allen County, Department of Planning Services, 200 East Berry Street, Suite 150, Fort Wayne, IN 46802.	Nov. 24, 2020	180302
Hancock (FEMA Docket No.: B–2071).	Unincorporated Areas of Hancock County (20–05–0636P).	Mr. John Jessup, District 1, Hancock County Commissioner, 111 South American Legion Place, Suite 219, Greenfield, IN 46140.	Hancock County Government Building, 111 South American Legion Place, Greenfield, IN 46140.	Feb. 4, 2021	180419
Marion (FEMA Docket No.: B–2066).	City of Indianapolis (20–05–1025P).	The Honorable Joe Hogsett, Mayor, City of Indianapolis, 2501 City-County Building, 200 East Washington Street, Indianapolis, IN 46204.	City Hall, 1200 Madison Avenue, Suite 100, Indianapolis, IN 46225.	Jan. 8, 2021	180159
Iowa: Dallas (FEMA Docket No.: B–2056).	City of Waukee (20–07–0452P).	The Honorable Courtney Clarke, Mayor, City of Waukee, 230 West Hickman Road, Waukee, IA 50263.	City Hall, 230 West Hickman Road, Waukee, IA 50263.	Jan. 4, 2021	190678
Kansas:					
Johnson (FEMA Docket No.: B–2071).	City of Leawood (20–07–0997P).	The Honorable Peggy J. Dunn, Mayor, City of Leawood, 4800 Town Center Drive, Leawood, KS 66211.	City Hall, 4800 Town Center Drive, Leawood, KS 66211.	Feb. 10, 2021	200167
Johnson (FEMA Docket No.: B–2056).	City of Shawnee (20–07–0477P).	The Honorable Michelle Distler, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	Dec. 23, 2020	200177
Leavenworth (FEMA Docket No.: B–2071).	City of Basehor (20–07–1354P).	The Honorable David Breuer, Mayor, City of Basehor, P.O. Box 406, Basehor, KS 66007.	City Hall, 2620 North 155th Street, Basehor, KS 66007.	Feb. 17, 2021	200187
Michigan:					
Macomb (FEMA Docket No.: B–2056).	City of Sterling Heights (20–05–1130P).	The Honorable Michael Taylor, Mayor, City of Sterling Heights, City Hall, 40555 Utica Road, Sterling Heights, MI 48313.	City Hall, 40555 Utica Road, Sterling Heights, MI 48313.	Nov. 9, 2020	260128
Washtenaw (FEMA Docket No.: B–2066).	City of Ann Arbor (20–05–2798P).	The Honorable Christopher Taylor, Mayor, City of Ann Arbor, City Hall, 301 East Huron Street, 3rd Floor, Ann Arbor, MI 48104.	City Hall, 301 East Huron Street, 3rd Floor, Ann Arbor, MI 48104.	Jan. 15, 2021	260213

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Wayne (FEMA Docket No.: B–2071).	Township of Huron (20–05–1619P).	Mr. David Glaab, Supervisor, Township of Huron, The Huron Township Office, 29950 Huron River Drive, New Boston, MI 48164.	Township of Huron, 29950 Huron River Drive, New Boston, MI 48164.	Feb. 18, 2021	260545
Minnesota: Nobles (FEMA Docket No.: B–2056).	City of Worthington (20–05–0776P).	The Honorable Mike Kuhle, Mayor, City of Worthington, 303 9th Street, Worthington, MN 56187.	City Hall, 303 9th Street, Worthington, MN 56187.	Dec. 31, 2020	270321
Missouri:					
Jackson (FEMA Docket No.: B–2071).	City of Kansas City (20–07–0962P).	The Honorable Quinton Lucas, Mayor, City of Kansas City, City Hall, 414 East 12th Street, Kansas City, MO 64106.	Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.	Oct. 6, 2020	290173
St. Louis (FEMA Docket No.: B–2071).	City of Bridgeton (20–07–0235P).	The Honorable Terry Briggs, Mayor, City of Bridgeton, 12355 Natural Bridge Road, Bridgeton, MO 63044.	Government Center, 12355 Natural Bridge Road, Bridgeton, MO 63044.	Feb. 26, 2021	290339
Nebraska:					
Lancaster (FEMA Docket No.: B–2071).	Unincorporated Areas of Lancaster County (19–07–1293P).	Mr. Sean Flowerday, Board Chair, Lancaster County County/City Building, 555 South 10th Street, Room 110, Lincoln, NE 68508.	Lancaster County Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.	Feb. 16, 2021	310134
Saline (FEMA Docket No.: B–2056).	City of Wilber (20–07–1032P).	The Honorable Roger Chrans, Mayor, City of Wilber, P.O. Box 486, Wilber, NE 68465.	City Hall, 101 West 3rd, Wilber, NE 68465.	Dec. 10, 2020	310189
Nevada:					
Carson City (FEMA Docket No.: B–2056).	City of Carson City (20–09–1420X).	The Honorable Robert L. Crowell, Mayor, City of Carson City, City Hall, 201 North Carson Street, Suite 2, Carson City, NV 89701.	Building Division, Permit Center, 108 East Proctor Street, Carson City, NV 89701.	Dec. 17, 2020	320001
Clark (FEMA Docket No.: B–2056).	City of North Las Vegas (20–09–0781P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2250 Las Vegas Boulevard North, Suite 200, North Las Vegas, NV 89030.	Dec. 15, 2020	320007
Douglas (FEMA Docket No.: B–2071).	Unincorporated Areas of Douglas County (20–09–0629P).	The Honorable Barry Penzel, Chairman, Board of Commissioners, Douglas County, P.O. Box 218, Minden, NV 89423.	Douglas County, Community Development, 1594 Esmeralda Avenue, Minden, NV 89423.	Jan. 8, 2021	320008
Lyon (FEMA Docket No.: B–2056).	Unincorporated Areas of Lyon County (20–09–1267P).	The Honorable Vida Keller, Chair, Board of Commissioners, Lyon County, P.O. Box 201, Silver Springs, NV 89429.	Lyon County Planning Division, 27 South Main Street, Yerington, NV 89447.	Nov. 19, 2020	320029
New Jersey: Middlesex (FEMA Docket No.: B–2071).	Township of Old Bridge (20–02–1168X).	The Honorable Owen Henry, Mayor, Township of Old Bridge, Municipal Building, 1 Old Bridge Plaza, Old Bridge, NJ 08857.	Municipal Building, 1 Old Bridge Plaza, Old Bridge, NJ 08857.	Jan. 26, 2021	340265
New York:					
Dutchess (FEMA Docket No.: B–2056).	Town of LaGrange (19–02–0952P).	The Honorable Alan Bell, Supervisor, Town of LaGrange, 120 Stringham Road, LaGrangeville, NY 12540.	Town Hall, 120 Stringham Road, LaGrangeville, NY 12540.	Dec. 30, 2020	361011
Nassau (FEMA Docket No.: B–2041).	Town of North Hempstead (19–02–1366P).	The Honorable Judi Bosworth, Supervisor, Town of North Hempstead, Town Hall, 220 Plandome Road, Manhasset, NY 11030.	Town Hall, 220 Plandome Road, Manhasset, NY 11030.	Nov. 20, 2020	360482
Ohio:					
Fairfield (FEMA Docket No.: B–2071).	City of Lancaster (20–05–2575P).	The Honorable David L. Scheffler, City Hall, Mayor, City of Lancaster, 104 East Main Street, Room 101, Lancaster, OH 43130.	City Building Department, 121 East Chestnut Street, Lancaster, OH 43130.	Feb. 26, 2021	390161
Fairfield (FEMA Docket No.: B–2056).	Unincorporated Areas of Fairfield County (20–05–2573P).	The Honorable Dave L. Levacy, Fairfield County Commissioner, 210 East Main Street, Room 301, Lancaster, OH 43130.	Fairfield County Regional Planning Commission, 210 East Main Street, Room 104, Lancaster, OH 43130.	Nov. 25, 2020	390158
Fairfield (FEMA Docket No.: B–2056).	Unincorporated Areas of Fairfield County (20–05–2574P).	The Honorable Dave L. Levacy, Fairfield County Commissioner, 210 East Main Street, Room 301, Lancaster, OH 43130.	Fairfield County Regional Planning Commission, 210 East Main Street, Room 104, Lancaster, OH 43130.	Nov. 25, 2020	390158
Lorain (FEMA Docket No.: B–2066).	City of Elyria (19–05–3354P).	The Honorable Frank Whitfield, MBA, Mayor, City of Elyria, City Hall, 131 Court Street, Suite 301, Elyria, OH 44035.	Lorain County Administration Building, 226 Middle Avenue, Elyria, OH 44035.	Jan. 22, 2021	390350
Lorain (FEMA Docket No.: B–2066).	Unincorporated Areas of Lorain County (19–05–3354P).	Ms. Lori Kokoski, President, Board of Commissioners, Lorain County, 226 Middle Avenue, Elyria, OH 44035.	Lorain County Administration Building, 226 Middle Avenue, Elyria, OH 44035.	Jan. 22, 2021	390346
Medina (FEMA Docket No.: B–2066).	City of Brunswick (20–05–0885P).	The Honorable Ron Falconi, Mayor, City of Brunswick, 4095 Center Road, Brunswick, OH 44212.	City Engineer, 4095 Center Road, Brunswick, OH 44212.	Jan. 6, 2021	390380
Oregon:					
Clackamas (FEMA Docket No.: B–2056).	City of Happy Valley (20–10–0119P).	The Honorable Tom Ellis, Mayor, City of Happy Valley, 16000 Southeast Misty Drive, Happy Valley, OR 97086.	City Hall, 12915 Southeast King Road, Happy Valley, OR 97086.	Nov. 12, 2020	410026
Multnomah (FEMA Docket No.: B–2066).	City of Troutdale (20–10–0496P).	The Honorable Casey Ryan, Mayor, City of Troutdale, 219 East Historic Columbia River Hwy., Troutdale, OR 97060.	City Hall, 219 East Historic Columbia River Hwy., Troutdale, OR 97060.	Jan. 11, 2021	410184
Multnomah (FEMA Docket No.: B–2066).	Unincorporated Areas of Multnomah County (20–10–0496P).	Ms. Deborah Kafoury, Chair, Multnomah County, 501 Southeast Hawthorne Boulevard, Suite 600, Portland, OR 97214.	Multnomah County Office of Land Use and Planning, 1600 Southeast 190th Avenue, Portland, OR 97233.	Jan. 11, 2021	410179
Texas:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Collin (FEMA Docket No.: B–2071).	City of Frisco (19–06–1387P).	The Honorable Jeff Cheney, Mayor, City of Frisco, George A. Purefoy Municipal Center, 6101 Frisco Square Boulevard, Frisco, TX 75034.	George A. Purefoy Municipal Center, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.	Feb. 22, 2021	480134
Collin (FEMA Docket No.: B–2056).	Town of Prosper (20–06–0402P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Town Hall, 250 West 1st Street, Prosper, TX 75078.	Dec. 23, 2020	480141
Collin and Dallas (FEMA Docket No.: B–2056).	City of Dallas (20–06–1079P).	The Honorable Eric Johnson, Mayor, City of Dallas, City Hall, 1500 Marilla Street, Suite 5EN, Dallas, Texas 75201.	Trinity Watersheed Management Department/Floodplain and Drainage Management, 320 East Jefferson Boulevard, Room 307, Dallas, TX 75203.	Dec. 11, 2020	480171
Dallas (FEMA Docket No.: B–2056).	City of Irving (20–06–1079P).	The Honorable Rick Stopfer, Mayor, City of Irving, City Hall, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Department, 825 West Irving Boulevard, Irving, TX 75060.	Dec. 11, 2020	480180
Dallas (FEMA Docket No.: B–2056).	Unincorporated Areas of Dallas County (20–06–1079P).	The Honorable Clay L. Jenkins, County Judge, Dallas County, Administration Building, 411 Elm Street, Dallas, TX 75202.	Dallas County Public Works Department, 411 Elm Street, 4th Floor, Dallas, TX 75202.	Dec. 11, 2020	480165
Denton (FEMA Docket No.: B–2071).	City of Carrollton (19–06–3346P).	The Honorable Kevin Falconer, Mayor, City of Carrollton, 1945 East Jackson Road, Carrollton, TX 75006.	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.	Feb. 4, 2021	480167
Denton (FEMA Docket No.: B–2071).	City of Lewisville (19–06–3346P).	The Honorable Rudy Durham, Mayor, City of Lewisville, 151 West Church Street, Lewisville, TX 75057.	Engineering Division, 151 West Church Street, Lewisville, TX 75057.	Feb. 4, 2021	480195
Lamar (FEMA Docket No.: B–2071).	City of Paris (19–06–4007P).	The Honorable Dr. Steve Clifford, Mayor, City of Paris, P.O. Box 9037, Paris, TX 75461.	City Hall, 135 Southeast 1st Street, Paris, TX 75460.	Feb. 5, 2021	480427
Utah: Morgan (FEMA Docket No.: B–2066).	Unincorporated Areas Morgan County (20–08–0579P).	Mr. Roland Haslam, Chair, Morgan County Board, 48 West Young Street, Morgan, UT 84050.	Morgan County Community Development Department, 48 West Young Street, Morgan, UT 84050.	Jan. 20, 2021	490092
Wisconsin:					
Brown (FEMA Docket No.: B–2056).	Unincorporated Areas of Brown County (19–05–5377P).	Mr. Patrick Buckley, Chair, Brown County Board of Supervisors, P.O. Box 23600, Green Bay, WI 54305.	Brown County Zoning Office, 305 East Walnut Street, Green Bay, WI 54301.	Nov. 24, 2020	550020
Brown (FEMA Docket No.: B–2056).	Village of Howard (20–05–2635P).	Mr. Burt McIntyre, Village President, Village of Howard, 2456 Glendale Avenue, Green Bay, WI 54313.	Village Hall, 2456 Glendale Avenue, Green Bay, WI 54313.	Nov. 27, 2020	550023
Buffalo (FEMA Docket No.: B–2056).	Unincorporated Areas of Buffalo County (20–05–1547P).	Mr. Dennis Bork, Chair, Buffalo County Board, P.O. Box 58, Alma, WI 54610.	Buffalo County Courthouse, 407 South 2nd Street, Alma, WI 54610.	Dec. 4, 2020	555547
Chippewa (FEMA Docket No.: B–2056).	City of Chippewa Falls (20–05–0796P).	The Honorable Gregory Hoffman, Mayor, City of Chippewa Falls, 30 West Central Street, Chippewa Falls, WI 54729.	City Hall, Inspection Zoning Office, 30 West Central Street, Chippewa Falls, WI 54729.	Oct. 26, 2020	550044

[FR Doc. 2021–08693 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0014; OMB No. 1660–0070]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Fire Department Registry

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the use of a form to collect data for the development and continuation of the National Fire Department Registry.

DATES: Comments must be submitted on or before June 28, 2021.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments at *www.regulations.gov* under Docket ID FEMA—FEMA–2021–0014.Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage.

FOR FURTHER INFORMATION CONTACT: Gayle Kelch, Statistician, FEMA, United States Fire Administration, National Fire Data Center at (301) 447–1154 or email *gayle.kelch@fema.dhs.gov.* You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Fire Prevention and Control Act of 1974 (Pub. L. 93–498), as enacted in 15 U.S.C. Chap 49, provides for the gathering and analyzing of data as deemed useful and applicable for fire departments. The U.S. Fire Administration (USFA) receives many requests from fire service organizations and the general public for information related to fire departments, including total number of departments, number of stations per department, population protected, and number of firefighters.

The USFA also has a need for this information to guide programmatic decisions and produce mailing lists for USFA publications. Recommendations for the creation of the fire department census database came out of a Blue Ribbon Panel's review of the USFA. The report included a review of the structure, mission, and funding of the USFA, future policies, programmatic needs, course development and delivery, and the role of the USFA to reflect changes in the fire service. As a result of those recommendations, the USFA is working to identify all fire departments in the United States to develop a database that will include information related to demographics, capabilities, and activities of fire departments Nationwide. In the fall of 2016, the USFA renamed the census to the National Fire Department Registry. In the fall of 2001, information was collected from 16,000 fire departments. Since the first year of the collection, an additional 11,225 departments have registered for a total of 27,225 fire departments. This leaves an estimated 2,775 departments still to respond. Additionally, about 5,445 current registered departments are contacted by USFA each year and are asked to provide updates to any previously submitted information.

Collection of Information

Title: National Fire Department Registry.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0070.

FEMA Forms: FEMA Form 070–0–0–1.

Abstract: This collection seeks to identify fire departments in the United States to compile a database related to their demographics, capabilities, and activities. The database is used to guide programmatic decisions and provide information to the public and the fire service.

Affected Public: State, local or tribal government.

Estimated Number of Respondents: 6,370.

Estimated Number of Responses: 6,370.

Estimated Total Annual Burden Hours: 1,293.

Estimated Total Annual Respondent Cost: $9,840.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $55,815.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–08702 Filed 4–26–21; 8:45 am]

BILLING CODE 9111–76–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2126]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 26, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2126, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Benton County, Iowa and Incorporated Areas Project: 19–07–0013S Preliminary Date: September 30, 2020	
City of Vinton	City Hall, 110 West 3rd Street, Vinton, IA 52349.
Unincorporated Areas of Benton County	Benton County Courthouse, 111 East 4th Street, Vinton, IA 52349.
Lyon County, Minnesota and Incorporated Areas Project: 20–05–0014S Preliminary Date: September 30, 2020	
City of Marshall	City Hall, 344 West Main Street, Marshall, MN 56258.
City of Minneota	City Hall, 129 East 1st Street, Minneota, MN 56264.
Unincorporated Areas of Lyon County	Market Street Office Complex, 1424 East College Drive, #600, Marshall, MN 56258.
Manitowoc County, Wisconsin and Incorporated Areas Project: 13–05–4199S Preliminary Date: June 25, 2020	
City of Manitowoc	City Hall, 900 Quay Street, Manitowoc, WI 54220.
City of Two Rivers	City Hall, 1717 East Park Street, Two Rivers, WI 54241.
Unincorporated Areas of Manitowoc County	Manitowoc County Courthouse, 1010 South 8th Street, Manitowoc, WI 54220.
Village of Cleveland	Village Hall, 1150 West Washington Avenue, Cleveland, WI 53015.

[FR Doc. 2021–08699 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of August 10, 2021 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472,

(202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Manatee County, Florida and Incorporated Areas Docket No.: FEMA–B–1950	
City of Anna Maria	City Hall Annex, 307 Pine Avenue, Anna Maria, FL 34216.
City of Bradenton	City Hall, 101 Old Main Street West, Bradenton, FL 34205.
City of Bradenton Beach	City Hall, 107 Gulf Drive North, Bradenton Beach, FL 34217.
City of Holmes Beach	City Hall, 5801 Marina Drive, Holmes Beach, FL 34217.
City of Palmetto	Building Department, 601 17th Street West, Palmetto, FL 34221.
Town of Longboat Key	Town Hall, 501 Bay Isles Road, Longboat Key, FL 34228.
Unincorporated Areas of Manatee County	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34205.
Warren County, Illinois and Incorporated Areas Docket No.: FEMA–B–2028	
City of Monmouth	City Hall, 100 East Broadway, Monmouth, IL 61462.
Unincorporated Areas of Warren County	Warren County Courthouse, 100 West Broadway, Monmouth, IL 61462.
Village of Alexis	Village Hall, 204 South Main Street, Alexis, IL 61412.
Village of Kirkwood	Village Hall, 120 West Cedar Street, Kirkwood, IL 61447.
Village of Little York	Village Hall, 401 West Main Street, Little York, IL 61453.
Village of Roseville	Village Hall, 185 West Penn Avenue, Roseville, IL 61473.
Dubuque County, Iowa and Incorporated Areas Docket No.: FEMA–B–1910 and FEMA–B–2033	
City of Asbury	City Hall, 5290 Grand Meadow Drive, Asbury, IA 52002.
City of Bernard	City Hall, 549 Leffler Street, Bernard, IA 52032.
City of Cascade	City Hall, 320 1st Avenue West, Cascade, IA 52033.
City of Dubuque	City Hall, 50 West 13th Street, Dubuque, IA 52001.
City of Durango	City Hall, 833 U.S. Highway 52 North, Durango, IA 52039.
City of Dyersville	City Hall, 340 1st Avenue East, Dyersville, IA 52040.
City of Epworth	City Hall, 191 Jacoby Drive East, Epworth, IA 52045.
City of Farley	City Hall, 114 First Street North, Farley, IA 52046.
City of Graf	Graf City Clerk's Office, 10294 Emberwood Drive, Dubuque, IA 52001.
City of Luxemburg	City Hall, 202 South Andres Street, Luxemburg, IA 52056.
City of New Vienna	City Hall, 7271 Columbus Street, New Vienna, IA 52065.
City of Peosta	Community Centre, 7896 Burds Road, Peosta, IA 52068.
City of Rickardsville	City Hall, 20494 St. Joseph's Drive, Rickardsville, IA 52039.
City of Sageville	Sageville City Clerk's Office, 31626 Olde Castle Road, Dyersville, IA 52040.
City of Worthington	City Hall, 216 1st Avenue West, Worthington, IA 52078.
City of Zwingle	City Hall, 80 Walnut Street, Zwingle, IA 52079.
Unincorporated Areas of Dubuque County	Dubuque County Courthouse, 720 Central Avenue, Dubuque, IA 52001.
Ellsworth County, Kansas and Incorporated Areas Docket No.: FEMA–B–2014	
City of Holyrood	City Hall, 116 South Main Street, Holyrood, KS 67450.
City of Lorraine	City Hall, 238 Main Street, Lorraine, KS 67459.
Unincorporated Areas of Ellsworth County	Ellsworth County Courthouse, 210 North Kansas Avenue, Ellsworth, KS 67439.

Community	Community map repository address
Sanilac County, Michigan (All Jurisdictions) Docket No.: FEMA–B–2009	
Township of Delaware	Delaware Township Hall, 7979 Maple Grove Road, Minden City, MI 48456.
Township of Forester	Forester Township Hall, 2470 North Lakeshore Road (M–25), Deckerville, MI 48427.
Township of Lexington	Township Hall, 7227 Huron Avenue, Suite 200, Lexington, MI 48450.
Township of Sanilac	Sanilac Township Hall, 20 North Ridge Street, Port Sanilac, MI 48469.
Township of Worth	Worth Township Hall, 6903 South Lakeshore Road, Lexington, MI 48450.
Village of Forestville	Village Hall, 5605 Cedar Street, Forestville, MI 48434.
Village of Lexington	Village Hall, 7227 Huron Avenue, Suite 100, Lexington, MI 48450.
Village of Port Sanilac	Village Hall, 56 North Ridge Street, Port Sanilac, MI 48469.

[FR Doc. 2021–08701 Filed 4–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2127]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 26, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2127, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by

the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
LaSalle Parish, Louisiana and Incorporated Areas Project: 17–06–2043S Preliminary Date: October 28, 2020	
Town of Jena	Town Hall, 2908 East Oak Street, Jena, LA 71342.
Town of Olla	Town Hall, 1907 Louisiana Street, Olla, LA 71465.
Town of Tullos	LaSalle Parish Courthouse, 1050 Courthouse Street, Room 13, Jena, LA 71342.
Town of Urania	Town Hall, 2021 East Hardtner Drive, Urania, LA 71480.
Unincorporated Areas of LaSalle Parish	LaSalle Parish Courthouse, 1050 Courthouse Street, Room 13, Jena, LA 71342.
Deuel County, South Dakota and Incorporated Areas Project: 18–08–0047S Preliminary Date: October 16, 2020	
City of Clear Lake	City Auditor, 125 3rd Avenue South, Clear Lake, SD 57226.
City of Gary	City Hall, 1113 Summit Street, Gary, SD 57237.
Unincorporated Areas of Deuel County	Deuel County Courthouse, 408 4th Street West, Clear Lake, SD 57226.

[FR Doc. 2021–08700 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Douglas (FEMA Docket No.: B–2100).	Town of Castle Rock (20–08–0462P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Water Department, 175 Kellog Court, Castle Rock, CO 80109.	Mar. 12, 2021	080050
Douglas (FEMA Docket No.: B–2100).	Unincorporated areas of Douglas County (20–08–0462P).	Mr. Doug DeBord, Douglas County Manager, 100 3rd Street, Castle Rock, CO 80104.	Department of Public Works, Engineering Department, 100 3rd Street, Castle Rock, CO 80104.	Mar. 12, 2021	080049
Florida:					
Broward (FEMA Docket No.: B–2073).	City of Fort Lauderdale (19–04–3955P).	The Honorable Dean J. Trantalis, Mayor, City of Fort Lauderdale, 100 North Andrews Avenue, 8th Floor, Fort Lauderdale, FL 33311.	Department of Sustainable Development, 700 Northwest 19th Avenue, Fort Lauderdale, FL 33311.	Mar. 1, 2021	125105
Broward (FEMA Docket No.: B–2073).	City of Tamarac (19–04–3955P).	The Honorable Michelle J. Gomez, Mayor, City of Tamarac, 7525 Northwest 88th Avenue, Tamarac, FL 33321.	City Hall, 7525 Northwest 88th Avenue, Tamarac, FL 33321.	Mar. 1, 2021	120058
Collier (FEMA Docket No.: B–2100).	City of Naples (20–04–5222P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, 2nd Floor, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Mar. 8, 2021	125130
Lake (FEMA Docket No.: B–2076).	City of Leesburg (20–04–1242P).	Mr. Al Minner, Manager, City of Leesburg, 501 West Meadow Street, Leesburg, FL 34748.	City Hall, 501 West Meadow Street, Leesburg, FL 34748.	Mar. 12, 2021	120136
Lake (FEMA Docket No.: B–2076).	Unincorporated areas of Lake County (20–04–1242P).	The Honorable Jeff Cole, Manager, Lake County, P.O. Box 7800, Tavares, FL 32778.	Lake County Administration Building, 315 West Main Street, Tavares, FL 32778.	Mar. 12, 2021	120421
Leon (FEMA Docket No.: B–2073).	City of Tallahassee (19–04–5234P).	The Honorable John E. Dailey, Mayor, City of Tallahassee, 300 South Adams Street, Tallahassee, FL 32301.	Stormwater Management Department, 408 North Adams Street, Tallahassee, FL 32301.	Feb. 22, 2021	120144
Leon (FEMA Docket No.: B–2073).	Unincorporated areas of Leon County (19–04–5234P).	The Honorable Bryan Desloge, Chairman, Leon County Commission, 301 South Monroe Street, Tallahassee, FL 32301.	Leon County Department of Development Support and Environmental Management, 435 North Macomb Street, 2nd Floor, Tallahassee, FL 32301.	Feb. 22, 2021	120143
Monroe (FEMA Docket No.: B–2073).	Unincorporated areas of Monroe County (20–04–4048P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 22, 2021	125129
Pinellas (FEMA Docket No.: B–2076).	City of Clearwater (20–04–4362P).	The Honorable Frank V. Hibbard, Mayor, City of Clearwater, P.O. Box 4748, Clearwater, FL 33758.	Engineering Department, 100 South Myrtle Avenue, Clearwater, FL 33756.	Mar. 11, 2021	125096
Sarasota (FEMA Docket No.: B–2076).	Unincorporated areas of Sarasota County (20–04–5135P).	The Honorable Michael A. Moran, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	Mar. 12, 2021	125144
Maryland:					
Anne Arundel (FEMA Docket No.: B–2076).	Unincorporated areas of Anne Arundel County (20–03–1079P).	The Honorable Steuart Pittman, Anne Arundel County Executive, 44 Calvert Street, Annapolis, MD 21401.	Anne Arundel County Heritage Office Complex, 2664 Riva Road, Annapolis, MD 21401.	Mar. 9, 2021	240008
Prince George's (FEMA Docket No.: B–2076).	City of Laurel (20–03–1079P).	The Honorable Craig A. Moe, Mayor, City of Laurel, 8103 Sandy Spring Road, Laurel, MD 20707.	City Hall, 8103 Sandy Spring Road, Laurel, MD 20707.	Mar. 9, 2021	240053
Prince George's (FEMA Docket No.: B–2076).	Unincorporated areas of Prince George's County (20–03–1079P).	The Honorable Angela D. Alsobrooks, Prince George's County Executive, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772.	Prince George's County Department of Environment, 1801 McCormick Drive, Suite 500, Largo, MD 20774.	Mar. 9, 2021	245208
Montana: Gallatin (FEMA Docket No.: B–2073).	City of Bozeman (20–08–0561P).	Mr. Jeff Mihelich, Manager, City of Bozeman, P.O. Box 1230, Bozeman, MT 59771.	Alfred M. Stiff Building, 20 East Olive Street, 1st Floor, Bozeman, MT 59715.	Mar. 1, 2021	300028
North Carolina:					
Forsyth (FEMA Docket No.: B–2106).	City of Winston-Salem (20–04–2834P).	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	Inspection Department, 100 East 1st Street, Suite 328, Winston-Salem, NC 27101.	Mar. 4, 2021	375360

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Forsyth (FEMA Docket No.: B–2106).	Unincorporated areas of Forsyth County (20–04–2834P).	The Honorable David R. Plyler, Chairman, Forsyth County Board of Commissioners, 201 North Chestnut Street, Winston-Salem, NC 27101.	Forsyth County Planning Board, Department, 309 East Market Street, Smithfield, NC 27577.	Mar. 4, 2021	375349
Pamlico (FEMA Docket No.: B–2076).	Town of Vandemere (20–04–5047P).	The Honorable Judy H. Thaanum, Mayor, Town of Vandemere, P.O. Box 338, Vandemere, NC 28587.	Town Hall, 1042 Pennsylvania Avenue, Vandemere, NC 28587.	Mar. 11, 2021	370438
Pennsylvania:					
Allegheny (FEMA Docket No.: B–2100).	Township of Moon (20–03–0739P).	Ms. Dawn Lane, Manager, Township of Moon, 1000 Beaver Grade Road, Moon Township, PA 15108.	Township Hall, 1000 Beaver Grade Road, Moon Township, PA 15108.	Mar. 12, 2021	421082
Allegheny (FEMA Docket No.: B–2076).	Township of Shaler (20–03–0720P).	The Honorable David Shutter, President, Township of Shaler Board of Commissioners, 300 Wetzel Road, Glenshaw, PA 15116.	Township Hall, 300 Wetzel Road, Glenshaw, PA 15116.	Mar. 1, 2021	421101
South Carolina:					
Dillon (FEMA Docket No.: B–2076).	Town of Latta (20–04–2341P).	Mr. Jarett Taylor, Town of Latta Administrator, 107 Northwest Railroad Avenue, Latta, SC 29565.	Town Hall, 107 Northwest Railroad Avenue, Latta, SC 29565.	Feb. 24, 2021	450067
Dillon (FEMA Docket No.: B–2076).	Unincorporated areas of Dillon County (20–04–2341P).	The Honorable Stevie Grice, Chairman, Dillon County Council, P.O. Box 449, Dillon, SC 29536.	Dillon County Administrative Building, 211 West Howard Street, Dillon, SC 29536.	Feb. 24, 2021	450064
Texas:					
Collin (FEMA Docket No.: B–2073).	City of McKinney (20–06–1287P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Mar. 1, 2021	480135
Dallas (FEMA Docket No.: B–2100).	City of Coppell (20–06–1839P).	The Honorable Karen Hunt, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	Department of Public Works, 265 East Parkway Boulevard, Coppell, TX 75019.	Feb. 22, 2021	480170
Dallas (FEMA Docket No.: B–2100).	City of Dallas (20–06–1839P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain and Drainage Management Department, 320 East Jefferson Boulevard, Room 312, Dallas, TX 75203.	Feb. 22, 2021	480171
Dallas (FEMA Docket No.: B–2100).	City of Dallas (20–06–3047P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain and Drainage Management Department, 320 East Jefferson Boulevard, Room 312, Dallas, TX 75203.	Mar. 1, 2021	480171
Dallas (FEMA Docket No.: B–2100).	City of Irving (20–06–1839P).	The Honorable Rick Stopfer, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Engineering Department, 825 West Irving Boulevard, Irving, TX 75060.	Feb. 22, 2021	480180
Guadalupe (FEMA Docket No.: B–2073).	City of Cibolo (20–06–0816P).	Mr. Robert T. Herrera, Manager, City of Cibolo, 200 South Main Street, Cibolo, TX 78108.	Geographic Information Systems (GIS) Department, 200 South Main Street, Cibolo, TX 78108.	Mar. 4, 2021	480267
Hays (FEMA Docket No.: B–2073).	Unincorporated areas of Hays County (20–06–1997P).	The Honorable Ruben Becerra, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, Kyle, TX 78640.	Mar. 11, 2021	480321
Tarrant (FEMA Docket No.: B–2076).	City of Arlington (20–06–2041P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Mar. 8, 2021	485454
Tom Green (FEMA Docket No.: B–2076).	City of San Angelo (20–06–2379P).	The Honorable Brenda Gunter, Mayor, City of San Angelo, 72 West College Avenue, San Angelo, TX 76903.	City Hall, 301 West Beauregard Avenue, San Angelo, TX 76902.	Feb. 22, 2021	480623

[FR Doc. 2021–08691 Filed 4–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2130]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Madison	City of Madison (21–04–0412P).	The Honorable Paul Finley, Mayor, City of Madison, 100 Hughes Road, Madison, AL 35758.	Engineering Department, 100 Hughes Road, Madison, AL 35758.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 15, 2021	010308
Madison	Unincorporated areas of Madison County (21–04–0412P).	The Honorable Dale W. Strong, Chairman, Madison County Commission, 100 North Side Square, Huntsville, AL. 35801.	Madison County Public Works Department, 266–C Shields Road, Huntsville, AL 35811.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 15, 2021	010151
Colorado:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Douglas	Town of Castle Rock (20–08–0649P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Stormwater Department, 175 Kellog Street, Castle Rock, CO 80109.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 6, 2021	080050
Douglas	Unincorporated areas of Douglas County, (20–08–0649P).	The Honorable Lora Thomas, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Department of Public Works, Engineering, 100 3rd Street, Castle Rock, CO 80104.	https://msc.fema.gov/portal/advanceSearch.	Aug. 6, 2021	080049
Florida:						
Brevard	City of Cocoa, (20–04–1578P).	The Honorable Mike Blake, Mayor, City of Cocoa, 65 Stone Street, Cocoa, FL 32922.	City Hall, 65 Stone Street, Cocoa, FL 32922.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 13, 2021	120020
Monroe	Unincorporated areas of Monroe County (21–04–0382P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33042.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	125129
Monroe	Unincorporated areas of Monroe County (21–04–1224P).	The Honorable Michelle Coldiron Mayor, Monroe County Board of Commissioners 25 Ships Way Big Pine Key, FL 33042.	Monroe County Building Department 2798 Overseas Highway, Suite 300 Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	125129
Palm Beach	Town of Hypoluxo (20–04–4389P).	The Honorable Michael C. Brown Mayor, Town of Hypoluxo 7580 South Federal Highway Hypoluxo, FL 33462.	Town Hall 7580 South Federal Highway Hypoluxo, FL 33462.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 20, 2021	120207
Polk	Unincorporated areas of Polk County (20–04–2054P).	The Honorable Rick Wilson Chairman, Polk County Board of Commissioners P.O. Box 9005, Drawer BC01 Bartow, FL 33831.	Polk County Land Development Division 330 West Church Street Bartow, FL 33831.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 5, 2021	120261
Georgia: Columbia	Unincorporated areas of Columbia County (20–04–4680P).	The Honorable Douglas R. Duncan, Jr., Chairman, Columbia County Board of Commissioners, 630 Ronald Reagan Drive, Building B, Evans, GA 30809.	Columbia County Engineering Services Division, Stormwater Compliance Department, 630 Ronald Reagan Drive, Building A, Evans, GA 30809.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 22, 2021	130059
Louisiana: Ouachita.	Unincorporated areas of Ouachita Parish (20–06–2168P).	The Honorable Shane Smiley, President, Ouachita Parish Police Jury, 301 South Grand Street, Suite 201, Monroe, LA 71201.	Ouachita Parish Floodplain Manager's Office, 1650 DeSiard Street, Suite 202, Monroe, LA 71201.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	220135
Maryland: Howard	Unincorporated areas of Howard County (20–03–1198P).	The Honorable Calvin Ball, Howard County Executive, 3430 Court House Drive, Ellicott City, MD 21043.	Howard County Department of Public Works, Bureau of Environmental Services 9801 Broken Land Parkway Columbia, MD 21046.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 25, 2021	240044
Montana:						
Gallatin	City of Bozeman (20–08–0500P).	Mr. Jeff Mihelich, City of Bozeman Manager, 121 North Rouse Avenue, Bozeman, MT 59715.	City Hall, 20 East Olive Street, Bozeman, MT 59715.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	300028
Gallatin	Unincorporated areas of Gallatin County (20–08–0500P).	The Honorable Scott MacFarlane, Chairman, Gallatin County Commission, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Department of Planning and Community Development, 311 West Main Street, Room 108, Bozeman, MT 59715.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 12, 2021	300027
North Carolina:						
Forsyth	City of Winston-Salem (21–04–1235X).	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	City of Winston-Salem Inspection Department, 100 East 1st Street, Suite 328, Winston-Salem, NC 27101.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 8, 2021	375360
Forsyth	Unincorporated areas of Forsyth County (21–04–1235X).	The Honorable David R. Plyler, Chairman, Forsyth County Board of Commissioners, 201 North Chestnut Street, Winston-Salem, NC 27101.	Forsyth County Planning Board Office, 309 East Market Street, Smithfield, NC 27577.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 8, 2021	375349

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Oklahoma: Tulsa	City of Owasso (20–06–3124P).	Mr. Warren Lehr, City of Owasso Manager, 200 South Main Street, Owasso, OK 74055.	Public Works Department, 301 West 2nd Avenue, Owasso, OK 74055.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 22, 2021	400210
South Carolina:						
Georgetown	Unincorporated areas of Georgetown County (21–04–0982P).	Ms. Angela Christian Georgetown County Administrator 716 Prince Street Georgetown, SC 29440.	Georgetown County Building Department 129 Screven Street Georgetown, SC 29440.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 5, 2021	450085
Horry	City of North Myrtle Beach (21–04–0131P).	Mr. Michael Mahaney City of North Myrtle Beach Manager 1018 2nd Avenue South North Myrtle Beach, SC 29582.	Planning and Development Department 1018 2nd Avenue South North Myrtle Beach, SC 29582.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	450110
Texas:						
Bexar	City of Converse (21–06–0348X).	The Honorable Al Suarez Mayor, City of Converse 406 South Seguin Converse, TX 78109.	City Hall 406 South Seguin Converse, TX 78109.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480038
Bexar	City of Live Oak (20–06–1270P).	The Honorable Mary M. Dennis Mayor, City of Live Oak 8001 Shin Oak Drive Live Oak, TX 78233.	City Hall 8001 Shin Oak Drive Live Oak, TX 78233.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	480043
Bexar	City of San Antonio (20–06–1270P).	The Honorable Ron Nirenberg Mayor, City of San Antonio P.O Box 839966 San Antonio, TX 78283.	Transportation and Capital Improvement, Storm Water Division 114 West Commerce Street San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	480045
Bexar	City of San Antonio (21–06–0487P).	The Honorable Ron Nirenberg Mayor, City of San Antonio P.O Box 839966 San Antonio, TX 78283.	Transportation and Capital Improvement, Storm Water Division 114 West Commerce Street San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	480045
Bexar	City of Selma (20–06–1270P).	The Honorable Tom Daly Mayor, City of Selma 9375 Corporate Drive Selma, TX 78154.	City Hall 9375 Corporate Drive Selma, TX 78154.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	480046
Bexar	City of Universal City (21–06–0348X).	The Honorable John Williams Mayor, City of Universal City 2150 Universal City Boulevard Universal City, TX 78148.	Department of Stormwater 2150 Universal City Boulevard Universal City, TX 78148.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480049
Cherokee	City of Rusk (20–06–2542P).	The Honorable Angela Raiborn Mayor, City of Rusk 205 South Main Street Rusk, TX 75785.	Development Services Department 205 South Main Street Rusk, TX 75785.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480124
Cherokee	Unincorporated areas of Cherokee County (20–06–2542P).	The Honorable Chris Davis Cherokee County Judge 135 South Main Street, 3rd Floor Rusk, TX 75785.	Cherokee County Emergency Management Department 135 South Main Street Rusk, TX 75785.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480739
Harris	City of Houston (20–06–2232P).	The Honorable Sylvester Turner Mayor, City of Houston P.O. Box 1562 Houston, TX 77251.	Floodplain Management Department 1002 Washington Avenue Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2021	480296
Harris	Unincorporated areas of Harris County (19–06–3656P).	The Honorable Lina Hidalgo Harris County Judge 1001 Preston Street, Suite 911 Houston, TX 77002.	Harris County Permit Office 10555 Northwest Freeway, Suite 120 Houston, TX 77092.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	480287
Kaufman	City of Terrell (20–06–3456P).	The Honorable Rick Carmona, Mayor, City of Terrell, P.O. Box 310, Terrell, TX 75160.	Engineering Department, 201 East Nash Street, Terrell, TX 75160.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	480416
Rockwall	City of Fate (20–06–3482P).	The Honorable David Billings, Mayor, City of Fate, P.O. Box 159, Fate, TX 75132.	Department of Planning and Development, 1900 CD Boren Parkway, Fate, TX 75087.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	480544
Rockwall	City of Rockwall (20–06–3482P).	Ms. Mary Smith, Interim Manager, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	Department of Public Works, Engineering Division, 385 South Goliad Street, Rockwall, TX 75087.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	480547
Smith	Unincorporated areas of Smith County (20–06–3422P).	The Honorable Nathaniel Moran Smith County Judge 200 East Ferguson Street, Suite 100 Tyler, TX 75702.	Smith County Bridge Department 1700 West Claude Street Tyler, TX 75702.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 14, 2021	481185
Virginia:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Loudoun	Town of Leesburg (21–03–0539P).	The Honorable Kelly Burk Mayor, Town of Leesburg 25 West Market Street Leesburg, VA 20176.	Department of Plan Review 25 West Market Street Leesburg, VA 20176.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	510091
Loudoun	Unincorporated areas of Loudoun County (21–03–0539P).	Mr. Tim Hemstreet, Loudoun County Administrator, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Planning and Zoning Department, 1 Harrison Street Southeast, Leesburg, VA 20175.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	510090
Stafford	Unincorporated areas of Stafford County (21–03–0356P).	Mr. Fred Presley, Stafford County Administrator, 1300 Courthouse Road, Stafford, VA 22554.	Stafford County Department of Public Works, Environmental Division, 2126 Jefferson Highway, Suite 203, Stafford, VA 22554.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	510154

[FR Doc. 2021–08696 Filed 4–26–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–NEW]

Agency Information Collection Activities; New Collection: Flight Manifest/Billing Agreement

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) invites the general public and other Federal agencies to comment upon this proposed new 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 28, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1653–NEW in the body of the correspondence, the agency name and Docket ID ICEB 2021–0005. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection, call or email Lois J. Burrows, Office of the Chief Financial Officer, 202–732–4812, email: *lois.j.burrows@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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 agencies 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:* New Collection.

(2) *Title of the Form/Collection:* Flight Manifest/Billing Agreement

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The Flight Manifest/Billing Agreement collects information for the purpose of confirming Space Available passengers on any ICE-chartered flight and to facilitate the effective billing of those passengers for the full coach fare of their seats on the flight.

(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 is 250 and the estimated hour burden per response is .25 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 63 annual burden 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 $2,391.

Dated: April 21, 2021.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2021–08687 Filed 4–26–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2020–N003; FXES11140100000–212–FF01E00000]

Habitat Conservation Plan for Lorraine Tveten Single-Family Residence, Thurston County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, received an application from Ms. Lorraine Tveten for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended. The ITP would

authorize ''take'' of the Yelm pocket gopher, incidental to otherwise lawful activities during construction of a single-family home and agricultural buildings in Thurston County, Washington. The application includes a habitat conservation plan (HCP) with measures to minimize and mitigate the impacts of the taking on the covered species. We have also prepared a draft environmental action statement for our preliminary determination that the HCP and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act. We provide this notice to open a public comment period and invite comments from all interested parties regarding the documents.

DATES: To ensure consideration, please submit written comments by May 27, 2021.

ADDRESSES: To request further information or submit written comments, please use one of the following methods:

- *Internet:* You may view or download copies of the HCP, draft environmental action statement, and additional information at *http://www.fws.gov/wafwo/.*
- *Email: wfwocomments@fws.gov.* Include ''Lorraine Tveten HCP'' in the subject line of the message.
- *U.S. Mail:* Public Comments Processing, Attn: FWS–R1–ES–2020–N003; U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office; 510 Desmond Drive SE, Suite 102; Lacey, WA 98503.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, Conservation Planning and Hydropower Branch Manager, Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service (see ADDRESSES), telephone: 360–753–5823. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), received an application from Lorraine Tveten (applicant) for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests an ITP for a period of 3 years that would authorize ''take'' of the threatened Yelm pocket gopher (*Thomomys mazama yelmensis*) incidental to construction of a single-family home on land the applicant owns in Thurston County, Washington. The application includes a proposed habitat conservation plan (HCP), which describes actions the applicant would take to minimize and mitigate the impacts of the taking on the covered species. We have also prepared a draft environmental action statement (EAS) and low-effect screening form for our preliminary determination that the HCP and permit decision may be eligible for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*).

Background

Section 9 of the ESA and its implementing regulations prohibit ''take'' of fish and wildlife species listed as endangered (16 U.S.C. 1538(a)(1)). Section 4 of the ESA allows FWS to issue regulations which prohibit the take of any fish and wildlife species listed as threatened, as well (16 U.S.C. 1533(d)). The take prohibition has been extended to the Yelm pocket gopher, although certain activities have been excluded (50 CFR 17.40). Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in our regulations as to carry out intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Section 10(a)(1)(B) of the ESA contains provisions that authorize the Service to issue permits to non-Federal entities for the take of endangered and threatened species caused by otherwise lawful activities, provided the following criteria are met: (1) The taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) the applicant will ensure that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the plan. Regulations governing permits for endangered and threatened species are found at 50 CFR 17.22 and 17.32.

Proposed Action

Covered activities include construction of a single-family home and an agricultural building. The area covered under the HCP consists of a 0.33-acre (ac) project development site and a 0.75-ac conservation site on land owned by the applicant. Take of the Yelm pocket gopher would occur within the 0.33-ac development site. The impacts of the taking on the Yelm pocket gopher would be offset by permanently managing 0.75 ac of occupied habitat for the covered species on the applicant's land, until and unless the take impacts are offset by purchasing equivalent credits from a Service-approved conservation bank for the Yelm pocket gopher.

The Service proposes to issue the requested 3-year ITP based on the applicant's commitment to implement the HCP, if permit issuance criteria are met.

Public Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We specifically request information, views, and suggestions from interested parties regarding our proposed Federal action, including adequacy of the HCP pursuant to the requirements for permits at 50 CFR parts 13 and 17, and adequacy of the EAS pursuant to the requirements of NEPA.

Public Availability of Comments

All written comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety. Comments and materials we receive will be available for public inspection upon request of the Washington Fish and Wildlife Office (see **ADDRESSES**).

Next Steps

After public review, we will evaluate the permit application, associated documents, and any comments received

to determine whether the permit application meets the requirements of section 10(a)(2)(B) of the ESA. We will also evaluate whether issuance of the requested permit would comply with section 7 of the ESA by conducting an intra-Service consultation under section 7(a)(2) of the ESA on the proposed ITP action. If we determine that the project qualifies for a categorical exclusion under NEPA because neither the permit nor the permit issuance is anticipated to significantly affect the quality of the human environment, we will finalize the EAS. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period, and will fully consider all comments received during the comment period. If we determine that all requirements are met, we will issue an ITP.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Robyn Thorson,

Regional Director, Interior Regions 9 and 12, U.S. Fish and Wildlife Service.

[FR Doc. 2021–08717 Filed 4–26–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031785; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum 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 the San Bernardino County 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 San Bernardino County Museum at the address in this notice by May 27, 2021.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.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 and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from San Bernardino County, 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.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Indians [previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California]; Morongo Band of Mission Indians, 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]; Twenty-Nine Palms Band of Mission Indians of California; and the Mission Creek Band of Mission Indians, a non-federally recognized Indian group. The Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; Torres Martinez Desert Cahuilla Indians, California [previously listed as Torres-Martinez Band of Cahuilla Mission Indians of California; and the following non-federally recognized Indian groups: Gabrielino/Tongva Indians of California Tribe; Gabrieleno/Tongva Tribal Council; San Gabriel Band of Mission Indians; and the Gabrielino/Tongva Nation were invited to consult but did not participate. Hereafter, all the Indian Tribes and Groups listed above are referred to as ''The Consulted and Invited Tribes and Groups.''

History and Description of the Remains

On June 25, 1971, human remains representing, at minimum, one individual were removed by University of California students from the Morongo Valley, at the mouth of Little Morongo Canyon in San Bernardino County, CA. These human remains are identified by a label reading ''SBCM–141'' and ''SBCM–6234.'' The site was first recorded as CA–SBR–141B by Chase and Redtfel in 1963 and was subsequently recorded as CA–SBR–148 by Wilkie in 1971. It has been heavily looted over the years. The human remains were exhumed from a private homestead owned by Mrs. O.S. McKinney. The presence of burnt beads, skull fragments, and other bone fragments indicate a cremation. No known individual was identified. The 17 associated funerary objects are two lots of worked/unworked bone, two lots of charcoal, six lots of cremation beads, (including A1900–2784, A5–388, A5–389), one lot of glass beads, and six stone markers.

Ethnohistoric evidence indicates that the area around the Morongo Valley was occupied by the Serrano, though many Tribes lived and travelled through the area. Indeed, a pattern of shared villages or territories is evidenced by other nearby sites. One such example is Mission Creek just south of the Bobo Site, which is known historically to have been shared by the Morongo, Agua

Caliente, and Whitewater. Intragroup identity is reflected in an extant historic marker mounted on a large boulder in Covington Park. Dedicated in 1963, the marker reads, ''John Morongo born 1850 was outstanding member of the Morongo Class for whom Morongo Basin was named. His parents established Big Morongo Oasis. The father belonged to Serrano Tribe, and mother to the Cahuilla Tribe.'' A recent Cultural Resources Assessment by M. Lerch and G. Smith (1984) notes that native consultation was conducted with two Serrano tribal elders, Katherine Howard and Dorothy Ramon, who were living at the Morongo Reservation. According to M. Lerch (1984) and R. Benedict (1924), the Morongo Valley was originally inhabited by the Eastern Serrano groups, the Maringa and the Muhiatnim. Place names associated with the Morongo Valley include Serrano names such as Maringa, Turka, and Mukumpat.

At an unknown date, human remains representing, at minimum, two individuals were removed from the Asistencia (SBCM–714; CA–SBR–2307) in San Bernardino County, CA. The human remains are represented by fragments of long bones, vertebrae, ribs, carpals/tarsals, maxilla, teeth, and various cremated bones. The age and sex of the individuals are unknown. No known individuals were identified. The three associated funerary objects are one bullet shell, one lot of bird claws, and one lot of shell.

The Asistencia (or Estancia) was a mission outpost constructed in the San Bernardino Rancho in 1820, near the native village of Guachama. After the establishment of San Gabriel Mission in 1771, mission records report contact with Guachama village. The records also record that Carlos Garcia, a Spaniard and mayordomo of the Rancho, was directed to construct the Estancia a mile from its current location. In 1830, the Estancia was relocated to its present site on Barton Road. There, Majordomo Juan Alvarado built a new 14-room complex of adobe and timber. Four years later, in 1834, this complex was abandoned. During the 1840s, some of the buildings were used by Jose del Carmen Lugo as part of his land grant. Following its sale to the Mormons, it was occupied by Bishop Nathan C. Tenney in the 1850s, and by Ben Barton in the 1860s. By 1925, the Estancia was once again ruins, and in 1926, the County of San Bernardino and the Historical Society of San Bernardino, under the direction of Horace P. Hinckley, removed the remnants of the complex and began construction on a new six-room structure. It was perhaps during this time that human remains were found. The new structure was simply a romanticized reconstruction and would not have had a cemetery associated with it. It was completed in 1937, as a joint state (SERA) and federal (WPA) relief project. The County of San Bernardino stewarded and performed ongoing maintenance on the property until 2018, when ownership was transferred to the Redlands Conservancy.

A preponderance of the evidence supports a determination that these two individuals are Native American. There is little evidence that can establish a time-period for these human remains, though the archeological context suggests a pre-mission date. The Asistencia where the human remains were found operated from 1830 to 1834. Ethnohistoric evidence indicates that the area around the Guachama was occupied by the Serrano, though many Indian Tribes lived and travelled through the area, and a diverse native population in this region would have attracted a missionary presence.

Determinations Made by the San Bernardino County Museum

Personnel of the San Bernardino County Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 20 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 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]; 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of 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] (hereafter referred to as ''The Affiliated 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 Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92373, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Affiliated Tribes may proceed.

The San Bernardino County Museum is responsible for notifying The Consulted and Invited Tribes and Groups that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08775 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031768; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History (AMNH), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not

identified in this notice that wish to claim these cultural items should submit a written request to the American Museum of Natural History. If no additional claimants come forward, transfer of control of the cultural items 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 claim these cultural items should submit a written request with information in support of the claim to the American Museum of Natural History at the address in this notice by May 27, 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. 3005, of the intent to repatriate cultural items under the control of the American Museum of Natural History, New York, NY, that meet the definition of objects of cultural patrimony under 25 U.S.C. 3001.

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In 1911, Rudolf Rasmessen, a Tucson-based curio dealer, gifted two Vikita ceremonial items—a bull roarer and a set of cocoon rattles—to the AMNH. The bull roarer is constructed of two flat pieces of saguaro cactus ribs connected by a heavy cord, and it exhibits the remnants of a black paint stripe on top and fainter black markings on the body. The rattle consists of two long strands of the inner casings of silkworm moth cocoons filled with pebbles.

In 1911, Carl Lumholtz, a Norwegian naturalist, sold 107 Vikita ceremonial items to the AMNH. Between 1909 and 1910, Lumholtz was commissioned by private individuals to explore northwestern Sonora, Mexico and southwestern Arizona, and he sold the items he collected during these expeditions to the AMNH. The 107 items include 20 masks (14 Singer Masks, five Clown or *Nawichu* Masks, one boy's mask), one Clown's Plume, one Clown's medicine plume, two pairs of sandals, two Clown saguaro sticks, four Clown quivers, three Clown bows, 15 Clown arrows, two Clown knives, five Clown belts, three Clown tobacco pouches, two Clown bracelets, two bells, one stick with bird figure, one Víkita drinking gourd, eight strings of shells, two ceremonial sticks, one Víkita corn offering, 13 bullroarers, one cloud symbol and 18 rattles (one gourd rattle and 17 Cocoon Rattles).

According to Lumholtz, a man named Simon served as one of his informants when he visited Santa Rosa, Arizona. Simon eventually sold Lumholtz his own complete Clown or *nawichu* outfit. This outfit includes the following 16 items: One Clown mask; one belt; one quiver; four Clown's arrows; one Clown's knife; two strings of shells; one set of ankle rattles; two bells; one pair of sandals; one Clown's bow; and one saguaro stick. Additionally, Lumholtz recorded that he purchased one Clown mask from a medicine man in Kav Vaxia (Badger's Well) and one Clown mask from a medicine man named Tia Yimika Kass (spelling unclear). Simon's outfit and the two Clown masks that Lumholtz acquired from the medicine men are part of the 107 Vikita items described below.

Five of the 20 masks that the AMNH purchased from Lumholtz are Clown or *Nawichu* masks, which resemble hoods and feature large plumes, primarily from turkeys, hawks, and black sea birds. The canvas faces are pierced to reveal two eye holes and are decorated with painted chevron motifs representing clouds. A pair of long horns constructed from cat's claw and capped with downy feathers extend from the top of each headdress. Horsehair braids fall down the sides of each Clown mask, and a long textile train descends the back. Fourteen masks are Singer masks, and are made of painted gourds. The top portions of the masks are decorated with red ochre, followed by a central black band made of a mixture of mesquite sap and iron oxide, and a lower, white section consisting of chalk. Eight Singer masks feature yarn tassels, and one Singer mask has a ribbon tassel. Seven Singer masks include a row of blue triangles painted just below the central black band. One of the 20 masks is described in Museum records as a boy's feast mask. It is made of fringed canvas and is worn like a hood. A rectangle painted on the canvas frames a face made of two eye holes, hide ears, and a gourd nose. The mask also features a top knot of matted wool with a heavy clay paint coating. The one Clown's plume consists of a circle of turkey feathers. The one Clown's medicine plume is constructed of two turkey tail feathers bound together at the quills. The two pairs of sandals have leather soles and hide thongs. The two Clown saguaro sticks are made of saguaro ribs crossed with short pieces of greasewood. The three Clown bows are made from gnarled mesquite root and string; one of the bows exhibits traces of pigment. The first of the four Clown quivers is made of canvas with a fringe down the back and is adorned with a bundle of feathers. The second quiver is made of canvas and is adorned with two triangular pieces of canvas that are painted with a red zigzag design. The third quiver, which belonged to Simon, is covered with animal fur, and is adorned with three strips of cloth. The fourth quiver is constructed entirely from the body of a wild cat. The 15 Clown arrows are carved from saguaro cactus ribs. They are painted and adorned with turkey feathers. The two Clown knives are carved from wood to resemble a machete. The two Clown bracelets are made from animal hide; one is tied together with red string and the other has traces of fur. The five Clown belts are constructed of canvas which bear traces of red pigment and are festooned with rattles of empty metal gun cartridges worn at the back. The fifth Clown belt is distinguished from the other four by a strip of red cloth onto which is sewn a strip of metal diamonds. The first of the three Clown tobacco pouches is constructed of hide and decorated with black paint in a design that resembles ribs. The second tobacco pouch is made of canvas with a fringed front flap painted with four rows of red triangles and finished with a row of rattles of empty metal gun cartridges. The third tobacco pouch is made of hide with black cloth up the side seams. The eight strings of shells are made with seashells. The two ceremonial or prayer sticks are carved from a desert bush. They are painted blue and adorned with turkey feathers. The one Vikita corn offering consists of a stick painted red with white dots representing corn. The one gourd has a hole from which to drink liquid. The two metal bells are held together with string. The one bird figure consists of a swallow figurine carved from yucca root and painted blue. A small hole on its belly fits snugly on a long stick made from desert willow. The 13 bullroarers are constructed of two flat pieces of saguaro cactus ribs connected by a heavy cord and painted with geometric designs. The one cloud symbol is

constructed of twigs in the shape of an isosceles triangle with two handles on the side. One of the 19 rattles is a gourd filled with small pebbles and perforated with a notched wooden handle. Eighteen of the 19 rattles are worn around the ankles. They are made of the inner casings of silkworm moth cocoons that have been filled with pebbles and then stitched onto a piece of leather or dark cloth.

Based on the Museum's records and consultation with representatives of the Tohono O'odham Nation of Arizona, these 109 ceremonial items which were collected in Arizona and catalogued as Papago, are culturally affiliated with the Tohono O'odham Nation of Arizona. Evidence from museum records, scholarly publications, and information provided during consultation indicates that these 109 items were used during the Víkita Ceremony, also called the ''Great Harvest Festival'' and ''Prayerstick Festival,'' which is regarded as one of the great ritual dramas of the Tohono O'odham people and historically, has been performed every four years. These Vikita ceremonial items have ongoing historical, traditional, and cultural importance to the Tohono O'odham Nation of Arizona, and no individual had the right to alienate them.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the 109 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the objects of cultural patrimony and the Tohono O'odham Nation of Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim 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 27, 2021. After that date, if no additional claimants have come forward, transfer of control of the objects of cultural patrimony to the Tohono O'odham Nation of Arizona may proceed.

The American Museum of Natural History is responsible for notifying the Tohono O'odham Nation of Arizona that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08768 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031781; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: The Trustees of Reservations, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Trustees of Reservations in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to The Trustees of Reservations. If no additional claimants come forward, transfer of control of the cultural items 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 claim these cultural items should submit a written request with information in support of the claim to The Trustees of Reservations at the address in this notice by May 27, 2021.

ADDRESSES: Mark Wilson, Curator, The Trustees of Reservations, 1 Sergeant Street, P.O. Box 792, Stockbridge, MA 01262, telephone (413) 298–3239 Ext. 3018, email *mwilson@thetrustees.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of The Trustees of Reservations, Boston, MA, that meet the definition of objects of cultural patrimony under 25 U.S.C. 3001.

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In the 1930s, the six cultural items listed in this notice were removed from the Stockbridge Munsee Community in Wisconsin. Miss Mabel Choate, working through an agent, purchased these objects, along with one communion set (which was returned to the Stockbridge Munsee Community, Wisconsin in 2005) and a two-volume Bible (which was returned to the Stockbridge Munsee Community, Wisconsin in 1989) for display at the Mission House Museum in Stockbridge, MA. In 1948, Miss Choate donated the Mission House and all its contents, including these objects, to The Trustees of Reservations. The six objects of cultural patrimony consist of five of Sachem John Quinney's heirlooms and one of Sachem Austin Quinney's heirlooms, and are one tobacco pipe stem of horn and wood inlaid with mother-of-pearl, (Sachem John Quinney 1800–1850 (MH.P.16/8538)); one ebony sword/cane with ivory handle, (Sachem John Quinney 1850 (MH.P.16/8541)); one pair of buckskin leggings adorned with cotton fringe and brass buttons, (Sachem John Quinney 1830–1850 (MH.P.16/8530 & 8531)); one magnifying glass, (Sachem John Quinney 1800–1825 (MH.P.316)); one bell, possibly 18th century (Sachem John Quinney (MH.P.16/8535)); and one pipe bowl embossed *1810* (Sachem Austin Quinney (MH.P.16/8537)).

In the 1730s, the Stockbridge Mohicans, now the Stockbridge Munsee Community, Wisconsin, accepted the Reverend John Sergeant as a Christian missionary in Stockbridge, MA. Except for the bell (which might date to the 18th century), these objects date to the 19th century, and they all have an association with the Stockbridge Mohicans after their removal from Stockbridge, MA, which began in 1785. The affiliation of the cultural items with Sachem John Quinney, Sachem Austin Quinney, and the Stockbridge Munsee Community is established through records held in the archives of the Mission House, a property of The Trustees of Reservations. Consultation with representatives of the Stockbridge Munsee Community confirm that these heirlooms of Sachem John Quinney and

Sachem Austin Quinney have ongoing historical, traditional, and cultural importance central to the Stockbridge Munsee Community, Wisconsin.

Determinations Made by The Trustees of Reservations

Officials of The Trustees of Reservations have determined that:

• Pursuant to 25 U.S.C. 3001(3)(D), the six cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the objects of cultural patrimony and the Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Mark Wilson, Curator, The Trustees of Reservations, 1 Sergeant Street, P.O. Box 792, Stockbridge, MA 01262 telephone (413) 298–3239 Ext. 3018, email *mwilson@thetrustees.org,* by May 27, 2021. After that date, if no additional claimants have come forward, transfer of control of the objects of cultural patrimony to the Stockbridge Munsee Community, Wisconsin may proceed.

The Trustees of Reservations is responsible for notifying the Stockbridge Munsee Community, Wisconsin that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08771 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031767; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine, Silver Spring, MD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine 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 National Museum of Health and Medicine. 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 National Museum of Health and Medicine at the address in this notice by May 27, 2021.

ADDRESSES: Mr. Brian F. Spatola, Curator of Anatomical Division, National Museum of Health and Medicine, U.S. Army Garrison Forest Glen, 2500 Linden Lane, Silver Spring, MD 20910, telephone (301) 319–3353, email *brian.f.spatola.civ@mail.mil.*

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 U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine, Silver Spring, MD. The human remains were removed from near Fort Cameron, Beaver County, UT.

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 National Museum of Health and Medicine professional staff in consultation with representatives of the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes [previously listed as Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)] and the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1874, human remains representing, at minimum, one individual were removed from a site near Fort Cameron in Beaver County, UT. The human remains consist of the humerus of an adult male between 30–40 years old. The humerus exhibits a healed fracture of the humeral head. The human remains were collected and donated to the Army Medical Museum (today the National Museum of Health and Medicine) by U.S. Army Assistant Surgeon Frederick W. Elbrey in September 1874. No known individual was identified. No associated funerary objects are present.

Written correspondence from collector Assistant Surgeon Elbrey describes the human remains as belonging to a ''Pah Ute Indian from a grave near Fort Cameron, U.T.'' Fort Cameron is near Beaver, in Beaver County, Utah. Geographical evidence suggests this individual was part of the local band known as the Beaver band or Kwi-um'-pus band. The Beaver band intermarried with the nearby Kanosh, or Pahvant Ute band, and descendants of the Kanosh band are found today among the Paiute Tribe of Utah and the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah.

Determinations Made by the U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine

Officials of the U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine have determined that:

• 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), 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

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 Mr. Brian F. Spatola, Curator of Anatomical Division, National Museum of Health and Medicine, U.S. Army Garrison Forest Glen, 2500 Linden Lane, Silver Spring, MD 20910, telephone (301) 319–3353, email *brian.f.spatola.civ@mail.mil,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The U.S. Department of Defense, Defense Health Agency, National Museum of Health and Medicine is responsible for notifying The Tribes that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08767 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031783; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM) 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 the San Bernardino County 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 San Bernardino County Museum at the address in this notice by May 27, 2021.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.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 and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from Riverside and San Bernardino 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.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Indians (previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California); Morongo Band of Mission Indians, California (previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation); 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); Twenty-Nine Palms Band of Mission Indians of California; and the Mission Creek Band of Mission Indians, a non-federally recognized Indian group. The Augustine Band of Cahuilla Indians, California (previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine 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); Ramona Band of Cahuilla, California (previously listed as Ramona Band or Village of Cahuilla Mission Indians of California); 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 the Indian Tribes and groups listed above are referred to as ''The Consulted and Invited Tribes and Groups.''

History and Description of the Remains

In 1951, human remains representing, at minimum, one individual were removed from Indian Wells (SBCM–20; CA–RIV–64) in Riverside County, CA, during a survey by the Archaeological Survey Association of Southern California. The age and sex of this individual are unknown. No known individual was identified. The one associated funerary object is one lot of charcoal.

In 1898, evidence for the existence of cremations, a workshop, and kilns was found at CA–RIV–64, and in 1933–35, G. Smith attested to the presence of cremations when he recorded the site. As no units or stratigraphical data were recorded in 1951, there is little information to establish a time-period for these human remains. Artifacts recovered from the site, though, point to a primarily protohistoric presence, with some earlier and later occupations. Ethnohistoric evidence indicates that the area around Indian Wells was occupied by the Cahuilla Tribe during the prehistoric and protohistoric period, and this area has traditionally been identified as Cahuilla ancestral territory. When Cahuilla peopled the Coachella Valley, Indian Wells was the seat from which their leader, Sungrey, exercised authority. Today, the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California has a conservation easement on an area of CA–RIV–64 (a burial dune).

In 1982, human remains representing, at minimum, one individual were removed from Seven Palms Ranch (SBCM–173; CA–RIV–1825, CA–RIV–1827) in Riverside County, CA, by Albert A. Webb Associates. The firm's 1982 site report states, ''SP 6 is potentially the largest site on the property. SP 6 incorporates an area 50 meters wide by 250 meters long . . . exposing ceramics, FAR, debitage, bone, and large metate fragments . . . . Of significance, a suspicious bone fragment collected from the site for identification

proved to be human, right mastoid process, resulting presumably, from a human cremation. The disposition of this specimen will be arranged with Anthony Andreas, the Native American consultant of the project from the Agua Caliente Cahuilla Band.'' The human remains—a mastoid process—belong to an individual of unknown age and sex. No known individual was identified. No associated funerary objects are present.

According to the Webb Associates report, settlement at Seven Palms Ranch dates from 1150 to 1876 A.D. Seven Palms oasis was abandoned in the 1870s, when the population moved several miles southwest to Palm Springs Station. This group was identified as the Havinakiktum (''deep water hole'') clan of the Coyote Moiety (Strong 1929:91), whose religious affiliation was with the Morongo groups. The people of Seven Palms are known as the *Hav ve.*

Ethnohistoric evidence indicates that the area around Seven Palms Ranch was occupied by the Cahuilla tribe throughout prehistory, and the archeological record indicates Cahuilla presence in the protohistoric period. In recent times, the Agua Caliente Band of Cahuilla Indians filed a resolution on the village site with the Riverside County Assessor's office.

Determinations Made by the San Bernardino County Museum

Personnel of the San Bernardino County Museum 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(3)(A), the one object 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 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]; 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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] (hereafter referred to as ''The Affiliated 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 Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92373, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Affiliated Tribes may proceed.

The San Bernardino County Museum is responsible for notifying The Affiliated Tribes and The Consulted and Invited Tribes and Groups that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08773 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031786; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM) 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 the San Bernardino County 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 San Bernardino County Museum at the address in this notice by May 27, 2021.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.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 and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from San Bernardino County, 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.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Indians [previously listed as Cahuilla Band of

Mission Indians of the Cahuilla Reservation, California]; Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]; 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 Mission Creek Band of Mission Indians, a non-federally recognized Indian group. The Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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 the Indian Tribes and groups listed above are referred to as ''The Consulted and Invited Tribes and Groups.''

History and Description of the Remains

On October 4, 1957, during the course of digging a reservoir, human remains representing, at minimum, two individuals were removed from the El Casco Dam Property (SBCM–118; CA–SBR–179) in San Bernardino County, CA. At some point, the human remains were comingled. One of the individuals is a child whose identity is unknown. The other individual, an adult, is identified as Juan Antonio Costo by a SBCM label reading ''Remains of Juan Antonio.'' (When collected, the child's bones might have been assumed to be those of Juan Antonio Costo.) The 32 associated funerary objects are one epaulette, two lots of fabric fragments, one lot of beads, one bell, two rings, four coins, four buttons, three lots of varied ceramic, one lot of micro beads, one lot of mixed beads, five nails, three lots of fragmented metal, one lot of buttons, one spoon, one metal cup fragment, and one military belt buckle and hardware. The remains of the adult identified as Juan Antonio Costo were found with the epaulette *in situ.*

Juan Antonio Costo was the last Hereditary Chief of the Cahuilla. In 1851, he moved his band to the village of Sahat'pa, in San Timoteo Canyon, where the El Casco Dam Property is located. Sahat'pa, a historic Cahuilla village and cemetery occupied by Mountain Cahuillas, remained under the leadership of Juan Antonio from 1851 until his death during the smallpox epidemic of early 1863. A SBCMA publication relates that an American General Bean gifted Juan Antonio many presents, including an officer's army coat and epaulettes, ''which he wore proudly on all state occasions.''

The 1960's site record for CA–SBR–179 states that ''[a]ll the dead of Juan Antonio's band'' where found in burial contexts. The archeological field notes describe seven burials, and note that many others were heavily destroyed by tractor activity. (The location of the remains from those burials is unknown.) Subsequently, the site became registered California State Historic Site, No. 749.

Today, the Cahuilla are represented by 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]; 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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]. Through consultation with representatives of the Santa Rosa Band of Cahuilla Indians, SBCM has identified Orlando Anthony Largo, Lorraine Lobbins, Leon Scribner, Lois Scribner Odom, and Vivian Hamilton as the lineal descendants of Juan Antonio Costo, and through consultation with representatives of the Cahuilla Band of Indians, SBCM has also identified a sixth lineal descendant of Juan Antonio Costo, Mara Costo.

Determinations Made by the San Bernardino County Museum

Personnel of the San Bernardino County Museum 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(3)(A), the 32 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 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]; 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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] (hereafter referred to as ''The Affiliated Tribes'').
- Pursuant to 43 CFR 10.2(b)(1) and 10.14(b), Orlando Anthony Largo, Lorraine Lobbins, Leon Scribner, Lois Scribner Odom, Vivian Hamilton, and Mara Costo are the direct lineal descendants of Juan Antonio Costo; hereafter, they are referred to as ''The Lineal Descendants.''

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 Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92373, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains of Juan Antonio Costa and the associated funerary objects to The Lineal Descendants or The Affiliated Tribes, and transfer of control of the human remains of the child and the associated funerary objects to The Affiliated Tribes may proceed.

The San Bernardino County Museum is responsible for notifying The Consulted and Invited Tribes and Groups and The Lineal Descendants that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08776 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–31776; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before April 10, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by May 12, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 10, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

ARKANSAS

Cleveland County

Rison Overpass, AR 35 (Magnolia St.) over the Union Pacific RR., Rison, SG100006533

Columbia County

McNeil Overpass, U.S. 79 over the Union Pacific RR., McNeil, SG100006535

Drew County

Science Building, 562 University Dr., Monticello, SG100006534

Garland County

Hot Springs Masonic Temple, 311 West Grand Ave., Hot Springs, SG100006532

Jefferson County

U.S. 65 Expressway Pedestrian Bridge, Spanning the Martha Mitchell Expwy. at Mulberry St., Pine Bluff, SG100006530

Lawrence A. Davis, Sr., Student Union, 2000 LA Prexy Davis Dr., Pine Bluff, SG100006531

Phillips County

Berger, Dr. Alfred A. and Adele, House, 121 Stonebrook Rd., Helena-West Helena, SG100006536

Helena World Building, 417 York St., Helena-West Helena, SG100006537

Pulaski County

Reutlinger House, 2005 South Spring St., Little Rock, SG100006527

Franke-Watson House, 30 Edgehill Rd., Little Rock, SG100006528

K.C. Baking Powder Building, 3401 East Broadway, North Little Rock, SG100006529

Sebastian County

Jewish Cemetery, 1601 South H St., Fort Smith, SG100006538

DISTRICT OF COLUMBIA

District of Columbia

Colony Hill Historic District, 1700–1731, 1800–1821, 4501–4520 Hoban Rd. NW, 1801–1820 45th St. NW, 4407–4444, Hadfield Rd. NW, 1701–1717 Foxhall Rd. NW, Washington, SG100006546

IOWA

Polk County

Valley Auto Co.—Morgan Auto Co. Garage, 333 5th St., West Des Moines, SG100006523

Poweshiek County

Brooklyn Opera House—Broadway Theatre, 115 Jackson St., Brooklyn, SG100006522

NEW YORK

Albany County

Park Mart, 93 North Pearl St., Albany, SG100006516

Essex County

Westport Historic District, Generally Champlain Ave., Main, Cisco, and Washington Sts., Westport, SG100006513

Greene County

Village of Coxsackie Cemetery, 144 Mansion St., Coxsackie, SG100006511

Jefferson County

Ballard, Samuel F., House (Stone Buildings of Jefferson County, New York, ca. 1800–1875 MPS), 15811 Cty. Rd. 64, Watertown, MP100006515

Rensselaer County

Harder Manufacturing Company—Albany Woolen Company Inc. Building, 2 Green St., Rensselaer, SG100006510

Saratoga County

Church Hill Historic District, Terminal and Church Hill Rds., Halfmoon, SG100006512

Schenectady County

Fitzgerald Building, 144–148 Clinton St., Schenectady, SG100006517

PENNSYLVANIA

Blair County

Chimney Rocks, Chimney Rocks Park (Chimney Rocks Rd.), Hollidaysburg, SG100006540

TEXAS

Galveston County

American National Insurance Company (ANICO) 1 Moody Ave. (1902 Market St.), Galveston, SG100006539

Bayou Brae Historic District, All properties on Bayou Dr., Brae Ln., Coryell St., Oboe Trail, Woodwind Way, and Viola Dr., League City, SG100006547

Tarrant County

Knight, Elizabeth and Jack, House, 2811 Simondale Dr., Fort Worth, SG100006521

VIRGINIA

Arlington County

Windsor Apartments (Garden Apartments, Apartment Houses and Apartment Complexes in Arlington County, Virginia MPS) 20–204 North Thomas St., Arlington, MP100006520

Virginia Beach Independent City

Jefferson Manor Motel Apartments (Virginia Beach Oceanfront Resort Motels and

Hotels, 1955–1970 MPS) 3300 Pacific Ave., Virginia Beach, MP100006519

An owner objection received for the following resource:

TEXAS

El Paso County

Downtown El Paso Historic District, Roughly bounded by Paisano Dr., Kansas St., Missouri Ave., South Santa Fe St., and U.S. 85, El Paso, SG100006548

A request for removal has been made for the following resources:

ARKANSAS

Jefferson County

Pine Bluff Confederate Monument (Civil War Commemorative Sculpture MPS) North side of Jefferson Cty. Courthouse, jct. of Barraque and Main Sts., Pine Bluff, OT96000464

Pulaski County

Mitchell House (Thompson, Charles L., Design Collection TR) 1415 Spring St., Little Rock, OT82000910

Memorial to Company A, Capitol Guards (Civil War Commemorative Sculpture MPS) MacArthur Park, roughly bounded by 9th and 17th Sts. between Rock St. and I–30, Little Rock, OT96000451

Washington County

Fletcher, Adrian, House (Arkansas Designs of E. Fay Jones MPS) 6725 Huntsville Rd., Fayetteville, OT13000317

Authority: Section 60.13 of 36 CFR part 60.

Dated: April 13, 2021.

Sherry Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–08778 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031778; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Nebraska State Historical Society, DBA History Nebraska, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Nebraska, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to History Nebraska. If no additional claimants come forward, transfer of control of the cultural items 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 claim these cultural items should submit a written request with information in support of the claim to History Nebraska at the address in this notice by May 27, 2021.

ADDRESSES: Rob Bozell, History Nebraska, 5050 N 32nd Street, Lincoln, NE 68504, telephone (402) 525–1624, email *rob.bozell@nebraska.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of History Nebraska, Lincoln, NE, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1930 and 1939, 12 cultural items were removed from cemeteries associated with the Linwood site (25BU1) in Butler County, NE. These objects were recovered during archeological excavations by the Nebraska State Historical Society. The 12 unassociated funerary objects are small geological samples extracted from pipestone smoking pipes that had been recovered from graves. The pipes themselves were repatriated to the Pawnee Nation of Oklahoma in 1990–1991.

The Linwood site was occupied by the Pawnee (mostly the Grand Band) intermittently during the period 1750s–1809 and 1850–1853, based on archeological and ethnohistorical information, as well as oral traditional information provided by the Pawnee Nation of Oklahoma.

In 1940, four cultural items were removed from a cemetery identified as the Burial Ridge site (25HM2) in Hamilton County, NE. The site might also be a Pawnee sacred place. These objects were recovered during archeological excavations by the Nebraska State Historical Society. The four unassociated funerary objects are three shell beads and one piece of wood. The objects were most likely dislodged from graves through natural processes. There are no other archeological features on this landform other than graves. Human skeletal remains and associated funerary objects from this site were repatriated to the Pawnee Nation of Oklahoma in 1990–1991.

The Burial Ridge site is clearly associated with the Pawnee, based on archeological and ethnohistorical information, as well as oral traditional information provided by members of the Pawnee Nation of Oklahoma.

In 1960, 1966, and 1970, 353 cultural items were removed from cemeteries associated with the Genoa site (25NC6/20) in Nance County, NE. These objects were recovered during archeological excavations by the Nebraska State Historical Society in response to construction impacts. The 353 objects are listed as having been removed from 'burial areas.' They had been disturbed and scattered by construction equipment. Human skeletal remains and associated funerary objects from this site were repatriated to the Pawnee Nation of Oklahoma in 1990–1991. The 353 unassociated funerary objects are: Five animal bones, 13 metal bells, one bone utensil handle, three bottle glass fragments, one bridle bit, one metal buckle, one bullet mold, three buttons, 25 chipped stone flakes, one chipped stone projectile point, 14 chipped stone scrapers, four cloth/felt fragments, five thin cut glass fragments, seven ear bobs, four Euroamerican ceramic sherds, one Euroamerican pipe fragment, one French gunflint, one glass fragment, 67 glass beads, one chipped glass scraper, four ground stone tools, two gun parts, one hammerstone, three iron kettle handles, one iron projectile point, one metal coil, nine metal finger rings, three nails, 85 native-made ceramic bodysherds, 12 native-made ceramic rimsherds, four ocher/pigment fragments, nine leather fragments, 28 scrap metal fragments, 20 seeds, three spoons, one thimble, five tinkling cones, and three wood fragments.

The Genoa site was the last major earthlodge village of the Pawnee before removal to Oklahoma. It was occupied by all Pawnee bands from 1859–1874, but it also has earlier Pawnee components dating in the 1600s. The Genoa site is clearly associated with the Pawnee, based on archeological and ethnohistorical information, as well as oral traditional information provided by

members of the Pawnee Nation of Oklahoma.

In 1940, 321 cultural items were removed from cemeteries associated with the Clarks site (25PK1) in Polk County, NE. These objects were recovered during archeological excavations by the Nebraska State Historical Society. The 321 objects are listed as having been recovered from burials but without any further attributions. Human skeletal remains and associated funerary objects from this site were repatriated to the Pawnee Nation of Oklahoma in 1990–1991. The 321 unassociated funerary objects are: 15 brass/copper bells, one brass/copper ornament, one bridle bit, two bullet molds, five chalk fragments, four chipped stone flakes, five chipped stone tools, two clasp knives, three clay lumps, three cloth and leather fragments, 14 cobbles/pebbles, one metal/fabric coil, one cradle board, 15 earbob/tinkling cones, 18 English gunflints, one fossil antler, 32 scrap metal fragments, one fringed leather fragment, three gun parts, one iron axe head, one iron ball, three iron files, one iron fixture, one iron hoe, one iron projectile point, three iron rings, one kettle fragment, one large brass ring, two lead arrow points, nine leather straps, three metal bells, five metal buttons, one metal disk with cloth, one metal ornament, seven metal rings, two metal tubes, one lead musket ball, three mussel shells, one nail, 63 ochre/pigment fragments, two pipestone pipes, one pocket knife, one pronghorn toe bone, one raptor wing bone, one reed matting fragment, 22 reed fragments, 17 sandstone abraders, one sandstone pipe, one sheet brass/copper fragment, one shell bead, three tinkling cones, one vegetal fragment, six vegetal pieces with adhering leather fragments, one white clay pipestem, 15 white clay pipestem beads, one wood fragment with adhering leather, six wood fragments, one wooden bow segment, and one wooden bowl with cloth.

The Clarks site was occupied by the Pawnee (mostly the Grand Band) from 1823–1849. The Clarks site is clearly associated with the Pawnee Nation of Oklahoma, based on archeological and ethnohistorical information, as well as oral traditional information provided by members of the Pawnee Nation of Oklahoma.

In 1941, four cultural items were removed from cemeteries associated with the Pike Pawnee site (25WT1) in Webster County, NE. These objects were recovered during archeological excavations by the Nebraska State Historical Society. The four objects are listed as having been recovered from burials but without any further attributions. Human skeletal remains and associated funerary objects from this site were repatriated to the Pawnee Nation of Oklahoma in 1990–1991. The four unassociated funerary objects are three soil samples and one flintlock rifle.

This village was occupied by the Kitkahaki Band of the Pawnee from about 1775 to 1809, based on archeological and ethnohistorical information, as well as oral traditional information provided by members of the Pawnee Nation of Oklahoma.

Determinations Made by History Nebraska

Officials of History Nebraska have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 694 cultural items 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 and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Pawnee Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Rob Bozell, History Nebraska, 5050 N 32nd Street, Lincoln, NE 68504, telephone (402) 525–1624, email *rob.bozell@nebraska.gov,* by May 27, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Pawnee Nation of Oklahoma may proceed.

History Nebraska is responsible for notifying the Pawnee Nation of Oklahoma that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08770 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031769; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Valentine Museum, Richmond, VA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Valentine Museum 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 the Valentine 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 Valentine Museum at the address in this notice by May 27, 2021.

ADDRESSES: Alicia Starliper, Collection Project Manager/Registrar, The Valentine Museum, 1015 E Clay Street, Richmond, VA 23219, telephone (804) 649–0711 Ext. 329, email *astarliper@thevalentine.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 completion of an inventory of human remains and associated funerary objects under the control of the Valentine Museum, Richmond, VA. The human remains and associated funerary objects were removed from Bell Mound #2, also known as Chief's Mound, in Rockbridge County, VA.

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.

Consultation

A detailed assessment of the human remains was made by the Valentine Museum professional staff. The Chickahominy Indian Tribe; Chickahominy Indian Tribe—Eastern Division; Eastern Band of Cherokee Indians; Monacan Indian Nation; Nansemond Indian Nation [previously listed as Nansemond Indian Tribe]; Pamunkey Indian Tribe; Upper Mattaponi Tribe; and as well as four non-federally recognized Indian groups—the Cheroenhaka (Nottoway) Indian Tribe; Mattaponi Nation; Nottoway Indian Tribe of Virginia; and the Patawomeck Indian Tribe of Virginia—were contacted by Valentine Museum, but no in-person consultation was requested. Hereafter, all the above entities are referred to as ''The Tribes and Groups.''

History and Description of the Remains

In 1877, human remains representing, at minimum, one individual were removed from Bell Mound #2, also known as Chief's Mound in Rockbridge County, VA. During regular collection inventory activities, the Valentine Museum staff discovered a container with the following exhibition label description: ''CHIEF'S MOUND On the farm of John M. Bell, on the Calf Pasture River, 150 yards from Bell Mound and about 4 miles from Goshen, Virginia. Made from earth unlike the surrounding soil and seemingly brought from a distance. Circumference was 75 feet, height 5¼ feet at the apex. A tree grew in the exact center. In digging, horizontal seams of pulverized charcoal were found at different levels. About 3½ feet from the center and 3½ feet below the top were found two perforated stones, a polished celt, a polishing stone (?), and a piece of zinc ore. In the center were found the bones of a dog, a pot containing hematite upon a sheet of mica; under this a clear quartz crystal; a greater mass of charcoal than any before met, a few charred bones, and pieces of wood. Nearby was a piece of worked copper and more mica. It seems apparent the entire mound was raised in honour of one man whose body was cremated.'' According to a typed transcription of a first-person account in the museum archives titled ''The Hero Mound of The White Cliffs,'' the human remains and associated funerary objects were excavated from a mound on the property of John Marshall Bell, Esq. (1815—1890), which was situated on the forks of Cow-Pasture and Calf-Pasture Rivers in Rockbridge County, VA. The mound was located approximately 150 yards west of the farmhouse. The author of the story is presumed to be Mann S. Valentine II (accompanied by his son Granville G. Valentine), who procured laborers at his expense to excavate the mound for a personal collection. The contents of the mound are described in detail and match the information provided on the exhibition label discovered during the inventory. Debra Gould, author of ''Bioarcheology of Virginia Burial Mounds,'' has noted that in August 1877, Mann S. Valentine II and his son Granville excavated two mounds in Rockbridge County, VA, which are known today as Bell Mound #1 and Bell Mound #2. According to C. G. Holland, author of the article ''Preceramic and Ceramic Cultural Patterns in Northwest Virginia,'' Chief's Mound and Bell Mound #2 are one in the same. No known individual was identified. The three associated funerary objects are one partial vessel, one clear quartz crystal, and one worked copper object.

Bell Mound #2 (aka Chief's Mound) is in the same county as Hayes Creek Mound, another Rockbridge County site opened by the Valentine family (in 1901). Following the recommendation of the NAGPRA Review Committee and the Secretary of the Interior's concurrence, in 2000, the Virginia Department of Historic Resources repatriated the remains of 105 individuals from Hayes Creek Mound to the Monacan Indian Nation, who at the time were not federally recognized (the Monacan Indian Nation gained Federal recognition in 2018). The Valentine Museum believes that the geographical proximity of Bell Mound #2 (aka Chief's Mound) to Hayes Creek Mound and the evidence of a cultural connection to the earlier group at Hayes Creek Mound previously presented by the Monacan Indian Nation demonstrate that a cultural affiliation exists between the Monacan Indian Nation and the earlier group at Bell Mound #2 (aka Chief's Mound).

Determinations Made by the Valentine Museum

Officials of the Valentine Museum have determined that:

- 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(3)(A), the three 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 Monacan Indian Nation.

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 Alicia Starliper, Collection Project Manager/Registrar, The Valentine Museum, 1015 E Clay Street, Richmond, VA 23219, telephone (804) 649–0711 Ext. 329, email *astarliper@thevalentine.org,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Monacan Indian Nation may proceed.

The Valentine Museum is responsible for notifying The Tribes and Groups that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08769 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031782; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM) 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 the San Bernardino County 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 San Bernardino County Museum at the address in this notice by May 27, 2021.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.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 and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from Riverside County, 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.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Cahuilla Band of Indians [previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California]; Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California; and the Santa Rosa Band of Cahuilla Indians, California [previously listed as Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation]. The Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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 the Indian Tribes listed above are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1933, human remains representing, at minimum, five individuals were removed from site CA–RIV–381 in Riverside County, CA, by Gerald Smith, a SBCM employee. The age and sex of the individuals is unknown. No known individuals were identified. The 16 associated funerary objects include: one lot of broken pottery, one lot of stone fragments, one lot of metal fragments, one lot of charcoal, one lot of purple glass, one lot of faunal, one lot of mixed worked stone, one lot historic ceramics, one lot of quartz tools, one lot of quartz fragments, one quartz mano, one lot of mixed burnt material, one lot of ecofacts, one lot of soil samples, one lot of unworked shell, and one shell bead.

CA–RIV–381, known as the Temecula Battlefield of 1847, is the site of a historic battle between the Cahuilla and the Luiseño, which resulted in the ''Temecula Massacre.'' It was first recorded in 1932, by J.P. Harrington together with his consultant Josefa Berdugo, a Luiseño woman who lived in Aguanga (located several miles to the south of RIV–381). In January 1980, the site was listed on the National Register of Historic Places. The Luiseño people call this place Ʃóova. The Cahuilla, who also frequented this area, call this region ''Paususe'' (or ''Paususit'') which, according to Nattie Costo of the Cahuilla Reservation, means ''hot water.''

According to Pechanga oral tradition, this site and the surrounding area are affiliated with the Luiseño/Pechanga. Also, several published anthropological sources completed in consultation with the Luiseño people confirm that the site is within Luiseño traditional territory (Kroeber 1925:648; Oxedine 1983:11; Sparkman 1908:189; Strong 1929:275). Moreover, the California Native American Heritage Commission has named the Pechanga as the most likely descendant Indian Tribe for human remains removed from CA–RIV–381.

In October 1963, human remains representing, at minimum, one individual were removed by Paul Price from the Meadowbrook site (SBCM–607; CA–RIV–711, CA–RIV–713), just south of Good Hope Mine (site of the ''Good Hope Mine'' burial site), in Perris, Riverside County, CA. Dr. Niewoehner, a physical anthropologist at California State University, San Bernardino, who assisted SBCM in the inventory, identified a human phalanx and a metatarsal. No known individual was identified. The eight associated funerary objects include one lot of mixed faunal bone, one quartz point, one obsidian fragment, one basalt lithic tool, one chert lithic tool, one lot of faunal, one lot of quartz and chert lithic tool fragments, and one pendant.

The Meadowbrook site (CA–RIV–711) is part of the large village complex directly adjacent to the Pechanga Indian Reservation. It appears in a Sacred Lands File of the California Native American Heritage Commission as a Pechanga traditional cultural property. Moreover, the Native American Heritage Commission has named the Pechanga as the most likely descendant Indian Tribe for human remains removed from another location near CA–RIV–711.

In 1984, human remains representing, at minimum, one individual were removed from Tucalota-Rawson (SBCM–5497, CA–RIV–3015) in Riverside County, CA. On November 23, 1984, Gerald Smith recorded the discovery of cremation fragments and burned soil on an alluvial fan at Tucolata Creek, near previously recorded pictographs. According to the site record, ''Tucalota Ranch is known as a village, and some 'excavation' might have been conducted at that site.'' The human remains—an ossicle from a cranium—belong to an individual of unidentified age and sex. No known individual was identified. The six associated funerary objects are one lot of ceramics, one lot of burnt ceramics, one piece of pumice, one lot of side notched and triangular projectile points, one stone pendant, and one lot of flaked stone (including quartz).

There is no information to establish a time-period for these human remains. CA–RIV–3015 lies within Luiseño Territory, and the Tucalota Ranch area appears in a Sacred Lands File of the California Native American Heritage Commission as a Pechanga traditional cultural property.

At an unknown date, human remains representing, at minimum, one individual were removed from an unidentified site in Temecula

(UNN:174–188, No site number), Riverside County. A label accompanying the human remains states ''Found in Temecula.'' The SBCM has no record of how or when these human remains were acquired. They may have been part of a private donation from the Archaeological Survey Association that was active during the early years of the SBCM. The human remains—skull fragments and broken bone fragments in poor condition—belong to an individual of unknown age or sex. No known individual was identified. The five associated funerary objects are one lot of fabric, one lot of metal hooks, one lot of scrap metal, one lot of soil with imbedded beads, and one lot of turquoise beads.

There is little information to establish a time-period for these human remains. Based on geographical information, the SBCM has identified the remains as Pechanga.

Determinations Made by the San Bernardino County Museum

Personnel of the San Bernardino County Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 35 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 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; and the Soboba Band of Luiseno Indians, California (hereafter referred to as ''The Affiliated 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 Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92373, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Affiliated Tribes may proceed.

The San Bernardino County Museum is responsible for notifying The Consulted and Invited Tribes and The Affiliated Tribes that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08772 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031766; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: University of Denver Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Denver Museum of Anthropology, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the University of Denver Museum of Anthropology. If no additional claimants come forward, transfer of control of the cultural items 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 claim these cultural items should submit a written request with information in support of the claim to the University of Denver Museum of Anthropology at the address in this notice by May 27, 2021.

ADDRESSES: Anne Amati, University of Denver Museum of Anthropology, 2000 E Asbury Avenue, Sturm Hall 146, Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the University of Denver Museum of Anthropology, Denver, CO, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1932, 23 cultural items were removed from two rock-shelters in Middle Creek Canyon, near Beulah, in Pueblo County, CO. The cultural items were removed by Chester A. Thomas and sent to E.B. Renaud at the University of Denver. The 23 unassociated funerary objects are three sandals, one pot rest, one feather blanket, one side scraper, two flakers, two basket base fragments, one pillow, two sandal fragments, one lot of yucca twigs, two abraders, two lots of cordage, four digging sticks, and one snare.

Museum records and tribal oral history indicate that the two rock-shelters were most likely burial locations. Pueblo County, CO, is located within the aboriginal homelands of the Mouache Band of Utes. Historical documents indicate the presence of the Ute people on the Front Range during Spanish and U.S. occupation. Today, Mouache descendants are one of two Ute Bands who comprise the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Determinations Made by the University of Denver Museum of Anthropology

Officials of the University of Denver Museum of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 23 cultural items 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 and are believed, by a preponderance of the evidence, to have been removed from a

specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Anne Amati, University of Denver Museum of Anthropology, 2000 E Asbury Ave, Sturm Hall 146, Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu,* by May 27, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado may proceed.

The University of Denver Museum of Anthropology is responsible for notifying the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado that this notice has been published.

Dated: April 19, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08766 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031784; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Bernardino County Museum (SBCM) 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 the San Bernardino County 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 San Bernardino County Museum at the address in this notice by May 27, 2021.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.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 and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from San Bernardino County, 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.

Consultation

A detailed assessment of the human remains was made by the San Bernardino County Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Indians [previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California]; Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]; 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]; Twenty-Nine Palms Band of Mission Indians of California; and the Mission Creek Band of Mission Indians, a non-federally recognized Indian group. In addition, the Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine 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]; Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]; 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 the Indian Tribes and groups listed above are referred to as ''The Consulted and Invited Tribes and Groups.''

History and Description of the Remains

In 1947, human remains representing, at minimum, one individual were removed from Yucaipat (SBCM–1, CA–SBR–1000) in San Bernardino County, CA. The human remains belong to an individual of unknown age and sex, and include six teeth identified by a label reading ''IMi-3, Indian Burial, Simpson Ranch, Yucaipa, CA, LBM 1949''; three toe bones identified by a label reading ''IMi-4 Indian Burial, Simpson Ranch, Yucaipa, Calif., LBM 1949''; one lot of bone fragments identified by a label reading ''SBCM–1, SBR–1000, Cultural Level 'B' N5Y, 120–130 cm''; and one tooth identified by a label reading ''#121 Human tooth, #122 YT1–76 Bone tool Q8, 3′ to 6.'' No known individual was identified. The four associated funerary objects are one lot of shell, one lot of fragmented faunal bone, one lot of stone tools, and one lot of bone tools.

These human remains are identified by a label reading ''Yucaipa, SBCM–1, SBR–1000.'' SBCM–1 has two loci, A and B. SBCM–1 (A) was officially recorded in 1947 by Gerald Smith of the San Bernardino Museum, who identified it as a ''mourning ceremonial site'' containing ''flexed burials at depth of 2-to-3 feet—also possible cremation.'' Site SBCM 1 (B) was recorded in 1933, also by G. Smith, who reported ''three known burials—all flexed.'' Excavations at Yucaipat were led by G. Smith in 1947, and by G. Becker of the University

of Redlands in 1948–49. Both excavators noted that the site had been disturbed by pothunters. On December 28, 1962, G. Smith updated the site record. In 1976, additional excavations were conducted at the site on behalf of the Yucaipa Valley Water District by P. Martz, who provided a catalog of the collected objects.

A preponderance of the evidence supports a determination that the human remains are Native American, based on the artifactual context and skeletal taphonomy. Ethnohistoric evidence indicates that the area around Yucaipa, CA, was occupied by the Serrano Tribe during the Protohistoric period. In 1918, Serrano consultants identified the town of Yucaipa, where site CA–SBR–1000 is located, as the site of the Serrano village of Yucaipat.

Sometime prior to 2019, human remains representing, at minimum, one individual were removed from Muscupiabit, Camp Cajon Site (SBCM–2; CA–SBR–425) in San Bernardino County, CA. The Camp Cajon Site was owned by the San Bernardino County Museum Association until 2019, when it was transferred to San Manuel Band of Mission Indians. The human remains consist of a skull fragment belonging to an adult individual of unknown sex. No known individual was identified. No associated funerary objects are present.

Although these human remains are identified by a label reading ''Muscupiabit, Camp Cajon, SBCM–2, SBR–425,'' and are described as having been ''pulled from the excavations at Muscipiabit in the Cajon Pass,'' no date is listed for their removal, and no burials at the site have ever been reported. The first documented excavations at Muscupiabit were undertaken by the Archaeological Survey Association (ASA) in 1949 and 1951, under the direction of G. Smith; a catalog of the finds was compiled by P. Jertberg in 1975. During 1976–79, excavations resumed, first under G. Becker (University of Redlands) and then under R. Baty. During 1983–84, systematic tests were conducted at the site by T. Blackburn (Cal Poly Pomona), followed by a Cal Poly student survey directed by R. Morehouse (1984–1985). In 1987–1988, R. Baty conducted a formal survey of the site. In 1988, D. Grenda (under Baty's supervision) performed additional excavations. In 2008, Calnev Pipeline, LLC entered the property to conduct environmental and cultural surveys.

A preponderance of the evidence supports a determination that the human remains are Native American, based on the artifactual context and skeletal taphonomy. Ethnohistoric evidence indicates that the area around the Cajon Pass was occupied by the Serrano Tribe during the prehistoric and protohistoric period. This area has traditionally been identified as Serrano ancestral territory. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel (namesake of the San Manuel Band of Mission Indians), called this area of Cajon Pass ''amutskupiat'' (a Serrano space). CA–SBR–425 is the archeological site associated with the Serrano village known today as Muscupiabit.

Sometime prior to 2019, human remains representing, at minimum, one individual were removed from Horse Thief Canyon, Las Flores Ranch, Guapiabit (SBCM–13; CA–SBR–93, CA–SBR–1913, CA–SBR–1673, CA–SBR–1675/H, P36–0093) in San Bernardino County, CA. The age and sex of the individual are unknown. No known individual was identified. No associated funerary objects are present.

Site CA–SBR–93 was recorded in 1938 by G. Smith, who reported cremations and circular depressions on the Musgrove family-owned ranch. In 1949, an ASA survey uncovered basket mortars, manos, metates, ''killed'' mortars, and ''many deer bones.'' In 1961, students under SBCM's supervision mapped 142 depressions and excavated one of them. In 1969, ASA did another survey for a pipeline project to Cedar Springs Dam. In 1990, Sutton and Schneider recorded the eastern part of the site as CA–SBR–1913, –1673, and –1675/H. Sutton curated 17 artifacts at the museum in 1990, following the Phase I archeological survey conducted by SAIC (formerly URS). The Chambers Group found human remains at SBR–1913, as did Sutton (in test pit JS–1). (The Chambers Group, Inc. has a report on file written by Judy Suchey in 1990, and entitled, ''Analysis of Cremains (SBR–1913, Burial 1) Originated from Las Flores Ranch, San Bernardino, CA.'')

A preponderance of the evidence supports a determination that the human remains are Native American, based on the artifactual context and skeletal taphonomy, as determined by physical anthropologists Wesley Niewoehner (CSUSB) and Karimah Richardson (UCR). Ethnohistoric and artifactual evidence indicates that the area around the Las Flores Ranch was occupied by the Serrano Tribe during the protohistoric and historic periods. This area has traditionally and historically been identified as Serrano ancestral territory. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel called the area of Summit Valley ''wa'peat'' (a Serrano space). CA–SBR–93 is one of many archeological sites located within the Serrano village known today as Guapiabit.

In 1938, human remains representing, at minimum, one individual were removed from Slover Mountain (SBCM–40, CA–SBR–1576) in San Bernardino County, CA. G. Smith found and collected tooth crowns, shells, and flakes by in 1938 on Slover Mountain, which was owned by the Portland Cement Company. The site record completed by G. Smith in 1938 lists a campsite, sand dunes, and some historic buildings. The age and sex of the individual are unknown. No known individual was identified. The two associated funerary objects are one lot of shells and one lot of stone flakes.

There is little information to establish a time-period for these human remains. The presence of an atlatl led G. Smith to believe the site was at least 3000 years old from. That date was later confirmed by URS consultants, who dated a charcoal stain on the upper terrace to 2790 +/ − 80 RCYBP. Artifacts represent the remnants of a Late Prehistoric habitation site intermixed with remains from multiple, shorter-duration site use as early as the Late Millingstone Horizon.

A preponderance of the evidence supports a determination that the human remains are Native American, based on the artifactual context. While geographic evidence indicates this site falls within both Serrano and Cahuilla traditional territory, ethnohistoric evidence indicates that both Hurupit and Arhangk were Serrano Villages. A circa 1970 report by an unknown author states that the Serrano were ''claiming ownership of the cement plant lands'' during G. Smith's excavations. The San Manuel Band of Mission Indians identifies SBR–1576 as the Serrano village of Jurupet. The village is inclusive of the La Loma Hills, this portion of the Santa Ana River, and the area north to CA–SBR–1576. Located southwest of the Serrano village of Junubabit (where Interstate 215 and Interstate 10 intersect), Jurupet is the southernmost Serrano village along the Santa Ana River.

In 1939, human remains representing, at minimum, two individuals were removed from Hesperia (SBCM–47, CA–SBR–117) in San Bernardino County, CA. Located on the west side of the Mojave River, the site was recorded by G. Smith on June 23, 1939. The human remains belong to a 12-year-old male and an adult female approximately 21 years old. No known individuals were identified. The six associated funerary

objects are one round metal tin, one chert point, one lot of mixed bone, one lot of ochre, one quartz flake, and one stone pendant.

There is little information to establish a time-period for these human remains. A preponderance of the evidence supports a determination that the human remains are Native American, based on the artifactual context and skeletal taphonomy, as determined by physical anthropologist Karimah Richardson (UCR). Ethnohistoric and artifactual evidence indicates that the area around the Victor Valley and Hesperia was occupied by the Serrano Tribe during the prehistoric and historic periods. This area has traditionally and historically been identified as Serrano ancestral territory. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel called the area of Summit Valley ''wa'peat'' (a Serrano space). CA–SBR–177 is located just north of the Serrano village of known today as Guapiabit and south of the Serrano village of Atongaibit.

From 1977–1978, human remains representing, at minimum, one individual were removed from the Oro Grande Site (SBCM–616, CA–SBR–72, CA–SBR–53, CA–SBR–61, CA–SBR–69) in San Bernardino County, CA. The Oro Grande site was originally recorded by G. Smith of the San Bernardino Museum, who identified it as a large late-period village. Between 1977–1979, the site was investigated by the Archaeological Research Unit (ARU) at the University of California, Riverside (Rector et al. 1983). No human remains were recorded, but in July 2019, during a routine inventory, Curator of Anthropology Tamara Serrao-Leiva found four bags of bones marked ''Homo'' (two bags with teeth fragments, and two bags of maxila fragments). The human remains (excavation unit 74N 160E Level 43 below datum 8–26–78), consisting of a burned humorous fragment, two small mandible pieces, and tooth fragments, belong to a child of indeterminate sex. No known individuals were identified. The 12 associated funerary objects are: Four lots of shell beads, three lots of burned faunal fragments, one lot of stone tool fragments, one lot of charcoal, one grooved metal fragment (possibly a bullet), one lot of red paint stones, and one lot of pendants.

A preponderance of the evidence supports a determination that the individuals are Native American, based on the artifactual context and skeletal taphonomy, as determined by physical anthropologist Karimah Richardson (UCR). Chronological seriation of shell and stone bead artifacts suggest occupation at the Oro Grande site could date as early as 2500 B.P. to as late as 500 B.P. Ethnohistoric and artifactual evidence indicate that the area around the Footprint/Oro Grande Site was occupied by the Serrano Tribe during Middle Holocene to Historic periods, with the height of occupation around 1000 B.P. Located near the Serrano village of Topipabit, this area has traditionally been identified as Serrano ancestral territory. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel called this portion of the Mojave River by the Serrano name Tamapiat.

In October 1974, human remains representing, at minimum, one individual were removed from Lenwood Dunes (SBCM–3176, CA–SBR–1549) in San Bernardino County, CA, by Robert Reynolds. A flexed burial was found on the P.J. Vogel Ranch at the Lenwood Dunes, located in the Mojave Desert on the Mojave River terrace. According to the site record, the human remains were aligned along a northwest axis. The burial was located within a prehistoric camp containing cremations; a similar flexed burial was found nearby, at CA–SBR–189 (BLM). The human remains were collected using the common paleontological technique of ''jacketing.'' In the spring of 1993, the skeleton was excavated from the jacket. Osteological analysis revealed that individual was probably a male, about 55 years of age. No known individual was identified. The two associated funerary objects are one lot of faunal fragments and one desert side-notched projectile point. The point dates between 1000 and 1300 A.D.

A preponderance of the evidence supports a determination that the individual is Native American, based on the archeological context, position of individual, and presence of *in situ* artifacts. Ethnohistoric and artifactual evidence indicates that the area around the Lenwood Dunes was occupied by the Serrano Tribe, often called the Vanyume or Desert Serrano. This area has traditionally been identified as Serrano ancestral territory. CA–SBR–1549 is one of many sites located within the Serrano village of Sisugenat. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel called this portion of the Mojave River by the Serrano name Maviat.

In the fall of 1979, human remains representing, at minimum, one individual were removed from Daggett Solar Site (SBCM–4072, CA–SBR–3427) in San Bernardino County, CA. In the course of performing a paleontological monitoring and salvaging project during construction of the Ten Megawatt Solar Generating Pilot Plant at Daggett, the San Bernardino County Museum Association excavated a human skeleton located 5.5 feet below the surface. The excavators associated the human remains stratigraphically with Pleistocene fauna, while nearby subsurface artifacts reflected an occupation of the site during the late prehistoric period (2090 years B.P.). In April 1980, a charcoal sample that had been stratigraphically associated with the human remains was C–14 dated to 7350+/− 115 years B.P. No known individual was identified. The three associated funerary objects are one lot of flakes, one lot of hammer stones, and one lot of pottery.

A preponderance of the evidence supports a determination that the individual is Native American, based on artifactual context. Ethnohistoric and artifactual evidence indicates that the area around Daggett Solar Site was occupied by the Serrano Tribe, often called the Vanyume or Desert Serrano. This area has traditionally been identified as Serrano ancestral territory. When interviewed by John P. Harrington in the early 1900s, Serrano tribal leader Santos Manuel identified the area northeast of this section of the Mojave River (which he called Maviat) as the Serrano village of Tutupiat,

Sometime prior to 2017, human remains representing, at minimum, one individual were removed from Manix Site (UCR 3209, Locality 28–3) in San Bernardino County, CA. The human remains belong to an individual of indeterminate sex and age. No known individual was identified. No associated funerary objects are present.

There is little evidence to establish a time-period for these human remains. A preponderance of the evidence supports a determination that the individual is Native American, based on the ethnographic context of the larger site and area. Ethnohistoric evidence indicates that the area around Manix Lake—east of the mountains known to the Serrano as Pavakupat and northeast of the Serrano village of Tutupiat—was occupied by the Serrano Tribe, often called the Vanyume or Desert Serrano.

Determinations Made by the San Bernardino County Museum

Personnel of the San Bernardino County Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 29 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 Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]; and the San Manuel Band of Mission Indians, California [previously listed as San Manual Band of Serrano Mission Indians of the San Manual Reservation] (hereafter referred to as ''The Affiliated 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 Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92373, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by May 27, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Affiliated Tribes may proceed.

The San Bernardino County Museum is responsible for notifying The Consulted and Invited Tribes and Groups that this notice has been published.

Dated: April 14, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08774 Filed 4–26–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1560–1564 (Preliminary)]

Raw Honey From Argentina, Brazil, India, Ukraine, and Vietnam; Institution of Antidumping Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping duty investigation Nos. 731–TA–1560–1564 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam, provided for in heading 0409.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by June 7, 2021. The Commission's views must be transmitted to Commerce within five business days thereafter, or by June 14, 2021.

DATES: April 21, 2021.

FOR FURTHER INFORMATION CONTACT: Andres Andrade (202) 205–2078 or Charles Cummings (202) 708–1666, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on April 21, 2021, by the American Honey Producers Association (''AHPA''), Bruce, South Dakota and the Sioux Honey Association (''SHA''), Sioux City, Iowa.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission is conducting the staff conference through video conferencing on Wednesday, May 12, 2021. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before Monday, May 10, 2021. Please provide an email address for each conference participant in the email. Information on conference procedures will be provided separately and guidance on joining the video conference will be available on the Commission's Daily Calendar. A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any

electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 17, 2021, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than noon on Tuesday, May 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.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations 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 any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, 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.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 22, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–08742 Filed 4–26–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Bankruptcy Settlement Agreement Resolving Cost Recovery and Natural Resources Damages Claims Under CERCLA

On April 13, 2021, the Department of Justice and the Bankruptcy Trustee lodged a proposed Settlement Agreement (Settlement Agreement) with the United States Bankruptcy Court for the Western District of Washington, in the matter entitled *In re TOC Holdings Co.,* Case No. 17–11872–CMA.

The proposed Settlement Agreement will resolve claims against Debtor TOC Holdings Co. (TOC) in connection with TOC's liability under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* (CERCLA), for releases and threatened releases of hazardous substances at the Portland Harbor Superfund Site in Portland, Oregon (the Site). These claims are further described in a Proof of Claim filed on behalf of the United States Environmental Protection Agency (EPA) for recovery of response costs incurred, and on behalf of the Department of the Interior (DOI) and the National Oceanic and Atmospheric Administration (NOAA) (DOI and NOAA, jointly, the Federal Natural Resources Trustees) for damages to natural resources, at the Site.

Under the proposed Settlement Agreement TOC Holdings Co., by its Chapter 7 bankruptcy trustee, will allow, as general unsecured claims, EPA's claim for CERCLA cost recovery in the amount of $19,256,160 (the EPA allowed claim) and the Federal Natural Resources Trustees' CERCLA claim for natural resources damages in the amount of $12,465,559 (the NRD allowed claim).

The publication of this notice opens a period for public comment on the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re TOC Holdings Co.,* D.J. Ref. No. 90–11–3–11829. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $3.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–08685 Filed 4–26–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0003]

Agency Information Collection Activities; Proposed Collection Comments Requested; Fee Waiver Request

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 28, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg

Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

Overview of This Information Collection

1. *Type of Information Collection:* Revision and extension of a currently approved collection.

2. *The Title of the Form/Collection:* Fee Waiver Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–26A, Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: An individual submitting an appeal or motion to the Board of Immigration Appeals. An individual submitting an application or motion to the Office of the Chief Immigration Judge. Other: Attorneys and qualified representatives representing an alien in immigration proceedings before EOIR. Abstract: The information on the fee waiver request form is used by the Board of Immigration Appeals and the Office of the Chief Immigration Judge to determine whether the requisite fee for an application, motion or appeal will be waived due to an individual's financial situation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5,499 respondents will complete the form annually with an average of 1 hour per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 5,499 hours. It is estimated that respondents will take 1 hour to complete the form.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405B, Washington, DC 20530.

Dated: April 22, 2021

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–08708 Filed 4–26–21; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Claims Under the Radiation Exposure Compensation Act

AGENCY: Civil Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Civil Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including 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 of a currently approved collection.

2. *The Title of the Form/Collection:* Claims Under the Radiation Exposure Compensation Act.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: N/A. DOJ Component: Civil Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Abstract: Information is collected to determine whether an individual is entitled to compensation under the Radiation Exposure Compensation Act.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there will be 2,000 respondents annually, and each respondent will require 2.5 hours to complete the information collection.

6. *An estimate of the total public burden (in hours) associated with the collection:* An estimate of the total public burden (in hours) associated with the collection: There are an estimated 5,000 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, Room 3E.405B, Washington, DC 20530.

Dated: April 22, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–08709 Filed 4–26–21; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for Connecticut, District of Columbia, Massachusetts, Michigan, New Jersey, New Mexico, and Nevada

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces changes in benefit period eligibility under the EB program that have occurred since the publication of the last notice regarding the States' EB status:

- Nevada completed the mandatory 13-week ''off'' period for a High Unemployment Period (HUP) on March 27, 2021, and based on the data released by the Bureau of Labor Statistics (BLS) on January 26, 2021, the seasonally-adjusted total unemployment rate (TUR) for Nevada continued to exceed the 8.0 percent threshold necessary to trigger ''on'' to an HUP. Therefore, on March 28, 2021 the maximum potential entitlement for claimants in the EB program will increase from 13 weeks to 20 weeks.
- Based on data released on March 15, 2021 by BLS, the seasonally-adjusted 3-month average TUR for Connecticut, the District of Columbia, Massachusetts and New Mexico rose above the 8.0 percent threshold necessary to trigger ''on'' to an HUP. Beginning April 4, 2021 the maximum potential entitlement for claimants in the EB program for these states increased from 13 weeks to 20 weeks.
- Based on data released by BLS on March 26, 2021:
  - The seasonally-adjusted TUR for Michigan fell below the 6.5 percent threshold necessary to remain ''on'' EB. The payable period for Michigan in the EB program will end on April 17, 2021. The state will remain in an ''off'' period for a minimum of 13 weeks.
  - the seasonally-adjusted TUR for New Jersey fell below the 8.0 percent threshold necessary to remain ''on'' an HUP in the EB program. Beginning April 18, 2021, the maximum potential entitlement for claimants in New Jersey will decrease from 20 weeks to 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. 2021–08726 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Program Year (PY) 2021 Workforce Innovation and Opportunity Act (WIOA) Allotments; PY 2021 Wagner-Peyser Act Allotments and PY 2021 Workforce Information Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces allotments for PY 2021 for WIOA Title I Youth, Adult, and Dislocated Worker Activities programs; allotments for Employment Service (ES) activities under the Wagner-Peyser Act for PY 2021 and the allotments of Workforce Information Grants to States for PY 2021.

DATES: The Department must receive comments on the formula used to allot funds to the Outlying Areas by May 27, 2021.

ADDRESSES: Questions on this notice can be submitted to the Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave. NW, Room S4209, Washington, DC 20210, Attention: Randy Painter, Unit Chief, (202) 693–3979, or Robert Kight, Division Chief, (202) 693–3937. Randy Painter's email is: *painter.randy@dol.gov*. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY–TDD).

Commenters are advised that mail delivery in the Washington area may be delayed due to the COVID–19 pandemic. The Department encourages commenters to submit comments electronically online or to the contacts listed above.

Comments: The Department will retain all comments on this notice and will release them upon request via email to any member of the public. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide you with appropriate aids such as readers or print magnifiers. The Department will make copies of this notice available, upon request, in large print, Braille, and electronic file. The Department also will consider providing the notice in other formats upon request. To schedule an appointment to review the comments and/or obtain the notice in an alternative format, contact Mr. Painter using the information provided above. The Department will retain all comments received without making any changes to the comments, including any personal information provided. The Department therefore cautions commenters not to include their personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments; this information would be released with the comment if the comments are requested. It is the commenter's responsibility to safeguard their information.

FOR FURTHER INFORMATION CONTACT: WIOA Youth Activities allotments—Evan Rosenberg at (202) 693–3593 or LaSharn Youngblood at (202) 693–3606; WIOA Adult and Dislocated Worker

Activities and ES allotments—Randy Painter at (202) 693–3979; Workforce Information Grant allotments—Donald Haughton at (202) 693–2784. Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Department is announcing WIOA allotments for PY 2021 for Youth Activities, Adults and Dislocated Worker Activities, Wagner-Peyser Act PY 2021 allotments, and PY 2021 Workforce Information Grant allotments. This notice provides information on the amount of funds available during PY 2021 to states with an approved WIOA Combined or Unified State Plan, and information regarding allotments to the Outlying Areas.

WIOA allotments for states and the state allotments for the Wagner-Peyser Act are based on formulas defined in their respective statutes. WIOA requires allotments for the Outlying Areas to be competitively awarded rather than based on a formula determined by the Secretary of Labor (Secretary) as occurred under the Workforce Investment Act (WIA). However, for PY 2021, the Consolidated Appropriations Act, 2021 waives the competition requirement, and the Secretary is using the discretionary formula rationale and methodology for allocating PY 2021 funds for the Outlying Areas (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands) that was published in the **Federal Register** at 65 FR 8236 (Feb. 17, 2000). WIOA specifically included the Republic of Palau as an Outlying Area, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under WIOA; no such determinations prohibiting assistance have been made. The formula that the Department of Labor (Department) used for PY 2021 is the same formula used in PY 2020 and is described in the section on Youth Activities program allotments. The Department invites comments only on the formula used to allot funds to the Outlying Areas.

On December 27, 2020, the Consolidated Appropriations Act, 2021, Public Law 116–260 was signed into law (''the Act''). The Act, Division H, Title I, Sections 106(b) and 107 of the Act allows the Secretary of Labor (Secretary) to set aside up to 0.5 percent of each discretionary appropriation for activities related to program integrity and 0.75 percent of most operating funds for evaluations. For 2021, as authorized by the Act, the Department has set aside $7,466,000 of the Training and Employment Services (TES) and $1,849,000 of the State Unemployment Insurance and Employment Services Operations (SUIESO) appropriations impacted in this FRN for these activities. ETA reserved these funds from the WIOA Adult, Youth, Dislocated Worker, Wagner-Peyser Act Employment Service, and Workforce Information Grant program budgets. Any funds not utilized for these reserve activities will be provided to the states. We also have attached tables listing the PY 2021 allotments for programs under WIOA Title I Youth Activities (Table A), Adult and Dislocated Workers Employment and Training Activities (Tables B and C, respectively), and the PY 2021 Wagner-Peyser Act allotments (Table D). We also have attached the PY 2021 Workforce Information Grant table (Table E).

Youth Activities Allotments. The appropriated level for PY 2021 for WIOA Youth Activities totals $921,130,000. After reducing the appropriation by $2,553,000 for set asides authorized by the Act, $918,577,000 is available for Youth Activities. Table A includes a breakdown of the Youth Activities program allotments for PY 2021 and provides a comparison of these allotments to PY 2020 Youth Activities allotments for all States and Outlying Areas. For the Native American Youth program, the total amount available is 1.5 percent of the total amount for Youth Activities (after set asides authorized by the Act), in accordance with WIOA section 127. The total funding available for the Outlying Areas was reserved at 0.25 percent of the amount appropriated for Youth Activities (after set asides authorized by the Act) after the amount reserved for Native American Youth (in accordance with WIOA section 127(b)(1)(B)(i)). On December 17, 2003, Public Law 108–188, the Compact of Free Association Amendments Act of 2003 (''the Compact''), was signed into law. The Compact specified that the Republic of Palau remained eligible for WIA Title I funding. See 48 U.S.C 1921d(f)(1)(B)(ix). WIOA sec. 512(g)(1) updated the Compact to refer to WIOA funding. The National Defense Authorization Act for Fiscal Year 2018 (Division A, Title XII, Subtitle F, Section 1259C(c) of Pub. L. 115–91) authorized WIOA Title I funding to Palau through FY 2024.

Under WIA, the Secretary had discretion for determining the methodology for distributing funds to all Outlying Areas. Under WIOA the Secretary must award the funds through a competitive process. However, for PY 2021, the Consolidated Appropriations Act, 2021 waives the competition requirement regarding funding to Outlying Areas (*e.g.,* American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands). For PY 2021, the Department used the same methodology used since PY 2000 (*i.e.,* we distribute funds among the Outlying Areas by formula based on relative share of the number of unemployed, a minimum of 90 percent of the prior year allotment percentage, a $75,000 minimum, and a 130 percent stop gain of the prior year share). For the relative share calculation in PY 2021, the Department continued to use the data obtained from the 2010 Census for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands. For the Republic of Palau, the Department used data from Palau's 2015 Census. The Department will accept comments on this methodology.

After the Department calculated the amount for the Outlying Areas and the Native American program, the amount available for PY 2021 allotments to the states is $902,536,349. This total amount is below the required $1 billion threshold specified in WIOA sec. 127(b)(1)(C)(iv)(IV); therefore, the Department did not apply the WIOA additional minimum provisions. Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three data factors required by WIOA sec. 127(b)(1)(C)(ii) for the PY 2021 Youth Activities state formula allotments are, summarized slightly, as follows:

(1) The average number of unemployed individuals in Areas of Substantial Unemployment (ASUs) for the 12-month period, July 2019—June 2020 in each state compared to the total number of unemployed individuals in ASUs in all states;

(2) Number of excess unemployed individuals or excess unemployed individuals in ASUs (depending on which is higher) averages for the same 12-month period used for ASU unemployed data compared to the total

excess unemployed individuals or ASU excess number in all states; and

(3) Number of disadvantaged youth (age 16 to 21, excluding college students not in the workforce and military) from special tabulations of data from the American Community Survey (ACS), which the Department obtained from the Census Bureau in each state compared to the total number of disadvantaged youth in all states. ETA obtained updated data for use in PY 2018 and the same data must be used in PY 2021. The Census Bureau collected the data used in the special tabulations for disadvantaged youth between January 1, 2011—December 31, 2015.

For purposes of identifying ASUs for the Youth Activities allotment formula, the Department continued to use the data made available by BLS (as described in the Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S–20–15). For purposes of determining the number of disadvantaged youth, the Department used the special tabulations of ACS data available at: *https://www.dol.gov/agencies/eta/budget/formula/disadvantagedyouthadults.* See TEGL No. 14–17 for further information.

Adult Employment and Training Activities Allotments. The total appropriated funds for Adult Activities in PY 2021 is $862,649,000. After reducing the appropriated amount by $1,974,000 for set asides authorized by the Act, $860,675,000 remains for Adult Activities, of which $858,523,312 is for states and $2,151,688 is for Outlying Areas. Table B shows the PY 2021 Adult Employment and Training Activities allotments and a state-by-state comparison of the PY 2021 allotments to PY 2020 allotments.

In accordance with WIOA, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Adult Activities (after set asides authorized by the Act). As discussed in the Youth Activities section above, in PY 2021 the Department will distribute the Adult Activities funding for the Outlying Areas, using the same principles, formula, and data as used for outlying areas for Youth Activities. The Department will accept comments on this methodology. After determining the amount for the Outlying Areas, the Department used the statutory formula to distribute the remaining amount available for allotments to the states. The Department did not apply the WIOA minimum provisions for the PY 2021 allotments because the total amount available for the states was below the $960 million threshold required for Adult Activities in WIOA sec. 132(b)(1)(B)(iv)(IV). Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three formula data factors for the Adult Activities program are the same as those used for the Youth Activities formula, except the Department used data for the number of disadvantaged adults (age 22 to 72, excluding college students not in the workforce and military).

Dislocated Worker Employment and Training Activities Allotments. The amount appropriated for Dislocated Worker activities in PY 2021 totals $1,342,412,000. The total appropriation includes formula funds for the states, while the National Reserve is used for National Dislocated Worker Grants, technical assistance and training, demonstration projects, Workforce Opportunity for Rural Communities, Community College Grants, and the Outlying Areas' Dislocated Worker allotments. After reducing the appropriated amount by $2,939,000 for set asides authorized by the Act, a total of $1,339,473,000 remains available for Dislocated Worker activities. The amount available for Outlying Areas is $3,348,683, leaving $276,955,317 for the National Reserve and a total of $1,059,169,000 available for states. Table C shows the PY 2021 Dislocated Worker activities allotments and a state-by-state comparison of the PY 2021 allotments to PY 2020 allotments.

Similar to the Adult Activities program, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Dislocated Worker Activities (after set asides authorized by the Act). Similar to Youth and Adult funds, instead of competition, in PY 2021 the Department will use the same *pro rata* share as the areas received for the PY 2021 WIOA Adult Activities program to distribute the Outlying Areas' Dislocated Worker funds, the same methodology used in PY 2020. The Department will accept comments on this methodology.

The three data factors required in WIOA sec. 132(b)(2)(B)(ii) for the PY 2021 Dislocated Worker state formula allotments are, summarized slightly, as follows:

(1) Relative number of unemployed individuals in each state, compared to the total number of unemployed individuals in all states, for the 12-month period, October 2019–September 2020;

(2) Relative number of excess unemployed individuals in each state, compared to the total excess number of unemployed individuals in all states, for the 12-month period, October 2019–September 2020; and

(3) Relative number of long-term unemployed individuals in each state, compared to the total number of long-term unemployed individuals in all states, for the 12-month period, October 2019–September 2020.

In PY 2021, under WIOA the Dislocated Worker formula uses minimum and maximum provisions. No state may receive an allotment that is less than 90 percent of the state's prior year allotment percentage (stop loss) or more than 130 percent of the state's prior year allotment percentage (stop gain).

Wagner-Peyser Act ES Allotments. The appropriated level for PY 2021 for ES grants totals $670,052,000. After reducing the appropriated amount by $1,799,000 for set asides authorized by the Act, $668,253,000 is available for ES grants. After determining the funding for Guam and the United States Virgin Islands, the Department calculated allotments to states using the formula set forth at section 6 of the Wagner-Peyser Act (29 U.S.C. 49e). The Department based PY 2021 formula allotments on each state's share of calendar year 2020 monthly averages of the civilian labor force (CLF) and unemployment. Section 6(b)(4) of the Wagner-Peyser Act requires the Secretary to set aside up to three percent of the total funds available for ES to ensure that each state will have sufficient resources to maintain statewide ES activities. In accordance with this provision, the Department included the three percent set aside funds in this total allotment. The Department distributed the set-aside funds in two steps to states that have experienced a reduction in their relative share of the total resources available this year from their relative share of the total resources available the previous year. In Step 1, states that have a CLF below one million and are also below the median CLF density were maintained at 100 percent of their relative share of prior year resources. ETA calculated the median CLF density based on CLF data provided by the BLS for calendar year 2020. The Department distributed all remaining set-aside funds on a *pro-rata* basis in Step 2 to all other states experiencing reductions in relative share from the prior year but not meeting the size and density criteria for Step 1. The distribution of ES funds (Table D) includes $666,624,032 for

states, as well as $1,628,968 for Outlying Areas.

Section 7(a) of the Wagner-Peyser Act (49 U.S.C. 49f(a)) authorizes states to use 90 percent of funds allotted to a state for labor exchange services and other career services such as job search and placement services to job seekers; appropriate recruitment services for employers; program evaluations; developing and providing labor market and occupational information; developing management information systems; and administering the work test for unemployment insurance claimants. Section 7(b) of the Wagner-Peyser Act states that 10 percent of the total sums allotted to each state must be reserved for use by the Governor to provide performance incentives for public ES offices and programs, provide services for groups with special needs, and to provide for the extra costs of exemplary models for delivering services of the type described in section 7(a) and models for enhancing professional development and career advancement opportunities of state agency staff.

Workforce Information Grants Allotments. Total PY 2021 funding for Workforce Information Grants allotments to states is $32,000,000. After reducing the total by $50,000 for set asides authorized by the Act, $31,950,000 is available for Workforce Information Grants. Table E contains the allotment figures for each state and Outlying Area. The Department distributes the funds by administrative formula, with a reserve of $176,680 for Guam and the United States Virgin Islands. Guam and the United States Virgin Islands allotment amounts are partially based on CLF data. The Department distributes the remaining funds to the states with 40 percent distributed equally to all states and 60 percent distributed based on each state's share of CLF for the 12 months ending September 2020.

TABLE A—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS

State	PY 2020	PY 2021	Difference	% Difference
Total	$912,906,000	$918,577,000	$5,671,000	0.62
Alabama	13,818,197	12,513,632	(1,304,565)	−9.44
Alaska	5,076,190	4,596,951	(479,239)	−9.44
Arizona	33,740,829	30,555,385	(3,185,444)	−9.44
Arkansas	6,222,886	6,462,908	240,022	3.86
California	134,926,913	125,113,453	(9,813,460)	−7.27
Colorado	7,969,239	10,424,367	2,455,128	30.81
Connecticut	9,768,378	8,846,154	(922,224)	−9.44
Delaware	2,242,411	2,583,296	340,885	15.20
District of Columbia	5,121,772	4,638,230	(483,542)	−9.44
Florida	41,854,792	44,306,510	2,451,718	5.86
Georgia	21,118,115	19,124,371	(1,993,744)	−9.44
Hawaii	2,242,411	2,933,243	690,832	30.81
Idaho	2,242,411	2,835,184	592,773	26.43
Illinois	47,902,600	43,380,155	(4,522,445)	−9.44
Indiana	13,241,878	16,938,860	3,696,982	27.92
Iowa	3,928,902	5,139,301	1,210,399	30.81
Kansas	4,250,555	5,469,726	1,219,171	28.68
Kentucky	14,588,219	13,210,957	(1,377,262)	−9.44
Louisiana	18,661,916	16,900,060	(1,761,856)	−9.44
Maine	2,242,411	2,327,935	85,524	3.81
Maryland	13,267,797	12,015,195	(1,252,602)	−9.44
Massachusetts	11,268,949	14,740,638	3,471,689	30.81
Michigan	35,039,178	37,126,700	2,087,522	5.96
Minnesota	8,297,921	10,854,308	2,556,387	30.81
Mississippi	12,695,917	11,497,306	(1,198,611)	−9.44
Missouri	11,562,432	11,189,065	(373,367)	−3.23
Montana	2,257,550	2,256,341	(1,209)	−0.05
Nebraska	3,321,693	3,213,346	(108,347)	−3.26
Nevada	9,330,673	12,205,226	2,874,553	30.81
New Hampshire	2,242,411	2,933,243	690,832	30.81
New Jersey	21,923,354	24,956,081	3,032,727	13.83
New Mexico	9,451,630	8,559,309	(892,321)	−9.44
New York	56,675,887	56,398,671	(277,216)	−0.49
North Carolina	26,247,804	23,769,771	(2,478,033)	−9.44
North Dakota	2,242,411	2,256,341	13,930	0.62
Ohio	45,496,637	41,201,337	(4,295,300)	−9.44
Oklahoma	7,872,645	8,264,948	392,303	4.98
Oregon	10,563,715	10,931,465	367,750	3.48
Pennsylvania	34,144,371	42,231,894	8,087,523	23.69
Puerto Rico	28,606,753	25,906,013	(2,700,740)	−9.44
Rhode Island	3,097,016	3,383,527	286,511	9.25
South Carolina	10,700,304	9,690,097	(1,010,207)	−9.44
South Dakota	2,242,411	2,256,341	13,930	0.62
Tennessee	14,388,278	16,074,750	1,686,472	11.72
Texas	62,438,675	66,978,946	4,540,271	7.27
Utah	3,227,687	4,222,059	994,372	30.81
Vermont	2,242,411	2,256,341	13,930	0.62
Virginia	10,816,651	12,963,082	2,146,431	19.84
Washington	25,394,224	22,996,776	(2,397,448)	−9.44

TABLE A—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS—Continued

State	PY 2020	PY 2021	Difference	% Difference
West Virginia	7,298,882	6,609,801	(689,081)	−9.44
Wisconsin	9,204,676	12,040,412	2,835,736	30.81
Wyoming	2,242,411	2,256,341	13,930	0.62
State Total	896,964,379	902,536,349	5,571,970	0.62
American Samoa	240,385	241,930	1,545	0.64
Guam	815,939	821,183	5,244	0.64
Northern Marianas	445,798	448,662	2,864	0.64
Palau	75,000	75,000	0	0.00
Virgin Islands	670,909	675,221	4,312	0.64
Outlying Areas Total	2,248,031	2,261,996	13,965	0.62
Native Americans	13,693,590	13,778,655	85,065	0.62

TABLE B—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS

State	PY 2020	PY 2021	Difference	% Difference
Total	$854,474,000	$860,675,000	$6,201,000	0.73
Alabama	13,413,096	12,159,393	(1,253,703)	−9.35
Alaska	4,769,805	4,323,978	(445,827)	−9.35
Arizona	31,978,231	28,989,270	(2,988,961)	−9.35
Arkansas	6,015,408	6,260,965	245,557	4.08
California	129,604,863	120,643,129	(8,961,734)	−6.91
Colorado	7,246,878	9,489,310	2,242,432	30.94
Connecticut	8,882,785	8,052,523	(830,262)	−9.35
Delaware	2,130,845	2,485,077	354,232	16.62
District of Columbia	4,645,239	4,211,055	(434,184)	−9.35
Florida	42,259,570	45,250,678	2,991,108	7.08
Georgia	20,279,015	18,383,564	(1,895,451)	−9.35
Hawaii	2,130,845	2,790,201	659,356	30.94
Idaho	2,130,845	2,545,842	414,997	19.48
Illinois	45,085,051	40,871,014	(4,214,037)	−9.35
Indiana	12,047,106	15,591,116	3,544,010	29.42
Iowa	2,787,453	3,649,986	862,533	30.94
Kansas	3,579,254	4,646,637	1,067,383	29.82
Kentucky	14,497,419	13,142,365	(1,355,054)	−9.35
Louisiana	18,045,995	16,359,261	(1,686,734)	−9.35
Maine	2,130,845	2,217,611	86,766	4.07
Maryland	12,763,204	11,570,245	(1,192,959)	−9.35
Massachusetts	9,590,178	12,557,707	2,967,529	30.94
Michigan	32,197,079	34,262,349	2,065,270	6.41
Minnesota	6,959,779	9,113,373	2,153,594	30.94
Mississippi	12,175,423	11,037,403	(1,138,020)	−9.35
Missouri	10,764,013	10,388,598	(375,415)	−3.49
Montana	2,130,845	2,146,308	15,463	0.73
Nebraska	2,566,912	2,466,580	(100,332)	−3.91
Nevada	9,151,271	11,982,987	2,831,716	30.94
New Hampshire	2,130,845	2,790,201	659,356	30.94
New Jersey	21,544,204	24,557,671	3,013,467	13.99
New Mexico	9,150,968	8,295,640	(855,328)	−9.35
New York	55,298,700	55,327,748	29,048	0.05
North Carolina	24,910,558	23,044,630	(1,865,928)	−7.49
North Dakota	2,130,845	2,146,308	15,463	0.73
Ohio	42,414,320	38,449,912	(3,964,408)	−9.35
Oklahoma	7,454,637	7,841,676	387,039	5.19
Oregon	10,257,412	10,636,982	379,570	3.70
Pennsylvania	31,312,217	39,079,073	7,766,856	24.80
Puerto Rico	29,717,827	26,940,143	(2,777,684)	−9.35
Rhode Island	2,650,988	2,898,260	247,272	9.33
South Carolina	10,326,362	9,361,171	(965,191)	−9.35
South Dakota	2,130,845	2,146,308	15,463	0.73
Tennessee	13,981,585	15,690,266	1,708,681	12.22
Texas	59,070,478	63,486,775	4,416,297	7.48
Utah	2,515,483	3,293,860	778,377	30.94
Vermont	2,130,845	2,146,308	15,463	0.73

TABLE B—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS—Continued

State	PY 2020	PY 2021	Difference	% Difference
Virginia	10,081,312	12,066,044	1,984,732	19.69
Washington	23,947,398	21,709,068	(2,238,330)	−9.35
West Virginia	7,145,102	6,477,259	(667,843)	−9.35
Wisconsin	7,944,787	10,403,176	2,458,389	30.94
Wyoming	2,130,845	2,146,308	15,463	0.73
State Total	852,337,815	858,523,312	6,185,497	0.73
American Samoa	228,013	229,728	1,715	0.75
Guam	773,943	779,764	5,821	0.75
Northern Marianas	422,852	426,033	3,181	0.75
Palau	75,000	75,000	0	0.00
Virgin Islands	636,377	641,163	4,786	0.75
Outlying Areas Total	2,136,185	2,151,688	15,503	0.73

TABLE C—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS

State	PY 2020	PY 2021	Difference	% Difference
Total	$1,322,493,000	$1,339,473,000	$16,980,000	1.28
Alabama	17,387,399	15,759,598	(1,627,801)	−9.36
Alaska	8,421,655	7,633,223	(788,432)	−9.36
Arizona	39,830,842	36,101,896	(3,728,946)	−9.36
Arkansas	6,061,513	5,494,037	(567,476)	−9.36
California	142,073,567	149,720,406	7,646,839	5.38
Colorado	9,986,612	12,159,989	2,173,377	21.76
Connecticut	13,611,948	12,337,604	(1,274,344)	−9.36
Delaware	2,343,949	3,066,268	722,319	30.82
District of Columbia	11,110,338	10,070,193	(1,040,145)	−9.36
Florida	50,853,493	51,290,725	437,232	0.86
Georgia	36,871,224	33,419,357	(3,451,867)	−9.36
Hawaii	1,618,611	2,119,112	500,501	30.92
Idaho	1,962,590	2,028,089	65,499	3.34
Illinois	56,663,539	51,358,724	(5,304,815)	−9.36
Indiana	13,347,305	14,963,227	1,615,922	12.11
Iowa	4,077,392	4,937,575	860,183	21.10
Kansas	4,595,051	4,544,741	(50,310)	−1.09
Kentucky	16,051,059	14,548,366	(1,502,693)	−9.36
Louisiana	20,371,329	18,464,174	(1,907,155)	−9.36
Maine	2,562,857	2,322,923	(239,934)	−9.36
Maryland	15,019,525	13,613,404	(1,406,121)	−9.36
Massachusetts	15,428,753	20,199,573	4,770,820	30.92
Michigan	28,103,101	34,356,689	6,253,588	22.25
Minnesota	8,623,882	10,349,177	1,725,295	20.01
Mississippi	16,877,853	15,297,756	(1,580,097)	−9.36
Missouri	13,271,254	12,028,805	(1,242,449)	−9.36
Montana	1,589,906	1,753,248	163,342	10.27
Nebraska	2,430,569	2,203,020	(227,549)	−9.36
Nevada	13,341,178	15,074,356	1,733,178	12.99
New Hampshire	1,776,875	2,326,314	549,439	30.92
New Jersey	29,962,189	33,932,137	3,969,948	13.25
New Mexico	18,082,636	16,389,748	(1,692,888)	−9.36
New York	50,005,712	65,468,288	15,462,576	30.92
North Carolina	28,414,511	25,754,357	(2,660,154)	−9.36
North Dakota	827,550	864,826	37,276	4.50
Ohio	37,181,539	33,700,620	(3,480,919)	−9.36
Oklahoma	7,437,134	6,740,873	(696,261)	−9.36
Oregon	11,019,838	11,192,082	172,244	1.56
Pennsylvania	48,858,998	47,138,266	(1,720,732)	−3.52
Puerto Rico	76,202,126	69,068,117	(7,134,009)	−9.36
Rhode Island	3,806,076	3,900,287	94,211	2.48
South Carolina	14,268,943	12,933,091	(1,335,852)	−9.36
South Dakota	1,190,973	1,451,487	260,514	21.87
Tennessee	17,478,205	15,841,903	(1,636,302)	−9.36
Texas	59,820,885	65,619,333	5,798,448	9.69
Utah	4,261,672	3,862,696	(398,976)	−9.36
Vermont	843,187	1,103,914	260,727	30.92

TABLE C—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2021 ALLOTMENTS VS PY 2020 ALLOTMENTS—Continued

State	PY 2020	PY 2021	Difference	% Difference
Virginia	13,694,749	15,538,166	1,843,417	13.46
Washington	26,957,248	24,433,523	(2,523,725)	−9.36
West Virginia	12,852,260	11,649,037	(1,203,223)	−9.36
Wisconsin	11,212,132	11,939,631	727,499	6.49
Wyoming	1,069,268	1,104,049	34,781	3.25
State Total	1,051,713,000	1,059,169,000	7,456,000	0.71
American Samoa	352,902	357,527	4,625	1.31
Guam	1,197,853	1,213,551	15,698	1.31
Northern Marianas	654,460	663,037	8,577	1.31
Palau	116,080	116,723	643	0.55
Virgin Islands	984,938	997,845	12,907	1.31
Outlying Areas Total	3,306,233	3,348,683	42,450	1.28
National Reserve	267,473,767	276,955,317	9,481,550	3.54

TABLE D—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION EMPLOYMENT SERVICE (WAGNER-PEYSER) PY 2021 VS PY 2020 ALLOTMENTS

State	PY 2020	PY 2021	Difference	% Difference
Total	$668,052,000	$668,253,000	$201,000	0.03
Alabama	8,738,446	8,493,359	(245,087)	−2.80
Alaska	7,262,044	7,264,229	2,185	0.03
Arizona	14,853,978	14,480,622	(373,356)	−2.51
Arkansas	5,159,694	5,064,818	(94,876)	−1.84
California	77,981,894	79,341,643	1,359,749	1.74
Colorado	11,048,709	11,558,593	509,884	4.61
Connecticut	7,546,033	7,379,439	(166,594)	−2.21
Delaware	1,869,496	1,880,875	11,379	0.61
District of Columbia	1,957,284	1,931,319	(25,965)	−1.33
Florida	38,224,509	38,157,663	(66,846)	−0.17
Georgia	19,810,511	19,277,250	(533,261)	−2.69
Hawaii	2,337,828	2,868,272	530,444	22.69
Idaho	6,050,575	6,052,395	1,820	0.03
Illinois	26,795,752	26,407,178	(388,574)	−1.45
Indiana	12,606,524	12,527,754	(78,770)	−0.62
Iowa	6,039,407	5,955,328	(84,079)	−1.39
Kansas	5,473,903	5,419,149	(54,754)	−1.00
Kentucky	8,261,970	7,981,844	(280,126)	−3.39
Louisiana	8,923,122	8,709,267	(213,855)	−2.40
Maine	3,598,220	3,599,303	1,083	0.03
Maryland	12,493,848	12,238,257	(255,591)	−2.05
Massachusetts	13,843,578	15,027,451	1,183,873	8.55
Michigan	19,905,550	19,947,034	41,484	0.21
Minnesota	11,396,826	11,205,122	(191,704)	−1.68
Mississippi	5,563,013	5,359,095	(203,918)	−3.67
Missouri	11,734,062	11,443,768	(290,294)	−2.47
Montana	4,944,560	4,946,048	1,488	0.03
Nebraska	4,966,813	4,784,749	(182,064)	−3.67
Nevada	6,071,412	6,916,575	845,163	13.92
New Hampshire	2,621,526	2,708,149	86,623	3.30
New Jersey	18,145,531	18,576,861	431,330	2.38
New Mexico	5,548,668	5,550,337	1,669	0.03
New York	38,073,537	38,617,826	544,289	1.43
North Carolina	19,795,653	19,324,850	(470,803)	−2.38
North Dakota	5,035,043	5,036,558	1,515	0.03
Ohio	23,265,564	22,991,322	(274,242)	−1.18
Oklahoma	7,003,623	6,882,777	(120,846)	−1.73
Oregon	8,221,924	8,184,234	(37,690)	−0.46
Pennsylvania	25,924,310	25,873,748	(50,562)	−0.20
Puerto Rico	6,422,165	6,186,754	(235,411)	−3.67
Rhode Island	2,277,052	2,265,237	(11,815)	−0.52
South Carolina	8,979,979	8,856,996	(122,983)	−1.37
South Dakota	4,653,537	4,654,937	1,400	0.03
Tennessee	12,323,307	12,452,163	128,856	1.05
Texas	52,616,735	52,704,570	87,835	0.17

TABLE D—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION EMPLOYMENT SERVICE (WAGNER-PEYSER) PY 2021 VS PY 2020 ALLOTMENTS—Continued

State	PY 2020	PY 2021	Difference	% Difference
Utah	5,837,153	5,726,955	(110,198)	−1.89
Vermont	2,179,981	2,180,637	656	0.03
Virginia	15,677,914	15,557,121	(120,793)	−0.77
Washington	15,891,995	15,710,820	(181,175)	−1.14
West Virginia	5,326,432	5,328,035	1,603	0.03
Wisconsin	11,531,892	11,423,220	(108,672)	−0.94
Wyoming	3,610,440	3,611,526	1,086	0.03
State Total	666,423,522	666,624,032	200,510	0.03
Guam	312,597	312,691	94	0.03
Virgin Islands	1,315,881	1,316,277	396	0.03
Outlying Areas Total	1,628,478	1,628,968	490	0.03

TABLE E—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WORKFORCE INFORMATION GRANTS TO STATES PY 2021 VS PY 2020 ALLOTMENTS

State	PY 2020	PY 2021	Difference	% Difference
Total	$32,000,000	$31,950,000	($50,000)	−0.16
Alabama	505,028	506,353	1,325	0.26
Alaska	285,803	284,363	(1,440)	−0.50
Arizona	655,740	662,635	6,895	1.05
Arkansas	403,034	402,420	(614)	−0.15
California	2,510,120	2,481,342	(28,778)	−1.15
Colorado	610,933	612,512	1,579	0.26
Connecticut	467,544	465,877	(1,667)	−0.36
Delaware	301,515	301,540	25	0.01
District of Columbia	292,370	291,923	(447)	−0.15
Florida	1,451,110	1,433,659	(17,451)	−1.20
Georgia	839,565	835,600	(3,965)	−0.47
Hawaii	322,394	320,532	(1,862)	−0.58
Idaho	346,492	349,266	2,774	0.80
Illinois	999,994	988,047	(11,947)	−1.19
Indiana	639,931	637,407	(2,524)	−0.39
Iowa	444,844	443,566	(1,278)	−0.29
Kansas	417,466	419,747	2,281	0.55
Kentucky	485,412	481,407	(4,005)	−0.83
Louisiana	488,811	487,139	(1,672)	−0.34
Maine	325,566	324,729	(837)	−0.26
Maryland	620,310	622,290	1,980	0.32
Massachusetts	691,549	679,820	(11,729)	−1.70
Michigan	820,200	816,629	(3,571)	−0.44
Minnesota	605,649	607,863	2,214	0.37
Mississippi	393,383	391,019	(2,364)	−0.60
Missouri	601,906	604,947	3,041	0.51
Montana	306,629	306,992	363	0.12
Nebraska	365,116	366,802	1,686	0.46
Nevada	423,009	422,026	(983)	−0.23
New Hampshire	334,281	332,835	(1,446)	−0.43
New Jersey	763,266	776,244	12,978	1.70
New Mexico	356,282	354,602	(1,680)	−0.47
New York	1,358,016	1,347,196	(10,820)	−0.80
North Carolina	834,449	825,655	(8,794)	−1.05
North Dakota	291,832	291,668	(164)	−0.06
Ohio	920,499	920,322	(177)	−0.02
Oklahoma	458,826	458,591	(235)	−0.05
Oregon	491,128	490,768	(360)	−0.07
Pennsylvania	998,348	1,003,087	4,739	0.47
Puerto Rico	370,188	366,973	(3,215)	−0.87
Rhode Island	309,298	309,099	(199)	−0.06
South Carolina	519,836	526,505	6,669	1.28
South Dakota	298,948	299,083	135	0.05
Tennessee	631,278	632,761	1,483	0.23
Texas	1,875,706	1,882,605	6,899	0.37
Utah	430,227	435,134	4,907	1.14
Vermont	285,048	284,079	(969)	−0.34
Virginia	754,617	758,607	3,990	0.53

TABLE E—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WORKFORCE INFORMATION GRANTS TO STATES PY 2021 VS PY 2020 ALLOTMENTS—Continued

State	PY 2020	PY 2021	Difference	% Difference
Washington	696,101	706,823	10,722	1.54
West Virginia	336,997	337,023	26	0.01
Wisconsin	608,159	606,266	(1,893)	−0.31
Wyoming	278,447	278,942	495	0.18
State Total	31,823,200	31,773,320	(49,880)	−0.16
Guam	93,090	93,023	(67)	−0.07
Virgin Islands	83,710	83,657	(53)	−0.06
Outlying Areas Total	176,800	176,680	(120)	−0.07

Suzan G. LeVine,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–08725 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data Users Advisory Committee will meet on Thursday, May 20, 2021. In light of the travel restrictions and social distancing requirements resulting from the COVID–19 outbreak, this meeting will be held virtually.

The Committee provides advice to the Bureau of Labor Statistics from the points of view of data users from various sectors of the U.S. economy, including the labor, business, research, academic, and government communities, on technical matters related to the collection, analysis, dissemination, and use of the Bureau's statistics, on its published reports, and on the broader aspects of its overall mission and function.

The schedule and agenda for the meeting are as follows:

12:00 p.m. Commissioner's welcome and review of agency developments
12:30 p.m. Updating the Contingent Worker Supplement to the Current Population Survey
1:30 p.m. Break
1:40 p.m. Exploring new approaches to customer outreach and feedback
3:20 p.m. Concluding remarks
3:30 p.m. Conclusion

The meeting is open to the public. Anyone planning to attend the meeting should contact Lisa Fieldhouse, Data Users Advisory Committee, at *fieldhouse.lisa@bls.gov.* Any questions about the meeting should be addressed to Ms. Fieldhouse. Individuals who require special accommodations should contact Ms. Fieldhouse at least two days prior to the meeting date.

Signed at Washington, DC, this 20th day of April 2021.

Eric Molina,

Acting Chief, Division of Management Systems.

[FR Doc. 2021–08721 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0047]

Bloodborne Pathogens Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; correction.

SUMMARY: The Occupational Safety and Health Administration (OSHA) published a document in the **Federal Register** on April 15, 2021, soliciting public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Bloodborne Pathogens Standard. The document contained an incorrect docket number. This notice corrects the docket number.

DATES: This correction is effective April 27, 2021.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

Correction:

In the **Federal Register** of April 15, 2021 (86 FR 19904–19905), correct the Docket Number as described below.

1. On page 19904, in the second column, in the third line of the heading section, change the Docket Number to read:

[Docket No. OSHA–2010–0047]

* * * * *

2. On page 19904, in the third column, in the paragraph titled ''Instructions,'' change the Docket Number to read:

[Docket No. OSHA–2010–0047]

* * * * *

3. On page 19905, in the second column, in the first paragraph under ''IV. Public Participation—Submission of Comments on This Notice and internet Access to Comments and Submissions,'' change the Docket Number to read:

[Docket No. OSHA–2010–0047]

* * * * *

Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 19, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08722 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0194]

Cotton Dust Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Cotton Dust Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by June 28, 2021.

ADDRESSES:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2011–0194). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of a continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining said information (29 U.S.C. 657).

The information collection requirements specified in the Cotton Dust Standard protects workers from the adverse health effects that may result from their exposure to cotton dust. The major information collection requirements of the Cotton Dust Standard include: Performing exposure monitoring, including initial, periodic, and additional monitoring; notifying each worker of their exposure monitoring results either in writing or by posting; implementing a written compliance program; and establishing a respiratory protection program in accordance with OSHA's Respiratory Protection Standard (29 CFR part 1910.134).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The agency is requesting a decrease in the current burden hours from 9,532 to 9,177, a total decrease of 355 hours. The decrease was due to a decrease in the number of exposed employees from 4,957 to 4,543. In addition, there was a $518 decrease in the overall cost of medical exams ($1,340,992 to $1,340,474), as a result of a decrease in the number of medical exams.

The agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Standard.

Type of Review: Extension of a currently approved collection.

Title: Cotton Dust Standard (29 CFR 1910.1043).

OMB Control Number: 1218–0061.

Affected Public: Business or other for-profits.

Number of Respondents: 4,543.

Frequency of Responses: On occasion.

Estimated Number of Responses: 24,369.

Average Time per Response: Varies.

Estimated Total Burden Hours: 9,177 hours.

Estimated Cost (Operation and Maintenance): $1,340,474.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. *Please note:* While OSHA's Docket Office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0194). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket

Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 19, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08724 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0063]

Slings Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in Slings Standard. The collection of information (paperwork) provisions of the Standard specify affixing identification tags or markings to slings, developing and maintaining inspection records, and retaining proof-testing certificates.

DATES: Comments must be submitted (postmarked, sent, or received) by June 28, 2021.

ADDRESSES: *Electronically:* You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2011–0063). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION, CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Slings Standard (29 CFR 1910.184) specifies several paperwork requirements, depending on the type of sling (paragraph (e) of the Standard covers alloy steel chain slings; paragraph (f) covers wire rope slings; paragraph (g) covers metal mesh slings; paragraph (h) covers natural and synthetic fiber-rope slings; and paragraph (i) covers synthetic web slings).

The purpose of each of these requirements is to prevent workers from using defective or deteriorated slings, thereby reducing their risk of death or serious injury caused by sling failure during material handling. The information on the identification tags, markings, and coding's assist the employer in determining whether the sling can be used for lifting. The sling inspections enable early detection of faulty slings. The inspection and repair records provide employers with the date of the last inspection and the type of repairs made. This information provides assurance about the condition of the slings. These records also provide the most efficient means for an OSHA compliance officer to determine that an employer is complying with the Standard. Proof-testing certificates give employers, workers, and OSHA compliance officers assurance that the slings are safe to use.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the

agency's functions, including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is proposing to increase the existing burden hours estimate specified by the Standard from 26,673 to 31,398.23 a difference of 4,725.23 hours. This increase in burden hours is a result of an adjustment in the number of slings (from 1,525,000 to 1,847,854). The agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Slings (29 CFR part 1910.184).

OMB Control Number: 1218–0223.

Affected Public: Business or other for-profits.

Number of Respondents: 1,847,854.

Frequency of Responses: On occasion.

Total Responses: 381,582.

Average Time per Response: Varies.

Estimated Total Burden Hours: 31,398.23.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. *Please note:* While OSHA's Docket Office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0063). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify electronic comments by your name, date, and the docket number so that the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 19, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08723 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0190]

Shipyard Employment Standards; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend OMB approval of the information collection requirements contained in the Shipyard Employment Standards. The purpose of the collection of information (paperwork) provisions of the Standards is to reduce workers' risk of death or serious injury by ensuring that equipment has been tested and is in safe operating condition.

DATES: Comments must be submitted (postmarked, sent, or received) by June 28, 2021.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2011–0190) for the Information Collection Request (ICR). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of a continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection

requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining said information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce employees' risk of death or serious injury by ensuring that equipment has been tested and is in safe operating condition.

Manila rope and manila-rope slings (paragraph 1915.112(a)(1))—The employer must ensure that manila rope and manila-rope slings have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

Wire rope and wire-rope slings (paragraph 1915.112(b)(1)(i))—The employer must ensure that wire rope and wire-rope slings have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

Chain and chain slings (paragraph 1915.112(c)(1)(i))—The employer must ensure that chain and chain slings have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

Chain and chain slings (paragraph 1915.112(c)(2))—The employer shall visually inspect all sling chains, including end fastenings, before being used on the job, as well as every three months. The inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch. Each chain shall bear an indication of the month in which it was thoroughly inspected.

Shackles (paragraph 1915.113(a)(1))—The employer must ensure that shackles have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load.

Test Records for Hooks (paragraph 1915.113(b)(1))—This paragraph requires that the manufacturer's recommendations be followed in determining the safe working loads of the various sizes and types of hooks. If the manufacturer's recommendations are not available, the hook must be tested to twice the intended safe working load before it is initially put into use. The employer must maintain and keep readily available a certification record which includes the date of such test, the signature of the person who performed the test, and an identifier for the hook which was tested.

The records are used to assure that equipment has been properly tested. The records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

Mobile Crawler or Truck Cranes Used on a Vessel (paragraph 1915.115(c))—This paragraph requires that the maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator.

Examination and Test Records for Unfired Pressure Vessels (paragraphs 1915.172(b) and (d))—Paragraph (b) requires that portable, unfired pressure vessels not built to the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963 be examined *quarterly* by a competent person and subjected to a *yearly* hydrostatic pressure test. A certification record of such examinations and tests shall be maintained as specified by paragraph (d).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an adjustment decrease in the existing burden hour estimates for the collection of information requirements specified by the Standards from 11,813 hours to 10,610 hours, a total difference of 1,203 hours. This decrease is due to a change in the number of establishments. In this ICR, the scope of the maritime standards in 29 CFR 1915 for slings, shackles, and hooks are based on the Final Economic Analysis for the Final Rule revising subpart F of 29 CFR part 1915 prepared by OSHA's Office of Regulatory Analysis. As a result of the Final Rule, the revision of the standard applies to all shipyard employment which is defined in § 1915.4(i) as ship repairing, shipbuilding, shipbreaking, and related employment. Also, upon further analysis, the agency identified two new collections of information contained in the Standard under paragraphs §§ 1915.112(c)(2) and 1915.115(c)(1). The agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Shipyard Employment Standards (29 CFR part 1915).

OMB Number: 1218–0220.

Affected Public: Business or other for-profits; Not-for-profit organizations; Federal Government; State, Local, or Tribal Government.

Number of Respondents: 4,726.

Frequency of Response: On occasion.

Average Time per Response: Various.

Estimated Total Burden Hours: 10,522.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. Please note: While OSHA's Docket Office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0190). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number, so the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 19, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08777 Filed 4–26–21; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2022 Basic Field Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications for approval to make subgrants of 2022 Basic Field Grant funds.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of 2022 Basic Field Grant funds. LSC is also providing information about where applicants may locate subgrant application questions and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement at *lacchinim@lsc.gov* or (202) 295–1506 or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on LSC's website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for the Basic Field Grant program. Only current or prospective recipients of LSC Basic Field Grants may apply for approval to subgrant these funds.

Applications for approval to make subgrants of calendar year 2022 Basic Field Grant funds will be available by May 3, 2021. Applications must be submitted through GrantEase in conjunction with a grantee's application(s) for 2022 Basic Field Grant funding. 45 CFR 1627.4(b)(1). The deadline for application submissions is July 2, 2021 by 5:00 p.m. E.D.T.

All applicants must provide answers to the application questions in GrantEase and upload the following documents:

- A draft subgrant agreement (with the required terms provided in LSC's Subgrant Agreement Template); and
- A subgrant budget (using LSC's Subgrant Budget Template)

Applicants seeking to subgrant to a new subrecipient that is not a current LSC grantee, or to renew a subgrant with an organization that is not a current LSC grantee in a year in which the applicant is required to submit a full funding application, must also upload:

- The subrecipient's accounting manual;
- The subrecipient's most recent audited financial statements;
- The subrecipient's current cost allocation policy (if not in the accounting manual);
- The subrecipient's 45 CFR 1627.5(c) recordkeeping policy (if not in the accounting manual)

A list of subgrant application questions, the Subgrant Agreement Template, and the Subgrant Budget Template are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the submitted documents or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through GrantEase by the date requested.

As required by 45 CFR 1627.4(b)(1)(ii), LSC will inform applicants of its decision to disapprove or approve the subgrant no later than the date LSC informs applicants of LSC's 2022 Basic Field Grant funding decisions.

Dated: April 21, 2021.

Stefanie Davis,

Senior Assistant General Counsel.

[FR Doc. 2021–08705 Filed 4–26–21; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (21–025)]

Notice of Intent To Grant a Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant a partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Patent Application Number 16/104,824 entitled ''Cryogenic Flux Capacitor for Solid-State Storage and On-Demand Supply of Fluid Commodities,'' NASA Case Number KSC–14075, to NOVAdev, having its principal place of business in Huntington Beach, California. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless NASA receives written objections, including evidence and argument no later than May 12, 2021 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than May 12, 2021 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Mark Homer, Patent Counsel, Office of the General Counsel, NASA Kennedy Space Center, Mail Code CC, Kennedy Space Center, Florida 32899. Email: *ksc-patent-counsel@mail.ksc.nasa.gov.* Telephone: 321–867–2076; Facsimile: 321–867–1817.

FOR FURTHER INFORMATION CONTACT: Jonathan Leahy, Patent Attorney, Office of the General Counsel, NASA Kennedy Space Center, Mail Code CC, Kennedy Space Center, Florida 32899. Telephone: 321–867–6553; Facsimile: 321–867–1817.

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive patent license will comply with the requirements of 35 U.S.C. 209 and 37 CFR. 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2021–08668 Filed 4–26–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: LIGO Annual Review of Operations for the Division of Physics (1208).

Date and Time: June 15–16, 2021; 10:30 a.m.–5:30 p.m. each day.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 | Virtual.

Type of Meeting: Part-Open.

Contact Person: Mark Coles, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue, Room 9219, Alexandria, VA 22314; Telephone: (703) 292–4432.

Purpose of Meeting: Virtual site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

Agenda (all times Eastern Daylight Time [EDT]): *NSF will provide the Zoom coordinates for each meeting:*

June 15 (Tuesday)

10:30 a.m.–11:00 a.m. Executive Session (Closed)
11:00 a.m.–5:00 p.m. Presentations by LIGO (with breaks)
5:00 p.m.–5:30 p.m. Executive Session (Closed)

June 16 (Wednesday)

10:30 a.m.–11:00 a.m. Executive Session (Closed)
11:00 a.m.–3:00 p.m. Homework reporting, presentations, breakouts, with breaks
3:00 p.m.–4:30 p.m. Executive Session (Closed)
4:30 p.m.–5:30 p.m. Closeout report by panel

Reason for Closing: The work being reviewed during closed portions of the virtual site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 22, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–08753 Filed 4–26–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received and permit issued.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8224; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation (NSF), as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR part 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection.

NSF issued a permit (ACA 2021–002) to Megan Cimino on August 12, 2020. The issued permit allows the permit holder and agents to enter Antarctic Specially Protected Areas (ASPAs), as well as engage in research activities that would result in Take, Harmful

Interference, and Import into the USA. The permit holder and agents may conduct activities associated with long-term studies of seabird ecology including diets, breeding success, growth rates, survival, recruitment, behavior, population trends, foraging success, and seasonal dispersal as detailed in the attached permit application. Study species include Adelie, Chinstrap, and Gentoo Penguins; Brown and South Polar Skua; Southern Giant Petrel; Blue-eyed Shag; Kelp Gull; and Snowy Sheathbill. Specimens from these and other species may be salvaged from birds that have died of natural causes.

Now the permit holder proposes a permit modification to deploy three time-lapse cameras, two on Torgersen Island and one on Humble Island (Restricted Zones within ASMA 7, Southwest Anvers Island and Palmer Basin), to monitor Adelie penguin occupation patterns in relation to the Palmer Station pier construction. The two islands of interest are where Adélie penguin foraging behavior, diet, and phenology have been routinely studied and are the largest Adélie colonies near Palmer Station. The equipment would consist of a small camera attached to a steel pole with a square base that is anchored under rocks. The cameras would be deployed at the end of May 2021 by permit agents (if there are any delays, the cameras would be installed during October 2021). The equipment would be hand carried in pieces to the sites of interest and assembled in the field. The cameras would remain in place for at least two years to obtain information during the pier construction and the year after construction. The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

Dates of permitted activities: April 21, 2021 to September 30, 2023.

The permit modification was issued on April 21, 2021.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2021–08665 Filed 4–26–21; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91625; File No. SR–Phlx–2021–22]

Self-Regulatory Organizations; Nasdaq PHLX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Options 7

April 21, 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 April 13, 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 the Exchange's Pricing Schedule at Options 7, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Options 7. First, the Exchange proposes to amend the routing fees to Nasdaq BX Options (''BX''), which are set forth in Options 7, Section 7. Second, the Exchange proposes a non-substantive change in Options 7, Section 4 to add rule text that will make clear applicable pricing.

BX Routing Fees

Options 7, Section 7 sets forth the fees for routing contracts to markets other than Phlx. The Exchange proposes to amend the BX Routing Fee.

Currently, Non-Customers[3] are assessed a $0.99 per contract Routing Fee to any options exchange. Customers[4] are currently assessed a Routing Fee to The Nasdaq Options Market (''NOM'') of $0.13 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. Customers are also currently assessed a Routing Fee to BX of $0.13 per contract. In addition, as it relates to all other options exchanges, Customers are currently assessed a Routing Fee of $0.23 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a rebate, the Routing Fee is $0.13 per contract. Finally, the Exchange currently pays a credit (equal to the applicable Fixed Fee plus $0.01 per contract)[5] to a member organization that qualifies for a Tier 2, 3, 4, or 5 rebate in the Customer Rebate Program in Section B of the Pricing Schedule, and routes away more than 5,000 Customer contracts per day in a given month to an away market.

The Exchange now proposes to amend the BX Routing Fee to include the actual transaction fee assessed in addition to the ''Fixed Fee'' of $0.13 per contract. The proposed changes will align BX's Routing Fee with the current NOM Routing Fee.

The Exchange is proposing to recoup the actual transaction fee (in addition to the Fixed Fee) that is incurred by the Exchange in connection with routing orders, on behalf of its member organizations, to BX. Previously, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Non-Customer'' applies to transactions for the accounts of Lead Market Makers, Market Makers, Firms, Professionals, Broker-Dealers and JBOs.

[4] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)).

[5] If the away market transaction fee is $0.00 or the away market pays a rebate, then the Exchange provides the member organization with a credit equal to the applicable Fixed Fee only. Member and member organizations under Common Ownership may aggregate their Customer volume routed away for purposes of calculating discount thresholds and receiving discounted routing fees.

Exchange retained the rebates paid by BX to recover the costs associated with providing its routing services, did not assess the actual transaction fees charged by BX for Customer orders, and only assessed such orders the $0.13 per contract Fixed Fee. This is because when orders are routed to BX, such orders are considered as removing liquidity on BX, and BX previously assessed rebates to Customer orders for removing liquidity. In particular, prior to the Recent Rule Change,[6] Customer orders executed on BX received Penny Symbol Rebates to Remove Liquidity when trading against a Non-Customer, Lead Market Maker, BX Options Market Maker, Customer or Firm that ranged from $0.00 to $0.35 per contract,[7] depending on the volume tier achieved. Customers also previously received Non-Penny Rebates to Remove Liquidity of $0.80 per contract, regardless of tier and contra-party. As part of the Recent Rule Change, the aforementioned rebates were removed from the BX Pricing Schedule and replaced with a maker/taker fee structure where market participants are assessed a rebate or fee for adding liquidity to the market, or charged a fee for removing liquidity from the market.[8]

With this recent change in the structure of BX's Pricing Schedule, the Exchange proposes to align the Routing Fees to BX with the current Routing Fees to NOM. With this proposal, the Exchange will no longer retain rebates paid by BX as BX no longer provides rebates for Customer orders removing liquidity on BX and instead charges a taker fee for such orders. The Exchange will continue to assess the $0.13 per contract Fixed Fee for routing Customer orders to BX, and will propose to also charge the actual transaction fee assessed by BX.

Finally, the Exchange will continue to provide the routing credit described above to orders that are routed away to BX if the member organization qualifies for a Tier 2, 3, 4 or 5 rebate in the Customer Rebate Program in Section B of the Pricing Schedule, and routes away more than 5,000 Customer contracts per day in a given month. The routing credit will equal the $0.13 per contract Fixed Fee plus $0.01 per contract, unless the away market transaction fee is $0.00 or the away market pays a rebate, in which case the member organization will be entitled to receive a credit equal to the $0.13 per contract Fixed Fee. Accordingly, the application of the routing credit for BX under this proposal will continue to remain the same as today. For example, if Phlx routes a Customer order in a Non-Penny Symbol for execution on BX, Phlx would charge the member organization for the Customer order the $0.13 per contract Fixed Fee plus the $0.65 per contract taker fee, which is the actual transaction fee assessed by BX today for Customer orders taking liquidity, for a total of $0.78 per contract. Further, if the Phlx member organization meets the qualifications for the routing credit (*i.e.,* qualifies for a Tier 2, 3, 4 or 5 rebate in the Customer Rebate Program, and routes away more than 5,000 Customer contracts per day in a given month), Phlx would provide the member organization a routing credit of $0.14 per contract (*i.e.,* the $0.13 Fixed Fee plus $0.01 per contract) instead of charging the $0.78 per contract Routing Fee for the Customer order.

Technical Amendment

The Exchange proposes a non-substantive, technical amendment to Options 7, Section 4, currently titled ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).'' The Exchange now proposes to add a parenthetical that makes clear that SPY pricing is excluded from Section 4 pricing as it is set forth separately in Options 7, Section 3.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] 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.

The Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [11]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange's proposal to amend the BX Customer Routing Fee within Options 7, Section 7 to start charging the actual transaction fee assessed by BX in addition to the current $0.13 per contract Fixed Fee is reasonable. As a general matter, the Exchange notes that

[6] *See* Securities Exchange Act Release No. 91473 (April 5, 2021), 86 FR 18562 (April 9, 2021) (SR–BX–2021–009) (''Recent Rule Change'').

[7] Participants that execute less than 0.05% of total industry customer equity and ETF option ADV contracts per month would receive no Penny Symbol Rebate to Remove Liquidity in Tier 1. Participants that execute 0.05% to less than 0.15% of total industry customer equity and ETF option ADV contracts per month would receive a $0.25 per contract Penny Symbol Rebate to Remove Liquidity in Tier 2. Participants that execute 0.15% or more of total industry customer equity and ETF option ADV contracts per month would receive a $0.35 per contract Penny Symbol Rebate to Remove Liquidity in Tier 3.

[8] *See* note 6 above.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[12] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

use of the Exchange's routing services is completely voluntary. In the alternative, member organizations may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[13] Furthermore, the Exchange operates in a highly competitive market in which market participants can readily select between various providers of routing services with different pricing. In this instance, proposing to assess the actual transaction fee, in addition to the current Fixed Fee of $0.13 per contract, is reasonable in light of the Recent Rule Change described above where BX no longer provides rebates to Customer orders that are routed to and executed on BX, and instead charges them a taker fee.[14] As proposed, the Exchange would recoup the actual transaction cost it incurs when routing Customer orders to BX in lieu of collecting any rebate paid by BX. Today, the Exchange similarly assesses orders routed to NOM a Fixed Fee of $0.13 per contract plus the actual transaction fee. As such, the proposal would align the BX Routing Fee with the NOM Routing Fee. The Exchange's proposal to amend the BX Customer Routing Fee within Options 7, Section 7 is equitable and not unfairly discriminatory because the Exchange would uniformly assess the same transaction fee assessed by BX for the Customer order routed to BX plus the current Fixed Fee of $0.13 per contract.

Lastly, the Exchange believes that its proposal to add the parenthetical to the Options 7, Section 4 header to exclude SPY from Section 4 pricing is reasonable, equitable, and not unfairly discriminatory. The proposed rule change is a non-substantive, technical amendment that will make clear that SPY pricing is set forth separately in the Pricing Schedule.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the Exchange is proposing to charge Customer orders that are routed to BX the actual transaction fee assessed by BX in addition to the current Fixed Fee of $0.13 per contract in light of the fee changes under the Recent Rule Change described above where BX no longer provides rebates to Customer orders that are routed to and executed on BX, and instead charges them a taker fee.[15] The proposed changes reflect the need to recover the Exchange's costs associated with providing its routing services. Furthermore, as noted above, the use of the Exchange's routing services is completely voluntary and optional, and the Exchange operates in a highly competitive market in which market participants can readily select between various providers of routing services with different pricing. As such, it is likely that the Exchange will lose market share as a result of the changes proposed herein if they are unattractive to market participants.

The Exchange also does not believe its proposal will impose an undue burden on intra-market competition. As discussed above, the Exchange would uniformly assess the same transaction fee assessed by BX for the Customer order routed to BX plus a Fixed Fee of $0.13 per contract. Under this proposal, Non-Customer orders would continue to be assessed the $0.99 per contract routing fee and not be assessed the actual BX transaction fee. The Exchange does not believe its pricing proposal will place any market participant at a relative disadvantage compared to other market participants because the proposed routing fee for Customer orders will actually narrow the difference between the routing fees assessed to Customer and Non-Customer orders routed to BX, as illustrated in the example above.

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[16] and paragraph (f) of Rule 19b–4 thereunder.[17]

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–Phlx–2021–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2021–22. 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

[13] *See* Options 5, Section 4(a)(iii)(A).

[14] *See* note 6 above.

[15] *See* note 6 above.

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 240.19b–4(f)(2).

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–Phlx–2021–22 and should be submitted on or before May 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–08673 Filed 4–26–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No 270–600, OMB Control No. 3235–0656]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17g–7

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g-7 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).[1] The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–7 contains disclosure requirements for Nationally Recognized Statistical Rating Organizations (''NRSROs'') including certain information to be published when taking a rating action with respect to a credit rating. Currently, there are 9 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g–7 is 626,262.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Dave Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 22, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–08728 Filed 4–26–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No 270–645, OMB Control No. 3235–0693]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17g–8 & 9

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g–8 and 17g–9 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).[1] The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–8 contains certain requirements for Nationally Recognized Statistical Rating Organizations (''NRSROs'') to have policies and procedures with respect to the procedures and methodologies the NRSRO uses to determine credit ratings, with respect to the symbols, numbers, or scores it uses to denote credit ratings, to address instances in which a look-back review determines that a conflict of interest influenced a credit rating, and to consider certain prescribed factors for an effective internal structure. Rule 17g–9 contains requirements for NRSROs to ensure that any person employed by an NRSRO to determine credit ratings meets standards necessary to produce accurate ratings. Currently, there are 9 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g–8 is 1,305 hours and to comply with Rule 17g–9 is 22,504 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Dave Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

[18] 17 CFR 200.30–3(a)(12).

[1] *See* 17 CFR 240.17g–1 and 17 CFR 249b.300.

[1] *See* 17 CFR 240.17g–1 and 17 CFR 249b.300.

Dated: April 22, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–08729 Filed 4–26–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91626; File No. SR–NYSE–2021–22]

Self-Regulatory Organizations; New York Stock Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

April 21, 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 April 1, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) lower the new firm and the annual trading license fees and (2) introduce the NYSE Membership On-Ramp Program, which offers discounted membership fees, port fees and market data fees for up to 18 months for new member organizations. The Exchange proposes to implement the fee changes effective April 1, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to (1) lower the new firm and the annual trading license fees and (2) introduce the NYSE Membership On-Ramp Program (the ''Program''), which offers discounted membership fees, port fees and market data fees for up to 18 months for new member organizations.

The purpose of this filing is to encourage smaller, retail-oriented market participants that are not currently NYSE member organizations to become member organizations by discounting certain fixed costs associated with NYSE membership.

The Exchange proposes to implement the fee changes effective April 1, 2021.

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] 31 alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 12%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

Proposed Rule Change

The Exchange proposes to modify, and discount certain fixed costs related to Exchange membership in order to incentivize smaller, retail-oriented market participants to consider NYSE membership. Specifically, as discussed more fully below, the Exchange proposes to lower the new firm fee for all member organizations and charge the annual trading license fee in 12 monthly installments, which will slightly reduce the current fees. In addition, the Exchange proposes to introduce a new NYSE Membership On-Ramp Program (the ''Program'') that offers significant discounts for up to 18 months on membership fees, port fees and market data fees for new member organizations, subject to specific restrictions.

Reduction of New Firm Fee

The Exchange currently charges a New Firm Fee ranging from $2,500 to $20,000, depending on the type of firm, which is charged per application for any broker-dealer that applies to be approved as a member organization. The Exchange proposes to lower the New Firm Fees as follows:

- The fee for carrying firms would be reduced from the current $20,000 to $4,000;
- The fee for introducing firms would be reduced from the current $7,500 to $4,000; and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

• The fee for non-public organizations would be reduced from the current $2,500 to $2,000.

The proposed reductions of the New Firm Fee would be available to all applicants seeking approval as a new member organization, including carrying firms, introducing firms, or non-public organizations, which would be seeking to obtain an equities trading license at the Exchange. The most significant fee reduction would be for carrying firms, which is designed to incentivize Exchange membership, and in particular incentivize smaller, retail-oriented firms to become Exchange member organizations.

In conjunction with the discounts the Exchange proposes to introduce through the Program, discussed below, the Exchange believes that the proposed fee changes would provide increased incentives for equity trading firms that are not currently Exchange member organizations to apply for Exchange membership. The Exchange believes that having more member organizations trading on the Exchange would benefit investors through the additional display of liquidity and increased execution opportunities on the Exchange. In addition, the Exchange believes that incentivizing smaller broker-dealers to become member organizations could increase the amount of retail order flow sent to a public exchange, thereby encouraging greater participation and liquidity.

Annual Fee Billed Monthly

Currently, for all member organizations, including Floor brokers with more than ten trading licenses but excluding Regulated Only Members,[9] the Exchange charges $50,000 for the first license held by the member organization unless one of the other rates is deemed applicable. For member organizations with 3–9 trading licenses, the Exchange charges $35,000 for the first license held by a member organization that has Floor broker executions accounting for 40% or more of the member organization's combined adding and taking volumes during the billing month. For Floor brokers with 1–2 trading licenses, the Exchange charges a fee of $25,000 for the first license held by a member organization that has Floor broker executions accounting for 40% or more of the member organization's combined adding and taking volumes during the billing month. Finally, Regulated Only Members are charged an Annual Administrative Fee of $25,000. These fees can be prorated monthly as set forth in footnote 15 of the Price List.

The Exchange proposes to charge trading license fees on a monthly basis. Dividing the current annual fees into 12 equal amounts results in a $20 reduction per fee for the first two categories of member organizations and a $40 reduction for the remaining two categories of member organizations, as follows:

• The current $50,000 annual fee for the first license held by the member organization would become a $4,165 fee per month for the first trading license held by a member organization unless one of the other rates is deemed applicable, which translates into a $49,980 annual fee.

• The current $35,000 annual fee for the first trading license held by a member organization that has Floor broker executions accounting for 40% or more of the member organization's combined adding and taking volumes during the billing month would become a $2,915 fee per month, which translates into a $34,980 annual fee.

• The current $25,000 for the first trading license held by a member organization that has Floor broker executions accounting for 40% or more of the member organization's combined adding and taking volumes during the billing month would become a $2,080 fee per month, which translates into a $24,960 annual fee.

• Finally, the current $25,000 administrative fee for Regulated Only Members would be charged as a $2,080 per month fee, which translates into a $24,960 annual fee.

In addition, the Exchange proposes conforming changes to footnote 15 of the Price List. First, the Exchange proposes to delete the second sentence of the footnote that provides that the indicated annual trading license fee will be prorated on a monthly basis for the portion of the calendar year during which the trading license will be outstanding. Such a provision would be moot when fees are charged monthly, and footnote 15 already provides the applicable charges for trading licenses that are in place for 10 calendar days or less in a calendar month as well as 11 calendar days or more in a calendar month. Second, the Exchange would delete ''annual'' before trading license in the fifth sentence of footnote 15.

NYSE Membership On-Ramp Program

The Exchange currently charges member organizations certain fixed costs related to Exchange membership, including the trading license fees described above, port fees, and fees for market data products, which are filed with the Commission and set forth on a separate Fee Schedule.[10] Effective April 1, 2021, the Exchange proposes to discount these fees for new member organizations during the first 18 months following approval as a new member organization to make Exchange membership easier for a greater number market participants.

Eligibility and Restrictions

To be eligible, a new member organization may not have been, within the prior 18 months, approved as an NYSE member organization with an activated trading license. Eligibility for discounts begins in the month that a new membership application is approved. A new member organization is only eligible to enroll in the Program once. A new member organization that is an ''affiliate'' of an existing member organization, defined in the General section at the end of the Price List as any member organization under 75% common ownership or control of that member organization, is ineligible to participate in the Program. In addition, as proposed, Regulated Only Members would be ineligible to participate in the Program but could become eligible as of the month the Regulated Only Membership is converted into a full membership. Regulated Only Members are eligible to convert to a full membership at any time.

The proposed monthly trading license fees described above based on a member organization's number of trading licenses would be eligible for the Program's proposed discounts during the 18-month period.

Further, the NYSE offers the following Market Data products to new member organizations on a voluntary, subscription basis: the NYSE Integrated Feed, NYSE Best Quote and Trades (BQT) BQT Feed, NYSE Order Imbalances Feed, NYSE BBO, NYSE Trades, NYSE Openbook Ultra and NYSE Openbook Aggregated (''Market Data Product''). Each market data product allows a vendor to redistribute certain data elements included in the data feed on a real-time basis. For each product, the Exchange charges associated fees set forth on the Market Data Fee Schedule.[11] The Exchange is not proposing any changes to the NYSE Proprietary Market Data Fee Schedule or the fees described therein.

The Market Data Fees that would be eligible for the Program are the Access

[9] *See* Rule 2(b)(ii) (a Regulated Only Member is a registered broker or dealer which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate).

[10] The NYSE Proprietary Market Data Fee Schedule is available at *https://www.nyse.com/publicdocs/nyse/data/NYSE_Market_Data_Fee_Schedule.pdf* (''Market Data Fee Schedule'').

[11] *See* note 10, *supra.*

Fees (general and Per User, if applicable), Professional User Fees (internal use only), Non-Professional User fee (for external use, including Enterprise Fees), Non-Display Fees, Redistribution Fee, and Multiple Data Feed Fee (''Eligible Market Data Fees'') for the market data products specified on the Market Data Fee Schedule. The Program's discounts are not available to a member organization subject to the Digital Media Enterprise Fee or the Professional User Fees for data externally distributed to professional subscribers. A firm that was a subscriber to any of the Eligible Market Data Fees within the prior 18 months before becoming approved as a new member organization is ineligible for Program's Market Data fee discounts. Program discounts cannot be combined with any other discounts applicable to Eligible Market Data Fees. For example, the Exchange offers a one-month free trial to any firm that subscribes to a particular NYSE proprietary real time market data product for the first time. As proposed, this discount could not be combined with Program discounts to extend Phase 1 by one month.

Finally, the Program would be available for fees charged for the first 10 ports that provide connectivity to the Exchange's trading systems (*i.e.,* ports for entry of orders and/or quotes (''order/quote entry ports'')). The Exchange charges $550 per order/quote entry port per month. Designated Market Makers (''DMMs'') are not charged for the first 12 order/quote entry ports per month that connect to the Exchange. The Exchange also currently makes ports available for drop copies and charges $550 per port per month, except that DMMs are not charged for drop copy ports that connect to the Exchange. The Program would also be available for fees charged for a member organization's first 10 drop copy ports.[12]

Because DMMs are not charged for first dozen order/quote entry ports and are not charged at all for drop copy ports, new member organizations that are DMMs would not be eligible for the discount for either order/quote entry ports or drop copy ports.

The proposed discounts would be phased out over a period of 18 months. Specifically, during Phase 1 (months 1–6) following approval of a new membership application, the applicable discount for Eligible Market Data Fees, trading license fees, and port fees would be 100% for each eligible product. During Phase 2 (months 7–12), the amount of the discount would become 50%. Finally, during Phase 3 (months 13–18), the amount of the discount will be 25%. The Program would terminate at the end of Phase 3 (18 months), and the discounted fees will be charged to that member organization at the regular rate set forth in the Price List or Market Data Fee Schedule, as applicable, from that point forward.

For example, assume new member organization A approved in May 2021 signs up for 20 order/quote entry ports. Currently, member organization A would be charged $550 per port, for a total of $11,000 per month. Under the Program, member organization A's first 10 ports would be free for the first 6 months, and the firm would only be charged for 10 ports at $550, for a total of $5,500 per month. In months 7 to 12, member organization A's first 10 ports would be billed at a 50% discount, or $275 per port per month, for a total of $2,750 per month. In the final 6 months of the Program, member organization A's first 10 ports would be billed at a 25% discount, or $412.50 per port per month, for a total of $4,125 per month.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market where market participants can and do move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Moreover, in the current competitive market environment, market participants also have a choice of where to become members.

In light of this, the Exchange believes that it is reasonable to lower the new firm and trading license fee for all member organizations and offer discounted membership fees, port fees and market data fees for up to 18 months for new member organizations in order to provide an incentive for smaller broker-dealers to apply for Exchange membership and a trading license. The Exchange believes that providing an incentive for broker-dealers that are not currently Exchange member organizations to apply for membership would encourage market participants to become members of the Exchange and bring additional liquidity to a public market. In addition, the Exchange believes that the proposal could result in additional retail liquidity to a public exchange, to the benefit of all market participants. The Exchange believes creating incentives and opportunities for new members on the Exchange protects investors and the public interest by increasing the competition and liquidity on a transparent public market.

The Proposal is an Equitable Allocation of Fees

The Exchange believes the proposal constitutes an equitable allocation of fees because the proposed change would be offered to all market participants that wish to trade at the Exchange and all new member organizations, all of whom would continue to be subject to the same fee structure and access to the Exchange's market would continue to be offered on fair and nondiscriminatory terms.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor Exchange membership and the Exchange's pricing if they believe that alternatives offer them better value.

The proposal is not unfairly discriminatory because it neither targets nor uniquely impacts any particular category of market participant. The proposed lower member fees, monthly trading license fees and discounted access to Exchange services for up to 18 months does not permit unfair discrimination because the proposed changes would apply to all similarly situated member organizations, who would all benefit from the lower and discounted fees on an equal basis. The Exchange does not believe that excluding new DMM member organizations from the port fees discounts under the Program is unfairly discriminatory because DMM firms are not currently charged for drop copy

[12] Only one fee per drop copy port applies, even if receiving drop copies from multiple order/quote entry ports.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) & (5).

ports or the first 12 order/quote entry ports.

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

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would increase competition by reducing the cost of operating as an Exchange member organization, which the Exchange believes will enhance market quality through the submission of additional retail liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [16]

Intramarket Competition. The proposed changes are designed to attract additional member organizations and order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to become Exchange member organizations and direct order flow, especially retail order flow, to the Exchange. Greater liquidity benefits all market participants on the Exchange by encouraging market participants to become Exchange member organizations and send orders to the Exchange, thereby providing more trading opportunities and contributing to robust levels of liquidity on the Exchange, which benefits all market participants. The proposed lower fees and discounts would be available to all similarly situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [17] of the Act and subparagraph (f)(2) of Rule 19b–4 [18] 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) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–22 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–2021–22. 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–2021–22 and should be submitted on or before May 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

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[15] 15 U.S.C. 78f(b)(8).

[16] Regulation NMS, 70 FR at 37498–99.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91619; File No. SR–NASDAQ–2021–020]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Credits at Equity 7, Section 118(a)

April 21, 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 April 12, 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 amend the Exchange's transaction credits at Equity 7, Section 118(a), as described further below.

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.

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 the Exchange's schedule of credits, at Equity 7, Section 118(a). Specifically, the Exchange proposes to (1) eliminate an existing credit of $0.0030 per share for members that meet specified volume requirements on both Nasdaq and the Nasdaq Options Market (''NOM'') when adding liquidity; and (2) amend an existing credit of $0.0030 per share for members that meet specified volume requirements on Nasdaq when adding liquidity and that qualify for Tier 4 of the MARS program on NOM.

Eliminate Existing Credit for Adding Liquidity on Nasdaq and NOM

First, the Exchange proposes to eliminate an existing credit for securities in all three Tapes that it provides (other than Supplemental Orders or Designated Retail Orders) to members that meet a specified volume threshold on Nasdaq for displayed quotes/orders that add liquidity, and that also meet a specified volume threshold on NOM when adding liquidity. Specifically, it provides that a member will receive a credit of $0.0030 per share executed if the member (1) adds liquidity through one or more of its Nasdaq Market Center MPIDs during the month that, in all securities, represents at least 0.12% of Consolidated Volume [3] during the month, and (2) adds Customer,[4] Professional,[5] Firm,[6] Non-NOM Market Maker,[7] and/or Broker-Dealer [8] liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.15% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day during the month on the Nasdaq Options Market.

This credit has not been effective in accomplishing its intended purpose, which is to incent members to increase their liquidity adding activity on both Nasdaq and NOM. The Exchange has observed that historically, few members have received this credit, only one member currently qualifies for it, and it has served to neither meaningfully increase activity on the Exchange or NOM nor improve the quality of those markets. The Exchange therefore proposes to eliminate it.

Amended Credit for Adding Liquidity on Nasdaq and Qualifying for MARS Tier 4

The second change will raise a qualification requirement for an existing credit in securities in all Tapes that applies to members that meet certain Consolidated Volume thresholds on Nasdaq and which qualify for a certain tier status in the NOM Market Access and Routing subsidy or ''MARS'' program. Under the MARS program, NOM pays a subsidy to NOM Participants that provide certain order routing functionalities to other NOM Participants and/or that use such functionalities themselves.[9] The MARS program provides different tiers of rebates or ''MARS Payments'' to Participants that qualify for the program. The specified MARS Payment is paid on all executed Eligible Contracts that add liquidity, which are routed to NOM through a participating NOM Participant's System and meet the requisite Eligible Contracts ADV.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Equity 7, Section 118(a) defines ''Consolidated Volume'' to mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity the date of the annual reconstitution of the Russell Investments Indexes is excluded from both total Consolidated Volume and the member's trading activity.

[4] The term ''Customer'' applies to any transaction that is identified by a participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional,'' as defined in Option 7, Section 1.

[5] A ''Professional'' is defined in Options 1, Section 1(a)(47) as ''any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).''

[6] The term ''Firm'' or (''F'') applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

[7] The term ''Non-NOM Market Maker'' or (''O'') is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

[8] The term ''Broker-Dealer'' or (''B'') applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[9] *See* Securities Exchange Act Release No. 79251 (November 7, 2016), 81 FR 79536 (November 14, 2016) (SR–NASDAQ–2016–149).

[10] To qualify for the program, the Participant's routing system (''System'') is required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including NOM; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with NOM's API to access current NOM match engine functionality. Further, the Participant's System must also cause NOM to be the one of the top three default destination exchanges for (a) individually executed marketable orders if NOM is at the national best bid or offer (''NBBO''), regardless of size or time or (b) orders that establish a new NBBO on NOM's Order Book, but allow any user to manually override NOM as a default destination on an order-by-order basis. Any NOM Participant would be permitted to avail itself of this arrangement, provided that its order routing functionality incorporates the features described above and satisfies NOM that it appears to be robust and reliable. The Participant remains solely responsible for implementing and operating its System. *See* Options 7, Section 2. To qualify for a MARS Payment tier, a NOM Participant that has

Continued

Specifically, the Exchange currently provides a $0.0030 per share executed credit for a member with displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide more than 0.50% of Consolidated Volume on Nasdaq, if the member also qualifies for Tier 4 of NOM's MARS program during the month. To qualify for the Tier 4 MARS Payment, a Participant must have routed at least 20,000 Eligible Contracts daily in a month that are executed and that added liquidity.

The Exchange proposes to amend this credit by raising, from 0.50% to 0.65%, the threshold percentage of Consolidated Volume that must consist of liquidity provided on Nasdaq to qualify for the credit. The purpose of this change is to incentivize members that currently qualify for this credit to further increase the extent of their liquidity providing activity on Nasdaq to continue to qualify for it. Periodically, the Exchange re-calibrates the qualifying criteria for its pricing tiers to keep pace with changes in member activity and to ensure that the criteria remain appropriately challenging for members to satisfy. In this instance, the Exchange concluded that the existing criteria were ripe for upward adjustment insofar as members have satisfied them comfortably for some time.

2. Statutory Basis

The Exchange believes that its proposals are consistent with Section 6(b) of the Act,[11] in general, and further the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposals are also consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

The Proposals Are Reasonable

The Exchange's proposals are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .'' [13]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [14]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. Within the foregoing context, the proposals represent reasonable attempts by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes that it is reasonable to eliminate its existing $0.0030 per share executed credit for a member that (1) adds liquidity on Nasdaq that represents at least 0.12% of Consolidated Volume during the month; and (2) adds liquidity on NOM of 1.15% or more of total industry ADV in the customer clearing range per day during the month. As discussed above, the Exchange has observed that historically, few members have received this credit, and that only one member currently qualifies for it. The credit has served to neither meaningfully increase activity on the Exchange or NOM nor improve the quality of those markets. Under these circumstances, the Exchange believes it is reasonable to eliminate the credit and reallocate its limited resources to more effective incentive programs.

The Exchange also believes that it is reasonable to raise the qualification criteria for the $0.0030 per share executed credit for a member that (i) provides liquidity on Nasdaq representing more than 0.50% of Consolidated Volume; and (ii) qualifies for Tier 4 of the NOM MARS program. Periodically, the Exchange re-calibrates the qualifying criteria for its pricing tiers to keep pace with changes in member activity and to ensure that the criteria remain appropriately challenging for members to satisfy. In this instance, the Exchange concluded that it would be reasonable to raise the criteria to qualify for this credit insofar as members have satisfied the volume threshold comfortably for some time. The proposed change will incent members that currently qualify for this credit to further increase their liquidity providing activity on Nasdaq to continue to receive it.

The Exchange notes that those market participants that are dissatisfied with the proposals are free to shift their order flow to competing venues that offer more generous pricing or less stringent qualifying criteria.

The Proposals Are Equitable Allocations of Credits

The Exchange believes its proposals will allocate its charges and credits fairly among its market participants.

The Exchange believes that is an equitable allocation to eliminate its existing $0.0030 per share executed credit for a member that (1) adds liquidity on Nasdaq that represents at least 0.12% of Consolidated Volume during the month; and (2) adds liquidity on NOM of 1.15% or more of total industry ADV in the customer clearing

System Eligibility, as described above, must have routed the requisite number of Eligible Contracts daily in a month (''Average Daily Volume''), which were executed on NOM. For the purpose of qualifying for the MARS Payment, Eligible Contracts may include Firm, Non-NOM Market Maker, Broker-Dealer, or Joint Back Office or ''JBO'' equity option orders that add liquidity and are electronically delivered and executed. Eligible Contracts do not include Mini Option orders. *Id.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[14] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

range per day during the month. As discussed above, the Exchange has observed that historically, few members have received this credit, and only one currently does so. The credit has served to neither meaningfully increase activity on the Exchange or NOM nor improve the quality of those markets. Under these circumstances, the Exchange believes it is equitable to eliminate the credit and reallocate its limited resources to more effective incentive programs.

The Exchange also believes that it is an equitable allocation increase the volume requirements for the $0.0030 per share executed credit for a member that (i) provides liquidity on Nasdaq representing more than 0.50% of Consolidated Volume; and (ii) qualifies for Tier 4 of the NOM MARS program. Specifically, it is equitable for the Exchange to re-calibrate the qualifying criteria for its pricing tiers, from time to time, to keep pace with changes in member activity and to ensure that the criteria remain appropriately challenging for members to satisfy. In this instance, the proposed change will incent members that currently qualify for this credit to further increase their liquidity providing activity on Nasdaq to continue to receive it. To the extent that the proposed change succeeds in further increasing liquidity on the Exchange, then the Exchange will experience improvements in its market quality, which stands to benefit all market participants.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

The Proposals Are Not Unfairly Discriminatory

The Exchange believes that its proposals are not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

The proposal to eliminate one of the Exchange's transaction credits is not unfairly discriminatory because only one member qualifies for the credit, such that its elimination is fair and will have limited impact. The Exchange has limited resources with which to apply to incentives, and it must allocate those limited resources in a manner that prioritizes areas of greatest need and potential effect.

The Exchange believes that its proposal to raise the qualifying Consolidated Volume criteria for one of its transaction credits is not unfairly discriminatory because this credit is available to all members. Moreover, the proposal will incentivize members that currently qualify for the credit to increase the extent of their liquidity adding activity on the Exchange to continue to qualify for it. To the extent that the proposal succeeds in this objective, then the resulting increase in liquidity stands to improve the overall market quality of the Exchange, to the benefit of all market participants.

Any participant that is dissatisfied with the proposals is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage.

The proposed elimination of one of the Exchange's existing transaction credits will have minimal competitive effect insofar as the credit is utilized currently by only one member. The Exchange notes that it offers other means to attain similar credit tiers.

Meanwhile, the proposed increase to the qualifying criteria for another one of its transaction credits will have market-improving effects, to the benefit of all members. Any member may elect to achieve the levels of liquidity required in order to qualify for the amended credit.

The Exchange notes that its members are free to trade on other venues to the extent they believe that the proposed qualification criteria for these credits are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. The Exchange notes that its pricing tier structure is consistent with broker-dealer fee practices as well as the other industries, as described above.

Intermarket Competition

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed amended credits are reflective of this competition because, even as one of the largest U.S. equities exchanges by volume, the Exchange has less than 20% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises upwards of 50% of industry volume.

The Exchange's proposals are pro-competitive in that the Exchange intends for them to increase liquidity on the Exchange, thereby rendering the Exchange a more attractive and vibrant venue to market participants.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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.[15]

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–2021–020 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–2021–020. 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–2021–020 and should be submitted on or before May 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–08672 Filed 4–26–21; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No 270–581, OMB Control No. 3235–0649]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 17g–5.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g-5 (17 CFR 240.17g-5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17g-5 requires the disclosure of and establishment of procedures to manage certain NRSRO conflicts of interest, prohibits certain other NRSRO conflicts of interest, and contains requirements regarding the disclosure of information in the case of the conflict of interest of an NRSRO issuing or maintaining a credit rating on an asset-backed security that was paid for by the issuer, sponsor, or underwriter of the security. The Commission estimates that the total annual burden for respondents to comply with Rule 17g-5 is 262,185 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Dave Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 22. 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–08730 Filed 4–26–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16925 and #16926; TENNESSEE Disaster Number TN–00127]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for

the State of Tennessee (FEMA–4594–DR), dated 04/21/2021.

Incident: Severe Winter Storms.

Incident Period: 02/11/2021 through 02/19/2021.

DATES: Issued on 04/21/2021.

Physical Loan Application Deadline Date: 06/21/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 01/21/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/21/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Bedford, Cannon, Coffee, DeKalb, Fentress, Jackson, Moore, Overton, Pickett, Putnam, Scott, Shelby, Smith.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 16925 7 and for economic injury is 16926 0.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–08748 Filed 4–26–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11414]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "The New Woman Behind the Camera" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''The New Woman Behind the Camera'' at The Metropolitan Museum of Art, New York, New York, at the National Gallery of Art, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–08719 Filed 4–26–21; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1306X]

Blue Ridge Southern Railroad, L.L.C.—Abandonment Exemption—in Henderson and Transylvania Counties, NC

Blue Ridge Southern Railroad, L.L.C. (BRS), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon an approximately 19.1-mile rail line between milepost 0.7 (approximately 0.1 miles northeast of the Main Street grade crossing) at Hendersonville in Henderson County, and milepost 19.8 (at the end of track approximately 0.2 miles west of Lamb Creek) at Pisgah Forest near Brevard, in Transylvania County, N.C. (the Line).[1] The Line traverses U.S. Postal Service Zip Codes 28793, 28739, 28791, 28729, 28768, and 28712.

BRS has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic that cannot be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (notice of environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[2] the exemption will be effective on May 27, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3]

[1] BRS was authorized to acquire the Line in *Blue Ridge Southern Railroad—Acquisition Exemption—Norfolk Southern Railway,* FD 35820 (STB served July 11, 2014). *See also Watco Holdings, Inc.—Continuance in Control Exemption—Blue Ridge S. R.R.,* FD 35821 (STB served July 11, 2014).

[2] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5

Continued

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 7, 2021.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 17, 2021.

All pleadings, referring to Docket No. AB 1306X, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on BRS's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 800, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

BRS has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by April 30, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BRS shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by BRS's filing of a notice of consummation by April 27, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov*.

Decided: April 21, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2021–08741 Filed 4–26–21; 8:45 am]

BILLING CODE 4915–01–P

I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land Use Assurance; Rogue Valley International-Medford Airport, Medford, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Notice is being given that the FAA is considering a proposal from the County of Jackson Airport Director to change certain portions of the airport from aeronautical use to non-aeronautical use at Rogue Valley International-Medford Airport, Medford, Oregon. The proposal consists of portions of certain parcels on the northeast and southeast parts of the airfield.

DATES: Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Emailed comments can be provided to Ms. Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, *mandi.lesauis@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Brienza, Airport Director, County of 1000 Terminal Loop Parkway, Medford, OR 97504; or Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, 2200 S 216 St., Des Moines, WA 98198, *mandi.lesauis@faa.gov,* (206) 231–4140. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: Under the provisions of Title 49, U.S.C. 47153(c), and 47107(h)(2), the FAA is considering a proposal from the Airport Director, County of Jackson, to change a portion of the Rogue Valley International-Medford Airport from aeronautical use to non-aeronautical use. The proposal consists of Area 2, on the east side of the airport (0.8 acres of Parcel 51, 0.62 acres of Parcel 52 and 0.5 acres of Parcel 53) and Area 3, on the west side of the airport (0.65 acres of Parcel 31, 0.34 acres of Parcel 32, 0.75 acres of Parcel 33, 0.9 acres of Parcel 34 and 0.8 acres of Parcel 35).

The partial parcels do not have airfield access. The proposed property will be developed for commercial purposes. The FAA concurs that the parcels are no longer needed for aeronautical purposes. The proposed use of this property is compatible with other airport operations in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in **Federal Register** on February 16, 1999.

Issued in Des Moines, Washington, on April 21, 2021.

Warren D. Ferrell,

Acting Manager, Seattle Airports District Office.

[FR Doc. 2021–08667 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2018–1087]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Operation of Small Unmanned Aircraft Systems Over People

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval for a new information collection. The collection involves operators and owners of small unmanned aircraft systems (UAS) issued an airworthiness certificate under Part 21, and mandates that these entities must retain records of all maintenance performed on their aircraft and records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the aircraft. These records are used to validate that aircraft are maintained in a manner that ensures the reliability associated with having an airworthiness certificate and that the operations-over-people privileges afforded to category 4 operations continue to be appropriate. The owner or operator may keep these records electronically or by paper.

DATES: Written comments should be submitted by May 27, 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: Jeff Bergson by email at: *jeffrey.bergson@faa.gov;* phone: (816) 329–4163.

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0775.

Title: Operation of Small Unmanned Aircraft Systems over People.

Form Numbers: N/A.

Type of Review: New.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 26, 2021 (86 FR 7167). On January 15, 2021, the FAA published the final rule Operation of Small Unmanned Aircraft Systems over People (RIN 2120–AK85; Docket No. FAA–2018–1087). In that rule, the FAA is requiring that owners and operators of small UAS issued an airworthiness certificate under part 21 retain records of all maintenance performed on their aircraft and records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the aircraft. The records must be kept for the time specified in § 107.140, and they must be available to the FAA and law enforcement personnel upon request. The owner may keep these records electronically or on paper.

Respondents: The FAA estimates that an average of two owners per year will be subject to this recordkeeping requirement. The FAA further estimates that each of those owners operates a fleet of 100 UAS.

Frequency: On occasion.

Estimated Average Burden per Response: The FAA estimates that creation and retention of these records would require 30 minutes per UAS.

Estimated Total Annual Burden: 100 hours per year, based on an estimate of 2 owners per year, each owning 100 UAS and spending 30 minutes per UAS.

Issued in Washington, DC, on April 21, 2021.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2021–08676 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2000–7137]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 20, 2021, San Diego Trolley Incorporated (SDTI) submitted a second supplemental petition to the Federal Railroad Administration (FRA) for additional relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238, Passenger Equipment Safety Standards. The relevant FRA Docket Number is FRA–2000–7137.

Specifically, SDTI seeks relief from 49 CFR part 238 in its entirety. SDTI states that it currently complies with California Public Utilities Commission General Order 164—Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems, which are alternative regulations that cover substantially the same scope as 49 CFR part 238.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 11, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *http://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–08734 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0180]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 7, 2021, the Denton County Transit Authority (DCTA) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 229, Railroad Locomotive Safety Standards; 231, Railroad Safety Appliance Standards; 238, Passenger Equipment Safety Standards; and 239, Passenger Train Emergency Preparedness. The relevant FRA Docket Number is FRA–2010–0180.

Specifically, DCTA is requesting an extension of its existing relief from the following regulations:

- 49 CFR 229.31, *Main reservoir tests;* 229.47, *Emergency brake valve;* 229.51, *Aluminum main reservoirs;* 229.71, *Clearance above top of rail;* 229.135, *Event recorders;* and Appendix D, Criteria for Certification of Crashworthy Event Recorder Memory Module;

- 49 CFR 231.14, *Passenger-train cars without end platforms;*
- 49 CFR 238.115, *Emergency lighting;* 238.121, *Emergency communication;* 238.223, *Locomotive fuel tanks;* 238.305, *Interior calendar day mechanical inspection of passenger cars;* 238.309, *Periodic brake equipment maintenance;* and Appendix D, Requirements for External Fuel Tanks on Tier I Locomotives; and
- 49 CFR 239.101, *Emergency preparedness plan.*

DCTA requests this extension of relief to continue operation of its Stadler diesel multiple-unit vehicles, which were constructed to meet European safety standards for crashworthiness and related safety measures.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 11, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–08735 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0042]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 1, 2021, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA–2021–0042.

Specifically, UPRR requests relief from 49 CFR 232.203, *Training requirements,* to allow its Class I Brake Test Simulation proficiency demonstration as a method to satisfy the required ''hands-on'' training component of periodic refresher training. UPRR states that its blended brake system training curriculum exceeds the training objectives of the regulation and is designed to increase user proficiency.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 11, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2021–08737 Filed 4–26–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements: Information Collection Renewal; Submission for OMB Review; Debt Cancellation Contracts and Debt Suspension Agreements

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently

valid Office of Management and Budget (OMB) control number.

Currently, the OCC is soliciting comment concerning the renewal of an information collection titled ''Debt Cancellation Contracts and Debt Suspension Agreements.'' The OCC also is giving notice that it has submitted the collection to OMB for review.

DATES: You should submit written comments by: May 27, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0224, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0224'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by the following method:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0224'' or ''Debt Cancellation Contracts and Debt Suspension Agreements.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection of information described in this notice.

Title: Debt Cancellation Contracts and Debt Suspension Agreements.

OMB Control No.: 1557–0224.

Description: Twelve U.S.C. 24(Seventh) authorizes a national bank (bank) to enter into Debt Cancellation Contracts (DCCs) and Debt Suspension Agreements (DSAs). 12 CFR part 37 requires banks to disclose information about a DCC or DSA using either a short or long form disclosure. The short form disclosure usually is made orally and issued at the time a bank first solicits the purchase of a contract. The long form disclosure usually is made in writing and issued before the customer completes the purchase of the contract. There are special rules for transactions by telephone, solicitations using written mail inserts or ''take one'' applications, and electronic transactions. Part 37 provides two model forms of disclosure for satisfying the requirements of the rule. Use of the forms is not mandatory, and the regulation permits a bank to adjust the form and wording of its disclosures so long as it meets the applicable requirements. The requirements of part 37 enhance consumer protections for customers who purchase DCCs and DSAs from banks and ensure that banks offer these products in a safe and sound manner by requiring them to effectively manage their risk exposure.

Section 37.6

Section 37.6 requires the disclosures to be readily understandable and meaningful. The content of the short and long form may vary, depending on whether a bank elects to provide a summary of the conditions and exclusions in the long form disclosures or refer the customer to the pertinent paragraphs in the contract. For example, the short form disclosure requires a bank to instruct the customer to read carefully both the long form disclosures and the contract for a full explanation of the contract terms, while the long form gives a bank the option of either: (i) Summarizing the limitations; or (ii) advising the customer that a complete explanation of the eligibility requirements, conditions, and exclusions is available in the contract and identifying the paragraphs where the customer may find that information.

Section 37.6 and appendices A and B to part 37 require a bank to provide the following disclosures (summarized below), as appropriate:

- Anti-tying (short and long form)—A bank must inform the customer that purchase of the product is optional and that neither the bank's decision whether to approve the loan nor the terms and conditions of the loan are conditioned on the purchase of a DCC or DSA.
- Explanation of debt suspension agreement (long form)—A bank must disclose that if a customer activates the agreement, the customer's duty to pay the loan principal and interest is only suspended and the customer must fully repay the loan after the period of suspension has expired.
- Amount of the fee (long form)—A bank must make disclosures regarding the amount of the fee. The content of the disclosure depends on whether the credit is open-end or closed-end. In the case of closed-end credit, the bank must disclose the total fee. In the case of open-end credit, the bank must either: (i) Disclose that the periodic fee is based on the account balance multiplied by a unit cost and provide the unit cost; or (ii) disclose the formula used to compute the fee.
- Lump sum payment of fee (short and long form)—A bank must disclose, where appropriate, that a customer has the option to pay the fee in a single payment or in periodic payments and that adding the fee to the amount borrowed will increase the cost of the contract. This disclosure is not appropriate in the case of a DCC or DSA provided in connection with a home mortgage loan where the option to pay

[1] On February 27, 2021, the OCC published a 60-day notice for this information collection, 86 FR 9994.

the fee in a single payment is not available.

• Lump sum payment of fee with no refund (short and long form)—A bank must disclose that the customer has the option to choose a contract with or without a refund provision. This disclosure must also state that the prices of refund and no-refund products are likely to differ.

• Refund of fee paid in lump sum (short and long form)—If a bank permits a customer to pay the fee in a single payment and add the fee to the amount borrowed, the bank must disclose its cancellation policy. The disclosure informs the customer of the bank's refund policy, as applicable, *i.e.,* that the DCC or DSA may be: (i) Cancelled at any time for a refund; (ii) cancelled within a specified number of days for a full refund; or (iii) cancelled at any time with no refund.

• Whether use of a card or credit line is restricted (long form)—A bank must inform a customer if the customer's activation of the contract would prohibit the customer from incurring additional charges on the credit card or using the credit line.

• Termination of a DCC or DSA (long form)—If termination is permitted during the life of the loan, a bank must include an explanation of the circumstances under which a customer or the bank may terminate the contract.

• Additional disclosures (short form)—A bank must inform customers that it will provide additional information before the customer is required to pay for the product.

• Eligibility requirements, conditions, and exclusions (short and long form)—A bank must describe any material limitations relating to the DCC or DSA.

Section 37.7

Section 37.7 requires a bank to obtain a customer's written affirmative election to purchase a contract and written acknowledgment of receipt of the disclosures required by § 37.6. The section further provides that the election and acknowledgment must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. Pursuant to § 37.7(b), if the sale of the contract occurs by telephone, the customer's affirmative election to purchase and acknowledgment of receipt of the required short form may be made orally, provided the bank: (i) Maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the contract; (ii) mails the affirmative written election and written acknowledgment, together with the long form disclosures required by § 37.6, to the customer within 3 business days after the telephone solicitation and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and (iii) permits the customer to cancel the purchase of the contract without penalty within 30 days after the bank has mailed the long form disclosures to the customer.

Pursuant to § 37.7(c), if the DCC or DSA is solicited through written materials such as mail inserts or ''take one'' applications and the bank provides only the short form disclosures in the written materials, then the bank shall mail the acknowledgment, together with the long form disclosures, to the customer. The bank may not obligate the customer to pay for the contract until after the bank has received the customer's written acknowledgment of receipt of disclosures, unless the bank takes certain steps, maintains certain documentation, and permits the customer to cancel the purchase within 30 days after mailing the long form disclosures to the customer. Section 37.7(d) permits the customer's affirmative election and acknowledgment to be made electronically.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Number of Respondents: 1,098.

Total Annual Burden Hours: 26,352 hours.

The OCC published a notice for 60 days of comment concerning this collection, 86 FR 9994. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021–08679 Filed 4–26–21; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Renewable Electricity Production, Refined Coal Production, and Indian Coal Production, and Publication of Inflation Adjustment Factors and Reference Prices for Calendar Year 2021

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of publication.

SUMMARY: The 2021 inflation adjustment factors and reference prices are used in determining the availability of the credit for renewable electricity production, refined coal production, and Indian coal production under section 45.

FOR FURTHER INFORMATION CONTACT: Charles Hyde, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, (202) 317–6853 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The 2021 inflation adjustment factors and reference prices apply to calendar year 2021 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources, and to 2021 sales of refined coal and Indian coal produced in the United States or a possession thereof.

Inflation Adjustment Factors: The inflation adjustment factor for calendar year 2021 for qualified energy resources and refined coal is 1.6878. The inflation adjustment factor for calendar year 2021 for Indian coal is 1.2998.

Reference Prices: The reference price for calendar year 2021 for facilities producing electricity from wind is 3.59 cents per kilowatt hour. The reference prices for fuel used as feedstock within the meaning of section 45(c)(7)(A) (relating to refined coal production) are $31.90 per ton for calendar year 2002 and $45.64 per ton for calendar year 2021. The reference prices for facilities producing electricity from closed-loop biomass, open-loop biomass, geothermal energy, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy have not been determined for calendar year 2021.

Phaseout Calculation: Because the 2021 reference price for electricity produced from wind (3.59 cents per kilowatt hour) does not exceed 8 cents multiplied by the inflation adjustment factor (1.6878), the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2021. Because the 2021 reference price of fuel used as feedstock for refined coal ($45.64) does not exceed $91.53 (which is the $31.90 reference price of such fuel in 2002 multiplied by the inflation adjustment factor (1.6878) and 1.7), the phaseout of the credit provided in section 45(e)(8)(B) does not apply to refined coal sold during calendar year 2021. Further, for electricity produced from closed-loop biomass, open-loop biomass, geothermal energy, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy, the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2021.

Credit Amount by Qualified Energy Resource and Facility, Refined Coal, and Indian Coal: As required by section 45(b)(2), the 1.5 cent amount in section 45(a)(1) and the $4.375 amount in section 45(e)(8)(A) are each adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount is rounded to the nearest multiple of 0.1 cent. In the case of electricity produced in open-loop biomass facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities, section 45(b)(4)(A) requires the amount in effect under section 45(a)(1) (before rounding to the nearest 0.1 cent) to be reduced by one-half. Under the calculation required by section 45(b)(2), the credit for renewable electricity production for calendar year 2021 under section 45(a) is 2.5 cents per kilowatt hour on the sale of electricity produced from the qualified energy resources of wind, closed-loop biomass, and geothermal energy, and 1.3 cents per kilowatt hour on the sale of electricity produced in open-loop biomass facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities. Under the calculation required by section 45(b)(2), the credit for refined coal production for calendar year 2021 under section 45(e)(8)(A) is $7.384 per ton on the sale of qualified refined coal. As required by section 45(e)(10)(B)(ii), the $2.00 amount in section 45(e)(10)(B)(i) is adjusted by multiplying such amount by the inflation adjustment factor for the calendar year. Under the calculation required by section 45(e)(10)(B)(ii), the credit for Indian coal production for calendar year 2021 under section 45(e)(10)(B) is $2.600 per ton on the sale of Indian coal.

(Authority: 45(e)(2)(A) (26 U.S.C. 45(e)(2)(A)), 45(e)(8)(C) (26 U.S.C. 45(e)(8)(C)), and 45(e)(10)(B) (26 U.S.C. 45(e)(10)(B)) of the Internal Revenue Code.)

Christopher T. Kelley,

Special Counsel to the Associate Chief Counsel, (Passthroughs and Special Industries).

[FR Doc. 2021–08686 Filed 4–26–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Publication of Nonconventional Source Production Credit Reference Price for Calendar Year 2020

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: Publication of the reference price for the nonconventional source production credit for calendar year 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Price, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, Telephone Number (202) 317–6853 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The credit period for the nonconventional source production credit ended on December 31, 2013 for facilities producing coke or coke gas (other than from petroleum based products). However, the reference price continues to apply in determining the amount of the enhanced oil recovery credit under section 43 of title 26 of the U.S.C., the marginal well production credit under section 45I of title 26 of the U.S.C., and the applicable percentage under section 613A of title 26 of the U.S.C. to be used in determining percentage depletion in the case of oil and natural gas produced from marginal properties.

The reference price under section 45K(d)(2)(C) of title 26 of the U.S.C. for calendar year 2020 applies for purposes of sections 43, 45I, and 613A for taxable year 2021.

Reference Price: The reference price under section 45K(d)(2)(C) for calendar year 2020 is $37.07.

Christopher T. Kelley,

Special Counsel, (Passthroughs and Special Industries).

[FR Doc. 2021–08684 Filed 4–26–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activity under OMB Review: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0132.''

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0132'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21. Title 38, U.S.C., chapter 21.

Title: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant (VA Form 26–4555).

OMB Control Number: 2900–0132.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 26–4555 is used to gather the necessary information to

determine Veteran eligibility for the SAH or SHA grant. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 10006 on February 17, 2021, page 10006.

Affected Public: Individuals.

Estimated Annual Burden: 500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–08683 Filed 4–26–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Agriculture

Rural Business-Cooperative Service

7 CFR Part 4280

Rural Energy for America Program; Final Rule

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

7 CFR Part 4280

[Docket No. RBS–20–BUSINESS–0027]

RIN 0570–AA98

Rural Energy for America Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Final rule; request for comment.

SUMMARY: The Rural Business-Cooperative Service (RBCS and/or Agency), a Rural Development agency of the United States Department of Agriculture (USDA), hereinafter referred to as the Agency, is publishing this final rule for the Rural Energy for America Program (REAP). The intent of this rule is to remove the provisions relating to guaranteed loans and to make other revisions to enhance program delivery and customer service for the REAP program. Program enhancements that support a greater distribution of funds as well as processing and servicing clarifications are also being incorporated into this update.

DATES:

Effective date: This final rule is effective July 26, 2021.

Comment date: Comments are due June 28, 2021.

ADDRESSES: You may submit comments, identified by docket number RBS–20–Business–0027 and Regulatory Information Number (RIN) number 0570–AA98 through *https://www.regulations.gov.*

Instructions: All submissions received must include the Agency name and docket number or RIN for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sami Zarour, Program Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–3201; telephone (202) 720–9549; email: *sami.zarour@usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Rural Development administers a multitude of programs, ranging from housing and community facilities to infrastructure and business development. Its mission is to increase economic opportunity and improve the quality of life in rural communities by providing leadership, infrastructure, capital, and technical support that can support rural communities, helping them to prosper.

To achieve its mission, Rural Development provides financial support (including direct loans, grants, loan guarantees, and direct payments) and technical assistance to help enhance the quality of life and provide support for economic development in rural areas.

On July 14, 2020, at 85 FR 42494, the Agency promulgated 7 CFR part 5001, the OneRD guaranteed loan regulation, which combined four Agency guaranteed loan program regulations, including REAP, into one comprehensive guaranteed loan processing and servicing regulation. This final rule amends 7 CFR part 4280, subpart B accordingly to remove references to the guaranteed loan provisions of REAP; these references have become superfluous in light of the promulgation of 7 CFR part 5001. Furthermore, program modifications required by the Agriculture Improvement Act of 2018 (2018 Farm Bill), as well as provisions that have been previously published via funding opportunities in **Federal Register** publications, have been incorporated into this final rule to eliminate the need for annual notification and to enhance program delivery.

II. Summary of Changes to the Rule

This section presents the major changes to the existing REAP regulation.

A. General changes.

All guaranteed loan references were removed from Subpart B, of Part 4280, and it now contains appropriate language for the updated grant rule.

References were updated according to section modifications.

B. Definitions (§ 4280.103).

The definition section was revised to add new definitions to conform to 7 CFR part 5001 and to remove reference to 7 CFR part 4279.

C. Conflict of interest (§ 4280.106). Conformed language in § 4280.106 (a) to the definition of conflict of interest found in 7 CFR part 5001 as applicable. Removes specific language from prior rule regarding award of project construction contracts and language regarding recipient retaining ownership in the applicant's project. Revisions will bring consistency to RBCS regarding conflict of interest determinations.

D. U.S. Department of Agriculture Departmental Regulations and laws that contain other compliance requirements (§ 4280.108). Clarified in paragraph (c)(1) that compliance reviews apply only to programs where grantees extend federal assistance to ultimate beneficiaries and modified text in paragraph (c)(2) accordingly. Updated environmental regulation reference.

E. Ineligible applicants, borrowers, and owners (§ 4280.109). Renamed section ''Ineligible applicants, grantees, and owners.'' Removed references to borrowers and inserted reference to grantees.

F. General applicant, application, and funding provisions (§ 4280.110). Removed reference to guaranteed loan only applications and updated environmental regulation reference. Clarified that satisfactory progress in paragraph (a) may include a review of compliance with Agency reporting, and for the energy audits (EA) program and renewable energy development assistance (REDA) program it means at least 50 percent of previous EA/REDA awards expended at time Agency determines eligibility of new applications, as was previously clarified via annual program notices. Streamlined language on application and type of funding limits in paragraphs (c) and (d) and merged text into one new paragraph (c), clarifying that like RES or EEI updates to multiple facilities may be submitted as one application. Updated technical report language in paragraph (g) (including list of technologies that must submit a technical report) to conform to 7 CFR part 5001. Previous rule required a technical report for all technologies. Clarified grant extension language in paragraph (h). Re-lettered paragraphs accordingly.

G. Notifications (§ 4280.111). Removed reference to lender notifications.

H. Applicant eligibility (§ 4280.112). Clarified in paragraph (a) that applicant eligibility is determined by the Agency at the time of application, removed prospective owner language in paragraph (b) since this applied to the feasibility study program only which no longer exists, separated into two paragraphs the Unique Entity Identifier (UEI) ID number (e) and the System for Awards Management (SAM) (f) provisions since they are separate processes.

I. Project eligibility (§ 4280.113). Revised introductory text to reference subsequent improvements and to include Agency caution to the applicant regarding compliance with environmental requirements, both provisions were previously included in this section of the rule and are being relocated to enhance readability. Added hydroelectric source size restriction previously found in definition to

paragraph (a) and removed examples as these will be provided in instruction. Revised RES residential language in paragraph (e) to clarify documentation required for a RES project where a residence is closely associated with an agricultural operation or rural small business. Applicant certification will no longer be accepted as an option for RES projects with residential ties, because a certification alone does not provide adequate documentation that 50% or greater of the energy to be generated will benefit the rural small business or agricultural producer operation. Added provision recognizing that recipients may use up to 10 percent of funds to construct, improve, or acquire broadband infrastructure related to the project financed, pursuant to 7 CFR 1980, Subpart M Special Authority to Enable Funding of Broadband and Smart Utility Facilities Across Select Rural Development programs.

J. Ineligible projects (§ 4280.114). Renamed section from former ''RES and EEI grant funding'' and created a list of ineligible projects as previous rule had ineligible projects scattered throughout various sections of the rule. Added farm labor housing and owner occupied bed and breakfast projects, because these are considered residential since long-term living accommodations are provided. Added projects where ineligible project costs equal or exceed 50 percent of the total project costs since these projects do not carry out the intent of the statute.

K. RES and EEI grant funding (§ 4280.115). Renamed section from former ''Grant applications—general'' and inserted text previously found in § 4280.114. Added fees as required by interconnection agreements and vendor/installer certification provision to EEI eligible project costs in paragraph (c). Added clarification to ineligible project costs that lease to own and capitalized leases are not eligible. Modified provisions to remove loan-only request language.

L. Grant applications—general (§ 4280.116). Renamed section from former ''Determination of technical merit'' and inserted text previously found in § 4280.115. Removed guaranteed loan reference and revised RES feasibility study requirement in paragraph (b) to be required based on the scope of the project or lack of other application documentation. Previously a feasibility study was required for all RES projects with total costs of $200,000 or greater.

M. Determination of technical merit (§ 4280.117). Renamed section from former ''Grant Applications for RES and EEI Projects with Total Project Costs of $200,000 and Greater'' and inserted text previously found in § 4280.116. Conformed technical merit language to 7 CFR part 5001 language including reverting back to include a ''pass with conditions'' assignment and determination. Added language in paragraph (e) on further processing of applications after technical merit determination.

N. Grant applications for RES and EEI projects with total project costs of $200,000 and greater (§ 4280.118). Renamed section from former ''Grant Applications for RES and EEI Projects with Total Project Costs of Less than $200,000, but More Than $80,000'', and inserted text previously found in § 4280.117. Removed reference to Form RD 1940–20 which is no longer relevant and inserted reference to 7 CFR part 1970. Added reference to Form 4280–3C. In paragraph (b), conformed applicant eligibility certification language as presented in 7 CFR part 5001. Previously, all applicants were required to submit documentation to justify eligibility versus being able to certify. Required financial statements language also conforms to 7 CFR part 5001. Referenced conforming technical report language from 7 CFR part 5001 which identifies technologies which must submit technical reports, versus requiring for all applications.

O. Grant applications for RES and EEI projects with total project costs of Less than $200,000, but more than $80,000 (§ 4280.119). Renamed section from former ''Grant Applications for RES and EEI Projects with Total Project Costs of $80,000 or Less'' and inserted text previously found in § 4280.118. Added reference to application Form RD 4280–3B. Removed reference to Form RD 1940–20 which is no longer relevant and inserted reference to 7 CFR part 1970. Conformed applicant eligibility certification language as presented in 7 CFR part 5001. Previously, all applicants were required to submit documentation to justify eligibility versus being able to certify. Removed requirement for applicants to submit self-score documentation. Referenced conforming technical report language from 7 CFR part 5001 which identifies technologies which must submit technical reports, versus requiring for all applications.

P. Grant applications for RES and EEI projects with total project costs of $80,000 or less (§ 4280.120). Renamed section from former ''Scoring RES and EEI Grant Applications'' and inserted text previously found in § 4280.119. Removed reference to Form RD 1940–20 which is no longer relevant and inserted reference to 7 CFR part 1970. Added reference to application Form RD 4280–3A. Conformed applicant eligibility certification language and technical merit language to language as presented in 7 CFR part 5001.

Q. Scoring RES and EEI grant applications (§ 4280.121). Renamed section from former ''Selecting RES and EEI Grant Applications for Award'' and inserted text previously found in § 4280.120. Recast and simplified language under energy generated, replaced or saved scoring criteria by removing equations and renumbering section accordingly. Added ''or replaced'' to (b)(1)(i) and clarified that energy for residential use is excluded. Clarified under (b)(2)(i)(A) that proposed energy use, such as that contributed to an expansion, is not considered in an energy replacement calculation. Clarified that retrofitting of an existing RES which increases the amount of energy generated, is scored as energy generation and will receive 10 points under this scoring criteria. Clarified that energy savings of less than 20 percent will receive no points under sub-criterion (b)(2).

Commitment of funds scoring criteria was reduced from a maximum of 20 points to 15. Recast language into two paragraphs, calculation and awarding of points, for clarity.

Inserted reference to 7 CFR part 5001 under previous grantees and borrowers scoring criteria to reference new REAP guaranteed loan regulation.

Added new ''existing business'' scoring criteria with maximum of 5 points, points sourced from reduction under commitment of funds criteria.

Updated criteria, as previously published in Notice of Solicitation of Applications (NOSAs), for ''size of grant request,'' which replaces the ''size of business as compared to the Small Business Administration (SBA) size standard'' criteria. Maximum points remain at 10 and therefore applications requesting $250,000 or less for RES and $125,000 or less for EEI projects, have total points possible of 100. All other applications have a maximum possible score of 90 points.

Amended State Director/Administrator priority point text to conform with 7 CFR part 5001 which includes adding the newly defined terms underserved community(ies)and veteran. Language clarifying unserved or under-served population as previously published in REAP NOSAs was added. Points for projects located in Federal disaster areas, as previously published via REAP NOSAs, were added as a separate criteria under State Director/Administrator priority points.

R. Selecting RES and EEI grant applications for award (§ 4280.122).

Renamed section from former ''Awarding and Administering RES and EEI Grants'' and inserted text previously found in § 4280.121. Added language in introductory paragraph to clarify state allocations of restricted and unrestricted funds, amended RES/EEI application deadline to March 31 as previously noted in annual NOSA, added language regarding pro-rating applications with tied scores, and amended maximum competitions to up to five within a Federal fiscal year, versus allowing for five consecutive competitions which may roll into the next fiscal year.

S. Awarding and administering RES and EEI grants (§ 4280.123). Renamed section from former ''Servicing RES and EEI Grants'' and inserted text previously found in § 4280.122. Clarified SAM Registration provisions and added a 6-month timeframe from obligation of funds for execution of the Financial Assistance Agreement to better manage grants.

T. Servicing RES and EEI grants (§ 4280.124). Renamed section from former ''Construction Planning and Performing Development '', and inserted text previously found in § 4280.123. Removed transfer of obligation provisions as previously published in REAP NOSAs given transactions are not fully supported by the Agency's data systems, *e.g.* Guarantee Loan System (GLS), PLAS, and CLSS. Each transaction requires multiple complex manual actions by numerous staff which is burdensome and inefficient given limited resources. Amended transfer of ownership provisions to clarify that financial assistance agreement must be executed prior to transfer.

Clarified minimum requirements for all grant fund reimbursement requests.

Clarified that fund disbursement in full is acceptable for grants with total project costs of $200,000 or greater if project is completed in full, is operational, and has met or exceeded steady state operating levels. Clarified language regarding site visits.

Amended outcome project performance criteria to comply with REAP Office of Inspector General (OIG) audit closure requirements. Annual certification will be accepted if project was installed as presented in the application, and if project installation differed, actual outcomes must be reported to the Agency.

U. Construction planning and performing development (§ 4280.125). Renamed section from former ''Compliance with §§ 4279–29 through 4279.99 of this chapter '' and inserted text previously found in § 4280.124.

Clarified that the Agency may note exceptions to surety requirements to avoid placing the burden of requesting an exception on the applicant who is not familiar with Agency surety provisions. Added provision to allow surety exception when the grantee agrees to reimbursement in full only after the system is operational, all costs are paid in full, and there is evidence of no liens.

Increased threshold for technical services required under paragraph (c) from $400,000 to $1,000,000.

Added language under paragraph (d) that removes Agency review and approval of final plans and specifications if the applicant agrees to a lump sum reimbursement of grant funds at the end of construction and 30 days of successful operation.

V. Combined Grant and Guaranteed Loan Funding Requirements (§ 4280.137). Renamed section from former ''Application and Documentation''. Text formerly found in § 4280.165 was inserted in part, removing specific guaranteed loan language and instead referencing 7 CFR part 5001 requirements for the loan portion of a combination funding request.

W. Applicant eligibility *(§ 4280.149).* Sections 4280.144–4280.148 remain ''Reserved''.

Begins the Energy Audit (EA) and Renewable Energy Development Assistance Grants (REDA) provisions. Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.186. Clarified that the term ''council'' is to be defined as a Resource Conservation & Development (RC&D) council.

X. Project eligibility (§ 4280.150). Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.187. Removed ''or both'' in introductory sentence to ensure understanding that each application must focus on either EA or REDA assistance. Referenced definition of energy audits to ensure quality of documents completed. Modified language for agricultural producers in non-rural areas to conform to language in 7 CFR part 5001.

Y. Ineligible Projects *(§ 4280.151).* Renamed section from former ''Reserved'' and inserted a list of projects which are not eligible for EA or REDA funding to include: Research related projects; feasibility studies of any nature; projects where funding is not targeted directly to assisting agriculture producers or rural small businesses; projects to develop computer software or programs; and projects where 50 percent or more of proposed grant funding will support in-eligible project costs.

Z. Grant funding for EA and REDA (§ 4280.152). Renamed section from former ''Servicing Guaranteed Loans'' and inserted text formerly found in § 4280.188. Added to list of ineligible project costs, funding to train individuals to become qualified to perform EA or REDA assistance and payment or waiver of student tuition, given program desires experienced resource providers at time of application. Clarified in paragraph (d) that the 25 percent contribution from agricultural producers and rural small businesses does not count towards commitment of funds for scoring.

AA. EA and REDA grant applications—content (§ 4280.153). Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.190. Clarified applicant's experience under REDA to include renewable energy site assessments and renewable energy technical assistance provided directly to agriculture producers and rural small businesses. Removed reference to energy assessments under applicant's EA experience given eligible project purpose references only energy audits.

BB. Evaluation of EA and REDA grant applications (§ 4280.154). Renamed section from former ''Reserved'' and inserted text formerly referenced in § 4280.191. Added language to clarify that only information submitted in the application would be used to evaluate EA and REDA proposals. Added reference to ineligible project provisions as found in § 4280.151 as this is also a part of the project eligibility evaluation. Updated reference to sections which were amended.

CC. Scoring EA and REDA grant applications (§ 4280.155). Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.192. Rearranged order of scoring criteria to align with 7 CFR 5001.153, application content. Placed minimum score of 40 points to compete for EA/REDA funding, unless later altered via a **Federal Register** notification. This aligns with minimum score of the REAP guaranteed loan program and provides flexibility for states to build REAP capacity, yet not compete very low scoring applications over others that better align with program requirements. Clarified that in addition to applicant experience, contractor experience related to the same type of activity, would qualify under scoring criteria (d). Clarified in (b)(2) that the ultimate recipient list must include at least 50 percent of total number proposed to be served in order to receive an additional 10 points under this scoring criteria. Clarified in (e) that existing programs

and awards do not include those of contractors, and that awards are referring to recognition, not funding awards. Clarified in (f) the calculation for commitment of funds.

DD. Selecting EA and REDA grant applications for award (§ 4280.156). Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.193. Added language regarding funds held at National Office for one nationwide competition and added to paragraph (a) a provision for a third application from each state if program is undersubscribed on eligible requests. Reference to the minimum score threshold was added to paragraph (b). Added option to redirect unused EA/REDA funds into the RES/EEI program in paragraph (c).

EE. Awarding and administering EA and REDA grants (§ 4280.158). Renamed section from former ''Reserved'', inserted text formerly found in § 4280.195, and updated references.

FF. Servicing EA and REDA grants (§ 4280.159). Renamed section from former ''Reserved'', inserted text formerly found in § 4280.196, and updated references.

GG. Reserved '' '' (§ 4280.165). Renamed section from former ''Combined Grant and Guaranteed Loan Funding Requirements''.

HH. OMB control Number (§ 4280.166). Renamed section from former ''Reserved'' and inserted text formerly found in § 4280.200.

II. Former Sections (§§ 4280.186–4280.200). Sections are no longer utilized in this regulation. Text has been relocated to sections as noted above.

JJ. The following sections were removed in their entirety and are now reserved:

Guaranteed/Annual Renewal Fee (§ 4280.126).

Borrower Eligibility (§ 4280.127).

Project Eligibility (§ 4280.128).

Guaranteed Loan Funding (§ 4280.129).

Loan Processing (§ 4280.130).

Credit Quality (§ 4280.131).

Financial Statements (§ 4280.132).

Personal and Corporate Guarantees (§ 4280.134).

Scoring RES and EEI Guaranteed Loan-Only Applications (§ 4280.135).

Evaluation of RES and EEI Guaranteed Loan Applications (§ 4280.138).

Selecting RES and EEI Guaranteed Loan-Only Applications for Award (§ 4280.139).

Reserved (§ 4280.140).

Changes in Borrower (§ 4280.141).

Conditions Precedent to Issuance of Loan Note Guarantee (§ 4280.142).

Requirements After Project Construction (§ 4280.143).

Combined Grant and Guaranteed Loan Funding Requirements. (§ 4280.165).

Appendix A to Subpart B of Part 4280—Technical Reports for Energy Efficiency Improvement (EEI) Projects. Updated regulatory references.

Appendix B to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects with Total Project Costs of Less Than $200,000, but More Than $80,000. Updated regulatory references.

Appendix C to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects with Total Project Costs of $200,000 and Greater. Updated regulatory references and added language for biogas projects, renewable energy systems with storage components, and provisions for hybrid applications.

Appendix D to Subpart B of Part 4280—Feasibility Study Components. Added appendix which conforms to feasibility study component appendix found in 7 CFR 5001.

III. Executive Orders/Acts

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches to maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866. In accordance with Executive Order 12866, the Agency conducted a Regulatory Impact Analysis, outlining the costs and benefits of implementing this program in rural America. The complete analysis is available in Docket No. RBS–20–Business–0027. This analysis consists a statement of need for the final rule, a discussion of the current provisions for the Rural Energy for America Program (REAP) and how the final rule changes those provisions, and an analysis of the benefits and costs of the changes.

Much of the analysis is necessarily descriptive of the anticipated effects of this final rule. Benefits are described qualitatively, with some indication of the relative potential size. Most of the costs are quantified. Consequently, the analysis does not provide the exact magnitude of the resulting benefits and costs. Despite this, the Agency expects this final rule will provide cost savings and net benefits compared to the current situation by improved program and Agency management.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Unfunded Mandates Reform Act

This final rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This final rule has been reviewed in accordance with 7 CFR part 1970 (''Environmental Policies and Procedures''). The Agency has determined that (i) this action meets the criteria established in 7 CFR 1970.53(f); (ii) no extraordinary circumstances exist; and (iii) the action is not ''connected'' to other actions with potentially significant impacts, is not considered a ''cumulative action'' and is not precluded by 40 CFR 1506.1. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Executive Order 13132, Federalism

The policies contained in this final rule do not have a substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–602) (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act (''APA'') or any other statute. The Administrative Procedures Act exempts from notice and comment requirements rules ''relating to agency management or personnel or to public property, loans, grants, benefits,

or contracts'' (5 U.S.C. 553(a)(2)), so therefore an analysis has not been prepared for this rule.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

The Rural Energy for America Program helps offset the costs associated with renewable energy systems and energy efficiency improvements. Renewable energy systems can be installed for direct use to replace existing fossil fuel use where the behind-the-meter applications only affect on-site use and have no negative impact on the energy supply or distribution systems. Renewable energy systems can also be installed for distributed energy systems to help ensure a reliable source of energy in the event of natural disasters. Projects which produce energy for sale, or net-meter energy, are typically interconnected to existing energy distribution systems. These projects are required to meet all federal and state regulatory provisions as set by local utilities, state statutes and federal regulations, thus ensuring no adverse impacts to energy supply or distribution systems. For large REAP projects, applicants often incur the cost for generation and transmission studies to ensure no adverse impacts to energy supply or distribution systems. The additional infrastructure becomes a benefit to the utility or other parties interested in developing their own renewable energy projects. Energy efficiency improvement projects reduce the consumption of fossil fuel based energy and assist many utilities with management of their demand loads. It is for these reasons that the REAP program is not likely to have an adverse impact to the energy supply or distribution systems. Accordingly, this action is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Moreover, the action has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

Executive Order 12372, Intergovernmental Review of Federal Programs

This final rule is excluded from the scope of Executive Order 12372 (Intergovernmental Consultation), which may require a consultation with State and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Executive Order 13175, Consultation and Coordination With Indian Tribes

This executive order imposes requirements on RBS in the development of regulatory policies that have tribal implications or preempt tribal laws. RBS has determined that the rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Thus, this rule is not subject to the requirements of Executive Order 13175. If tribal leaders are interested in consulting with RBS on this rule, they are encouraged to contact USDA's Office of Tribal Relations or the Agency's Native American Coordinator at: *AIAN@.usda.gov* to request such a consultation.

Catalog of Federal Domestic Assistance

REAP is listed in the Catalog of Federal Domestic Assistance (CFDA) under Number 10.868.

All active CFDA programs and the CFDA Catalog can be found at the following website: *https://beta.sam.gov/.* The website also contains a PDF file version of the Catalog that, when printed, has the same layout as the printed document that the Government Publishing Office (GPO) provides. GPO prints and sells the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the Superintendent of Documents at 202–512–1800 or toll free at 866–512–1800, or access GPO's online bookstore.

Paperwork Reduction and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Agency invites comments on this information collection, which has been submitted for approval from the Office of Management and Budget (OMB) under OMB Control Number 0570–0067.

Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function.

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 will have practical utility; (b) the accuracy of the Agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

Title: 7 CFR 4280, Rural Energy for America Program.

OMB Control Number: 0570–0067.

Abstract: The Rural Energy for America Program, which supersedes the Renewable Energy Systems and Energy Efficiency Improvements Program under Title IX, Section 9006 of the Farm Security and Rural Investment Act of 2002, is designed to help agricultural producers and rural small business reduce energy cost and consumption, develop new income streams, and help meet the nation's critical energy needs by requiring the Secretary of Agriculture to provide grants and/or guaranteed loans for several types of projects as follows:

- Grants and grants and loan guarantees (combined funding) to agricultural producers and rural small businesses to purchase renewable energy systems and make energy efficiency improvements.
- Grants to eligible entities to provide energy audits and renewable energy development assistance to enable agricultural producers and rural small businesses to become more energy efficient and to use renewable energy technologies and resources. Entities eligible to receive grants under this program are State, tribal and local governments; land-grant colleges and universities or other institutions of higher learning; rural electric cooperatives; public power entities; Resource Conservation and Development Councils and instrumentalities of local, state, and federal governments. These grant funds may be used to conduct and promote energy audits; provide recommendations and information on how to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and provide recommendations and information on how to use renewable energy technologies and resources in the operations. No more than five (5) percent of the grant can be used for administrative purposes. Agricultural producers and rural small businesses for which a grantee is conducting an energy audit must pay at least 25 percent of the cost of the energy audit.

The following estimates are based on the average over the first 3 years the program is in place.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.10 hours per response.

Respondents: Rural developers, farmers and ranchers, rural businesses, public bodies, local governments, lenders.

Estimated Number of Respondents: 1,434.

Estimated Number of Responses per Respondent: 28.28.

Estimated Number of Responses: 40,560.

Estimated Total Annual Burden (hours) on Respondents: 85,178.00.

Copies of this information collection may be obtained from Thomas P. Dickson, Regulatory Division Team 2, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250; telephone, 202–690–4492; email, *thomas.dickson@usda.gov.*

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

E-Government Act Compliance

Rural Development is committed to complying with the E-Government Act of 2002, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

List of Subjects in 7 CFR Part 4280

Business and industry, Energy, Grant programs—business, Loan programs—business, Rural areas.

For the reasons set forth in the preamble, under the authority at 5 U.S.C. 301, 7 U.S.C 8107, Chapter XLII of Title 7 of the Code of Federal Regulations is amended as follows:

PART 4280—LOAN AND GRANTS

■ 1. The authority citation for part 4280 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 8107.

■ 2. Revise subpart B to read as follows:

Subpart B—Rural Energy for America Program General

Sec.
4280.101 Purpose.
4280.102 Organization of subpart.
4280.103 Definitions.
4280.104 Exception authority.
4280.105 Review or appeal rights.
4280.106 Conflict of interest.
4280.107 [Reserved]
4280.108 U.S. Department of Agriculture departmental regulations and laws that contain other compliance requirements.
4280.109 Ineligible applicants, grantees, and owners.
4280.110 General applicant, application, and funding provisions.
4280.111 Notifications.

Renewable Energy System and Energy Efficiency Improvement Grants

4280.112 Applicant eligibility.
4280.113 Project eligibility.
4280.114 Ineligible projects.
4280.115 RES and EEI grant funding.
4280.116 Grant applications—general.
4280.117 Determination of technical merit.
4280.118 Grant applications for RES and EEI projects with total project costs $200,000 and greater.
4280.119 Grant applications for RES and EEI projects with total project costs of less than $200,000, but more than $80,000.
4280.120 Grant applications for RES and EEI projects with total project costs of $80,000 or less.
4280.121 Scoring RES and EEI grant applications.
4280.122 Selecting RES and EEI grant applications for award.
4280.123 Awarding and administering RES and EEI grants.
4280.124 Servicing RES and EEI grants.
4280.125 Construction planning and performing development.
4280.126–4280.136 [Reserved]

Combined Funding for Renewable Energy Systems and Energy Efficiency Improvements

4280.137 Combined grant and guaranteed loan funding requirements.
4280.138–4280.148 [Reserved]

Energy Audit and Renewable Energy Development Assistance Grants

4280.149 Applicant eligibility.
4280.150 Project eligibility.
4280.151 Ineligible projects.
4280.152 Grant funding for EA and REDA.
4280.153 EA and REDA grant applications—content.
4280.154 Evaluation of EA and REDA grant applications.
4280.155 Scoring EA and REDA grant applications.
4280.156 Selecting EA and REDA grant applications for award.
4280.157 [Reserved]
4280.158 Awarding and administering EA and REDA grants.
4280.159 Servicing EA and REDA grants.
4280.160–4280.165 [Reserved]
4280.166 OMB control number.
Appendix A to Subpart B of Part 4280—Technical Reports for Energy Efficiency Improvement (EEI) Projects
Appendix B to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of Less Than $200,000, but More Than $80,000
Appendix C to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of $200,000 and Greater
Appendix D to Subpart B of Part 4280—Contents of Feasibility Study

Subpart B—Rural Energy for America Program General

§ 4280.101 Purpose.

This subpart contains the procedures and requirements for providing the following financial assistance under the Rural Energy for America Program (REAP):

(a) Grants, or a combination grant and guaranteed loan, for the purpose of purchasing and installing Renewable Energy Systems (RES) and Energy Efficiency Improvements (EEI);

(b) Grants to assist agricultural producers and rural small businesses by conducting Energy Audits (EA) and providing recommendations and information on Renewable Energy Development Assistance (REDA); and

(c) Grants or guaranteed loans, or a combination grant and guaranteed loan to an applicant or borrower pursuant to 7 CFR 1980, Subpart M Special Authority to Enable Funding of Broadband and Smart Utility Facilities Across Select Rural Development Programs. A Borrower or applicant receiving funding as referenced in paragraphs (a) or (b) of this section is permitted to use up to 10 percent of the amount provided under this subpart to construct, improve, or acquire broadband infrastructure related to the project financed, subject to the requirements of 7 CFR 1980, Subpart M.

§ 4280.102 Organization of subpart.

(a) Sections 4280.103 through 4280.111 discuss definitions; exception authority; review or appeal rights; conflict of interest; USDA Departmental Regulations; other applicable laws; ineligible applicants, grantees, and owners; general applicant, application, and funding provisions; and notifications, which are applicable to all of the funding programs under this subpart.

(b) Sections 4280.112 through 4280.125 discuss the requirements specific to RES and EEI grants. Sections 4280.112 and 4280.113 discuss, respectively, applicant and project eligibility. Section 4280.114 addresses ineligible projects. Section 4280.115 addresses funding provisions for these grants. Sections 4280.116 through 4280.120 address grant application content, technical merit determination, and required documentation. Sections 4280.121 through 4280.124 address the scoring, selection, awarding and administering, and servicing of these grant applications. Section 4280.125

addresses construction planning and development.

(c) Section 4280.137 presents the process by which the Agency will make combined loan guarantee and grant funding available for RES and EEI projects.

(d) Sections 4280.149 through 4280.159 present the process by which the Agency will make EA and REDA grant funding available. These sections cover applicant and project eligibility, grant funding, application content, evaluation, scoring, selection, awarding and administering, and servicing.

(e) Appendices A through C cover technical report requirements. Appendix A applies to EEI projects; Appendix B applies to RES projects with Total Project Costs of Less Than $200,000, but more than $80,000; and Appendix C applies to RES projects with Total Project Costs $200,000 and Greater. Appendices A and B do not apply to RES and EEI projects with Total Project Costs of $80,000 or less, respectively. Instead, technical report requirements for these projects are found in § 4280.120.

(f) Appendix D covers contents of feasibility study.

§ 4280.103 Definitions.

The following definitions are applicable to the capitalized terms used in this part.

Administrator. The Administrator of Rural Business-Cooperative Service within the Rural Development Mission Area of the U.S. Department of Agriculture (USDA).

Agency. The Rural Business-Cooperative Service or successor agency assigned by the Secretary of Agriculture to administer the Rural Energy for America Program. References to the National Office, Finance Office, State Office, or other Agency offices or officials should be read as prefaced by ''Agency'' or ''Rural Development'' as applicable.

Agricultural producer. A person, including non-profits, directly engaged in the production of agricultural products through labor management and operations, including the cultivating, growing, and harvesting of plants and crops (including farming); breeding, raising, feeding, or housing of livestock (including ranching); forestry products; hydroponics; nursery stock; or aquaculture, whereby 50 percent or greater of their gross income is derived from the operations. The percentage is calculated as the average of gross agricultural operations income of the concern divided by the gross total income of the concern for the five most recent years. If the concern has been in operation for less than 60 months, use average gross agricultural operations income and gross total income for as long as the concern has been in operation.

Anaerobic digester. A Renewable Energy System that uses animal waste or other renewable biomass and may include other organic substrates to produce digestate and biogas that may be sold in a gaseous or compressed liquid state or used to produce thermal or electrical energy.

Applicant. (1) Except for EA and REDA grants, the agricultural producer or rural small business that is seeking a grant, or a combination of a grant and guaranteed loan, under this subpart.

(2) For EA and REDA grants, a unit of State, Tribal, or local government; a land-grant college or university or other institution of higher education; a rural electric cooperative; a public power entity; council; or an Instrumentality of a State, Tribal, or local government that is seeking an EA or REDA grant under this subpart.

Bioenergy project. A RES that produces fuel, biogas, thermal energy, or electric power from a renewable biomass source only.

Biofuel. A fuel derived from renewable biomass.

Biogas. Gaseous fuel (including landfill and sewage waste treatment gas) derived from the degradation and decomposition of renewable biomass.

Byproduct. An incidental or secondary product, regardless of whether it has a readily identifiable commercial use or value, generated under normal operations of the proposed project that can be reasonably measured and monitored.

Commercially available. A system that meets the requirements of either paragraph (1) or (2) of this definition.

(1) A domestic or foreign system that:

(i) Has both a proven and reliable operating history and proven performance data for at least 1 year specific to the use and operation to the proposed application;

(ii) Is based on established design and installation procedures and practices and is replicable;

(iii) Has professional service providers, trades, large construction equipment providers, and laborers who are familiar with installation procedures and practices;

(iv) Has proprietary and balance of system equipment and spare parts that are readily available;

(v) Has service that is readily available to properly maintain and operate the system; and

(vi) Has an existing established warranty that is valid in the United States for major parts and labor; or

(2) A domestic or foreign system that has been certified by a recognized industry organization whose certification standards are acceptable to the Agency.

Complete application. An application that contains all parts necessary for the Agency to determine applicant and project eligibility, the financial feasibility and technical merit of the project, and contains sufficient information to determine a priority score for the application, if applicable.

Costs incurred. A cost will be considered incurred when payment for costs associated with the project have been issued. If payment was in the form of a check, the date of the check will be considered the date the cost was incurred. If payment was in the form of an electronic payment, the date that the payment was issued from the grantee/producer/borrower account will be considered the date the cost was incurred.

Council. As defined, under the Resource Conservation and Development Program, at 16 U.S.C. 3451.

Departmental regulations. The regulations of the Agency's Office of Chief Financial Officer (or successor office) as codified in 2 CFR chapter IV.

Design/Build method. A method of project development whereby all design, engineering, procurement, construction, and other related project activities are performed under a single contract. The contractor is solely responsible and accountable for successful delivery of the project to the grantee as applicable.

Eligible project costs. Those expenses approved by the Agency for the project as eligible uses of funds.

Energy assessment. An Agency-approved report assessing energy use, cost, and efficiency by analyzing energy bills and surveying the target building and/or equipment sufficiently to provide an Agency-approved energy assessment.

(1) If the project's total project cost is greater than $80,000, the energy assessment must be conducted by either an energy auditor or an energy assessor or an individual supervised by either an energy assessor or energy auditor. The final energy assessment must be validated and signed by the energy assessor or energy auditor who conducted the energy assessment or by the supervising energy assessor or energy auditor of the individual who conducted the assessment, as applicable.

(2) If the project's total project cost is $80,000 or less, the energy assessment may be conducted in accordance with paragraph (1) of this definition or by an individual or entity that has at least 3 years of experience and completed at least five energy assessments or energy audits on similar type projects.

Energy assessor. A qualified consultant who has at least 3 years of experience and completed at least five energy assessments or energy audits on similar type projects and who adheres to generally recognized engineering principles and practices.

Energy audit. A comprehensive report that meets an Agency-approved standard prepared by an energy auditor or an individual supervised by an energy auditor that documents current energy usage; recommended potential improvements (typically called energy conservation measures) and their costs; energy savings from these improvements; dollars saved per year; and simple payback. The methodology of the energy audit must meet professional and industry standards. The final energy audit must be validated and signed off by the energy auditor who conducted the audit or by the supervising energy auditor of the individual who conducted the audit, as applicable.

Energy auditor. A qualified consultant that meets one of the following criteria:

(1) A certified energy auditor certified by the Association of Energy Engineers;

(2) A certified energy manager certified by the Association of Energy Engineers;

(3) A licensed professional engineer in the State in which the audit is conducted with at least 1-year experience and who has completed at least two similar type energy audits; or

(4) An individual with a 4-year engineering or architectural degree with at least 3 years of experience and who has completed at least five similar type energy audits.

Energy efficiency improvement (EEI). Improvements to or replacement of an existing building or systems and/or equipment, owned by the applicant, that reduces energy consumption on an annual basis.

Existing business. A business that has been in operation for at least 1 full year. The following will be treated as existing businesses provided there is not a significant change in operations of the existing business: Mergers by an existing business with a new or existing business, a change in the business name, or a new business and an existing business applying as co-applicants.

Feasibility study. A report including an opinion or finding conducted by an independent qualified consultant(s) evaluating the economic, market, technical, financial, and management feasibility of a proposed project or operation in terms of its expectation for success as outlined in Appendix D of this Subpart.

Federal fiscal year. The 12-month period beginning October 1 of each year and ending on September 30 of the following year; it is designated by the calendar year in which it ends.

Financial Assistance Agreement (Form RD 4280–2, Rural Business-Cooperative Service Financial Assistance Agreement). An agreement between the Agency and the grantee setting forth the provisions under which the grant will be administered.

Financial feasibility. The ability of a project to achieve sufficient income, credit, and cash flow to financially sustain a project over the long term and meet all debt obligations.

Geothermal direct generation. A system that uses thermal energy directly from a geothermal source.

Geothermal electric generation. A system that uses thermal energy from a geothermal source to produce electricity.

Hybrid. A combination of two or more renewable energy technologies that are incorporated into a unified system to support a single project.

Hydroelectric source. A RES producing electricity using various types of moving water including, but not limited to, diverted run-of-river water, in-stream run-of-river water, and in-conduit water.

Hydrogen project. A system that produces hydrogen derived from a renewable biomass or water using wind, solar, ocean (including tidal, wave, current, and thermal) geothermal or hydroelectric sources as an energy transport medium in the production of mechanical or electric power or thermal energy.

Immediate family(ies). Individuals who live in the same household or who are closely related by blood, marriage, or adoption, such as a spouse, domestic partner, parent, child, sibling, aunt, uncle, grandparent, grandchild, niece, nephew, or first cousin.

Inspector. A qualified consultant who has at least 3 years of experience and has completed at least five inspections on similar type projects.

Institution of Higher Education. As defined in 20 U.S.C. 1002(a).

Instrumentality. An organization recognized, established, and controlled by a State, Tribal, or local government, for a public purpose or to carry out special purposes.

Interconnection agreement. A contract containing the terms and conditions governing the interconnection and parallel operation of the grantee's electric generation equipment and the utility's electric power system or a grantee's biogas production system and gas pipeline.

Matching funds. Those project funds required by 7 U.S.C. 8107 to be made available by the applicant in order to be eligible to receive the grant, or combined grant and guaranteed loan. Funds provided by the applicant in excess of matching funds are not matching funds. Unless authorized by statute, other Federal grant funds cannot be used to meet a matching funds requirement.

Ocean energy. Energy created by use of various types of moving water in the ocean and other large bodies of water (*e.g.,* Great Lakes) including, but not limited to, tidal, wave, current, and thermal changes.

Passive investor. An equity investor that does not actively participate in management and operation decisions of the applicant or any affiliate of the applicant as evidenced by a contractual agreement.

Person. An individual or entity organized under the laws of a State or a Tribe.

Power purchase agreement. The terms and conditions governing the sale and transportation of power produced by the applicant to another party.

Public Power Entity. Is defined using the definition of ''State utility'' as defined in section 217(A)(4) of the Federal Power Act (16 U.S.C. 824q(a)(4)). As of this writing, the definition ''means a State or any political subdivision of a State, or any agency, authority, or Instrumentality of any one or more of the foregoing, or a corporation that is wholly owned, directly or indirectly, by any one or more of the foregoing, competent to carry on the business of developing, transmitting, utilizing, or distributing power.''

Qualified Consultant(s). An independent third-party person possessing the knowledge, expertise, and experience to perform the specific task required.

Rated Power. The maximum amount of energy that can be created at any given time.

Refurbished. Refers to a piece of equipment or RES that has been brought into a commercial facility, thoroughly inspected, and worn parts replaced and has a warranty that is approved by the Agency or its designee.

Renewable biomass. (1) Materials, pre-commercial thinnings, or invasive

species from National Forest System land or public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that:

(i) Are byproducts of preventive treatments that are removed to reduce hazardous fuels; to reduce or contain disease or insect infestation; or to restore ecosystem health;

(ii) Would not otherwise be used for higher-value products; and

(iii) Are harvested in accordance with applicable law and land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and large-tree retention of subsection (f) of Section 102; or

(2) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian Tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including the following items:

(i) Renewable plant material (including feed grains; other agricultural commodities; other plants and trees; and algae); and

(ii) Waste material including crop residue; other vegetative waste material (including wood waste and wood residues); animal waste and byproducts (including fats, oils, greases, and manure); and food waste and yard waste.

Renewable energy. Energy derived from:

(1) A wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal or hydroelectric Source; or

(2) Hydrogen derived from renewable biomass or water using an energy source described in paragraph (1).

Renewable energy development assistance (REDA). Assistance provided by eligible grantees to agricultural producers and rural small businesses including education, applicability, and implementation of renewable energy technologies and resources. The REDA may consist of renewable energy site assessments or renewable energy technical assistance.

Renewable energy site assessment. A report provided to an agricultural producer or rural small business providing information regarding and recommendations for the use of commercially available renewable energy technologies in its operation. The report must be prepared by a qualified consultant and must contain the information specified in Sections A through C of Appendix B.

Renewable Energy System (RES). A system that produces usable energy from a renewable energy source and may include:

(1) Distribution components necessary to move energy produced by such system to initial point of sale; and

(2) other components and ancillary infrastructure of such system, such as a storage system; however, such system may not include a mechanism for dispensing energy at retail.

Renewable energy technical assistance. Assistance provided to agricultural producers and rural small businesses on how to use renewable energy technologies and resources in their operations.

Retrofitting. A modification to an existing building or installed equipment that incorporates a function or feature(s)not included in the original design when built or for the replacement of existing components with components that improve the original design and does not impact original warranty if the warranty is still in existence.

Rural and rural area. Any area of a State not in a city or town that has a population of more than 50,000 inhabitants, and which excludes certain populations pursuant to 7 U.S.C. 1991(a)(13)(H), according to the latest decennial census of the United States and not in the urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants. In making this determination, the Agency will use the latest decennial census of the United States. The following exclusions apply:

(1) Any area in the urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants that has been determined to be ''rural in character'' as follows:

(i) The determination that an area is ''rural in character'' will be made by the Under Secretary of Rural Development. The process to request a determination under this provision is outlined in paragraph (1)(ii) of this definition. The determination that an area is ''rural in character'' under this definition will apply to areas that are within:

(A) An urbanized area that has two points on its boundary that are at least 40 miles apart, which is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or the urbanized area of such a city or town; or

(B) An urbanized area contiguous and adjacent to a city or town of greater than 50,000 inhabitants that is within ¼ mile of a rural area.

(ii) Units of local government may petition the Under Secretary of Rural Development for a ''rural in character'' designation by submitting a petition to the appropriate Rural Development State Director for recommendation to the Administrator on behalf of the Under Secretary. The petition shall document how the area meets the requirements of paragraph (1)(i)(A) or (B) of this definition and discuss why the petitioner believes the area is ''rural in character,'' including, but not limited to, the area's population density, demographics, and topography and how the local economy is tied to a rural economic base. Upon receiving a petition, the Under Secretary will consult with the applicable Governor or leader in a similar position and request comments to be submitted within 5 business days, unless such comments were submitted with the petition. The Under Secretary will release to the public a notice of a petition filed by a unit of local government not later than 30 days after receipt of the petition by way of publication in a local newspaper and posting on the Agency's website at *https://www.rd.usda.gov,* and the Under Secretary will make a determination not less than 15 days, but no more than 60 days, after the release of the notice. Upon a negative determination, the Under Secretary will provide to the petitioner an opportunity to appeal a determination to the Under Secretary, and the petitioner will have 10 business days to appeal the determination and provide further information for consideration. The Under Secretary will make a determination of the appeal in not less than 15 days, but no more than 30 days.

(iii) Rural Development State Directors may also initiate a request to the Under Secretary to determine if an area is ''rural in character.'' A written recommendation should be sent to the Administrator, on behalf of the Under Secretary, that documents how the area meets the statutory requirements of paragraph (1)(i)(B) of this definition and discusses why the State Director believes the area is ''rural in character,'' including, but not limited to, the area's population density, demographics, topography, and how the local economy is tied to a rural economic base. Upon receipt of such a request, the Administrator will review the request for compliance with the ''rural in character'' provisions and make a recommendation to the Under Secretary. Provided a favorable determination is made, the Under Secretary will consult with the applicable Governor or leader

in a similar position and request comments within 10 business days, unless the comments were submitted with the request. A public notice will be published by the State Office in accordance with paragraph (1)(ii) of this definition. There is no appeal process for requests made on the initiative of the State Director.

(2) An area that is attached to the urbanized area of a city or town with more than 50,000 inhabitants by a contiguous area of urbanized census blocks that is not more than two census blocks wide. Applicants from such an area should work with their Rural Development State Office to request a determination of whether their project is located in a rural area under this provision.

(3) For the Commonwealth of Puerto Rico, the island is considered rural and eligible except for the San Juan Census Designated Place (CDP) and any other CDP with greater than 50,000 inhabitants. Areas within CDPs with greater than 50,000 inhabitants, other than the San Juan CDP, may be determined to be rural if they are ''not urban in character.''

(4) For the State of Hawaii, all areas within the State are considered rural and eligible except for the Honolulu CDP within the County of Honolulu and any other CDP with greater than 50,000 inhabitants. Areas within CDPs with greater than 50,000 inhabitants, other than the Honolulu CDP, may be determined to be rural if they are ''not urban in character.''

(5) For the purpose of defining a rural area in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, the Agency shall determine what constitutes rural and rural area based on available population data.

Rural small business. A small business that is located in a rural area or that can demonstrate the proposed project for which assistance is being applied for under this part is located in a rural area.

Simple payback. The estimated simple payback of a project funded under this part as calculated using paragraphs (1) or (2), as applicable, of this definition.

(1) EEI projects simple payback = (total project costs) ÷ (dollar value of energy saved).

(i) Energy saved will be determined by subtracting the projected energy (determined by the method in paragraph (1)(i)(B) of this definition) to be consumed from the historical energy consumed (determined by the method in paragraph (1)(i)(A) of this definition), and converting the result to a monetary value using a constant value or price of energy (determined by the method in paragraph (1)(i)(C) of this definition).

(A) Actual energy used in the original building and/or equipment, as applicable, prior to the EEI project, must be based on the actual average annual total energy used in British thermal units (BTU) over the most recent 12, 24, 36, 48, or 60 consecutive months of operation. Attach utility bills to document applicant entity's historical energy consumption quantity.

(B) Projected energy use if the proposed EEI project had been in place for the original building and/or equipment, as applicable, for the same time period used to determine that actual energy use under paragraph (1)(i)(A) of this definition.

(C) Value or price of energy must be the actual average price paid over the same time period used to calculate the actual energy used under paragraph (1)(i)(A) of this definition. When calculating the actual average price of energy, only include energy charges directly reduced by the unit of energy being replaced or saved. Attach utility bills to document applicant entity's average price of energy.

(ii) The EEI projects simple payback calculation does not allow applicants to monetize EEI benefits other than the dollar amount of the energy savings the agricultural producer or rural small business realizes as a result of the improvement.

(2) RES projects simple payback = (total project costs) ÷ (dollar value of energy units replaced, credited, sold, or used and fair market value of byproducts as applicable in a typical year).

(i) Value of energy replaced will be calculated based on the applicant entity's historical energy consumption with actual average price paid for the energy replaced, following the methodology outlined in paragraph (1)(i) of this definition. Attach utility bills to document applicant entity's historical energy consumption quantity and actual average price of energy.

(ii) Value of energy credited or sold will be calculated based on the amount of energy units to be credited or sold at the proposed rate per unit, as documented in utility net metering or crediting policies and/or a power purchase agreement. Attach utility net metering or crediting policies and/or a power purchase agreement to document energy quantity and proposed rate for energy credited or sold.

(iii) If proposed energy will be used in a new facility, value of energy used will be calculated based on the amount of energy units to be used at the documented price per unit of conventional fuel alternative. Attach documentation of market price per unit of conventional fuel alternative.

(iv) Value of byproducts produced by and used in the project or related enterprises should be documented at the fair market value to be received for the byproducts in a typical year. Attach documentation of market value price to be received for byproducts and documentation to support byproduct sales or direct use.

(v) The RES projects simple payback calculation does not include any one-time benefits such as but not limited to construction and investment-related benefits, nor credits which do not provide annual income to the project, such as tax credits.

Small business means,

(1) An entity or utility, as applicable, as further defined in subparagraphs (i) through (iv) and paragraph (2) of this definition. With the exception of the entities identified in this paragraph, all other non-profit entities are not small businesses for the purposes of REAP program eligibility:

(i) A private for-profit entity, including a sole proprietorship, partnership, or corporation;

(ii) A cooperative (including a cooperative qualified under section 501(c)(12) of the Internal Revenue Code);

(iii) An electric utility (including a Tribal or governmental electric utility) that provides service to rural consumers and operates independent of direct government control; or

(iv) A Tribal corporation or other Tribal business entities that are chartered under Section 17 of the Indian Reorganization Act (25 U.S.C. 477) or have similar structures and relationships with their Tribal governments and are acceptable to the Agency. The Agency will determine the small business status of such Tribal entity without regard to the resources of the Tribal government; and

(2) An entity that meets Small Business Administration size standards in accordance with 13 CFR part 121 and criteria of § 121.301 as applicable to financial assistance programs, including (i) or (ii) below. The size of the concern alone and the size of the concern combined with other entity(ies) it controls or entity(ies) it is controlled by, must not exceed the size standard thresholds designated for the industry in which the concern alone or the concern and its controlling entity(ies), whichever is higher, is primarily engaged.

(i) The concern's tangible net worth is not in excess of $15 million and average

net income (excluding carry-over losses) for the preceding two completed fiscal years is not in excess of $5.0 million; or

(ii) The size of the concern does not exceed the Small Business Administration (SBA) size standard thresholds designated for the industry in which it is primarily engaged, as measured by number of employees or annual receipts. Industry size standard designations to be utilized are listed in the Small Business Administration's (SBA) table of size standards found in 13 CFR part 121.201. Number of employees and annuals receipts are calculated as follows:

(A) Number of employees is calculated as the average number of all individuals employed by a concern on a full-time, part-time, or other basis, based upon numbers of employees for each of the pay periods for the preceding completed 12 calendar months. If a concern has not been in business for 12 months, the average number of employees is used for each of the pay periods during which it has been in business.

(B) Annual receipts are calculated as average total income plus cost of goods sold for the for the five most recent years. If a concern has been in operation for less than 60 months, average annual receipts for as long as the concern has been in operation are used.

Smart Utility. The use of broadband facilities and equipment that is only available internally by a recipient during the economic life of the assets financed by an Agency loan, grant, or loan guarantee.

State. Any of the 50 States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Steady state operating level means that there is an adequate and consistent supply of the applicable renewable energy resource(s) for the project, both on a short-term (current) and long-term basis, and the renewable energy system and process(es) are operating at projected capacity, consistently yielding an adequate quantity and quality of renewable energy.

Total eligible project costs. The sum of all eligible project costs.

Total project costs. The sum of all costs associated with a completed project.

Underserved community(ies). Communities (including urban or rural communities and Indian tribal communities) that have limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets and that have either a high rate of hunger or food insecurity or a high poverty rate as reflected in the most recent decennial census or other Agency-approved census.

Used equipment. Any equipment that has been used and is provided in an ''as is'' condition.

Useful life means estimated durations of utility placed on a variety of assets, including buildings, machinery, equipment, vehicles, electronics, and furniture. Useful life estimations terminate at the point when assets are expected to become obsolete, require major repairs, or cease to deliver economical results.

Veteran. A veteran is a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable as defined in title 38 U.S.C. 101(2).

§ 4280.104 Exception authority.

The Administrator may, on a case-by-case basis, grant an exception to any requirement or provision of this subpart provided that such an exception is in the best financial interests of the Federal Government. Exercise of this authority cannot be in conflict with applicable law.

§ 4280.105 Review or appeal rights.

Agency Applicants or grantees may have appeal or review rights for Agency decisions made under this part. Agency decisions that are adverse to the individual participant are appealable, while matters of general applicability are not subject to appeal; however, such decisions are reviewable for appealability by the National Appeals Division (NAD). All appeals will be conducted by NAD and will be handled in accordance with 7 CFR part 11. The applicant or grantee can appeal any Agency decision that directly and adversely affects them.

§ 4280.106 Conflict of interest.

(a) *General.* No conflict of interest or appearance of conflict of interest will be allowed. Conflict of interest means a situation in which a person has personal, professional, or financial interests that prevent, or appears to prevent the person from acting impartially. For purposes of this subpart, conflict of interest includes, but is not limited to, distribution or payment of grant, guaranteed loan funds, and matching funds to a beneficiary or immediate family member of the applicant.

(b) *Assistance to employees, relatives, and associates.* The Agency will process any requests for assistance under this subpart in accordance with 7 CFR part 1900, subpart D.

(c) *Member/delegate clause.* No member of or delegate to Congress shall receive any share or part of this grant or any benefit that may arise there from; but this provision shall not be construed to bar, as a contractor under the grant, a publicly held corporation whose ownership might include a member of Congress.

§ 4280.107 [Reserved]

§ 4280.108 U.S. Department of Agriculture departmental regulations and laws that contain other compliance requirements.

(a) *Departmental regulations.* All projects funded under this subpart are subject to the provisions of the Departmental regulations, as applicable, which are incorporated by reference herein.

(b) *Equal opportunity and nondiscrimination.* The Agency will ensure that equal opportunity and nondiscrimination requirements are met in accordance with the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* and 7 CFR part 15d, Nondiscrimination in Programs and Activities Conducted by the United States Department of Agriculture. The Agency will not discriminate against applicants on the basis of race, color, religion, national origin, sex, marital status, disability, or age (provided that the applicant has the capacity to contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act, 15 U.S.C. 1601 *et seq.*

(c) *Civil rights compliance.* Recipients of grants must comply with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.,* Title VI of the Civil Rights Act of 1964, *42 U.S.C. 2000d et seq.,* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. This includes collection and maintenance of data on the race, sex, and national origin of the recipient's membership/ownership and employees. These data must be available to conduct compliance reviews in accordance with 7 CFR 1901.204.

(1) Initial compliance reviews will be conducted by the Agency prior to funds being obligated for programs.

(2) When compliance reviews are applicable to the grant, one subsequent compliance review following project completion is required. This will occur after the last disbursement of grant funds has been made.

(d) *Environmental analysis.* Actions taken under this subpart must comply with 7 CFR part 1970. Prospective applicants are advised to contact the Agency to determine environmental requirements as soon as practicable after they decide to pursue any form of financial assistance directly or indirectly available through the Agency.

(1) Any required environmental review must be completed by the Agency prior to the Agency obligating any funds.

(2) The applicant will be notified of all specific compliance requirements, including, but not limited to, the publication of public notices, and consultation with State or Tribal Historic Preservation Offices and the U.S. Fish and Wildlife Service.

(3) A site visit by the Agency may be scheduled, if necessary, to determine the scope of the review.

(e) *Discrimination complaints*—(1) *Who may file.* Persons or a specific class of persons believing they have been subjected to discrimination prohibited by this section may file a complaint personally, or by an authorized representative with USDA, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250.

(2) *Time for filing.* A complaint must be filed no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated officials of USDA or Rural Development.

§ 4280.109 Ineligible applicants, grantees, and owners.

Applicants, grantees, and owners will be ineligible to receive funds under this subpart as discussed in paragraphs (a) and (b) of this section.

(a) If an applicant, grantee, or owner has an outstanding judgment obtained by the U.S. in a Federal Court (other than in the United States Tax Court), is delinquent in the payment of Federal income taxes, or is delinquent on a Federal debt, the applicant, grantee, or owner is not eligible to receive a grant or combined grant and guaranteed loan until the judgment is paid in full or otherwise satisfied or the delinquency is resolved.

(b) If an applicant, grantee, or owner is debarred from receiving Federal assistance, the applicant, grantee, or owner is not eligible to receive a grant or combined grant and guaranteed loan under this subpart.

§ 4280.110 General applicant, application, and funding provisions.

(a) *Satisfactory progress.* An applicant that has received one or more grants and/or guaranteed loans under this program must make satisfactory progress, as determined by the Agency, toward completion of any previously funded projects before the applicant will be considered for subsequent funding. This may include a review of the applicant compliance with Agency reporting requirements. Satisfactory progress for EA and REDA grants is defined as at least 50 percent of previous EA or REDA awards expended at the time the Agency makes its eligibility determination.

(b) *Application submittal.* Applications must be submitted in accordance with the provisions of this subpart unless otherwise specified in a **Federal Register** notice. Grant applications and combined grant and guaranteed loan applications for financial assistance under this subpart may be submitted at any time.

(1) *Grant applications.* Complete grant applications will be accepted on a continuous basis, with awards made based on the application's score and subject to available funding.

(2) *Combined grant and guaranteed loan applications.* Applications requesting a RES or EEI grant and a guaranteed loan under this subpart will be accepted on a continuous basis, with awards made based on the grant application's score and subject to available funding.

(c) *Application limits.* An applicant applying for a grant or a combined grant and guaranteed loan is limited to competing one RES application and one EEI application under this subpart in any one Federal fiscal year. An applicant that proposes to install the same EEI or RES (including hybrid) across multiple facilities can be considered one project and be submitted in one application.

(d) *Application modification.* Once submitted and prior to Agency award, if an applicant modifies the scope of the project described in its application, the application will be treated as a new application. The submission date of record for such modified applications will be the date the Agency receives the modified information, and the application will be processed and scored by the Agency as a new application under this subpart.

(e) *Incomplete applications.* Applicants must submit complete applications in order to be considered for funding. If an application is incomplete, the Agency will identify those parts of the application that are incomplete and provide a written explanation to the applicant for possible future resubmission. Upon receipt of a complete application by the appropriate Agency office, the Agency will complete its evaluation and will compete the application in accordance with the procedures specified in §§ 4280.122 or 4280.156 as applicable.

(f) *Application withdrawal.* During the period between the submission of an application and the execution of award documents for an application selected for funding, the applicant must notify the Agency, in writing, if the project is no longer viable or the applicant no longer is requesting financial assistance for the project. When the applicant notifies the Agency, the selection will be rescinded and/or the application withdrawn.

(g) *Technical report.* The following technologies: Hydrogen, ocean energy, geothermal electric generation, anaerobic digesters and biogas, biomass, hybrid applications, RES with storage components, and EEI or technologies as amended via **Federal Register** notification or posted on the Agency's website, must provide a technical report as specified in §§ 4280.118(d) 4280.119(b)(4), and 4280.120(b)(3) and 4280.120(b)(4), and must comply with the provisions specified in paragraphs (g)(1) through (3), as applicable, of this section:

(1) *Technical report format and detail.* The information in the technical report must follow the format specified in § 4280.120(b)(3), § 4280.120(b)(4), and Appendices A through C of this subpart, as applicable. Supporting information may be submitted in other formats. Design drawings and process flowcharts are encouraged as exhibits. In addition, information must be provided, in sufficient detail, to:

(i) Allow the Agency to determine the technical merit of the applicant's project under § 4280.117;

(ii) Allow the calculation of simple payback as defined in § 4280.103;

(iii) For RES Projects, enable the calculation of the percentage of historical use of energy compared to the amount of renewable energy that will be generated once the project is operating at its steady state operating level. If the project is closely associated with a residence, demonstration must be made that 50 percent or more of the projected renewable energy will benefit the agricultural operation or rural small business; and

(iv) Demonstrate that the RES or EEI will operate or perform over the project's useful life in a reliable, safe, and a cost-effective manner, which may include but is not limited to addressing project design, installation, operation, maintenance, and warranties.

(2) *Technical report modifications.* If a technical report is prepared prior to

the applicant's selection of a final design, equipment vendor, or contractor, or other significant decision, it may be modified and resubmitted to the Agency, provided that the overall scope of the project is not materially changed as determined by the Agency. Changes in the technical report may require additional environmental documentation in accordance with 7 CFR part 1970.

(3) *Hybrid projects.* If the application is for a hybrid project, technical reports as applicable must be prepared for each technology that comprises the hybrid project.

(h) *Time limit on use of grant funds.* Except as provided in paragraph (h)(1) of this section, grant funds not expended within 2 years from the date the Financial Assistance Agreement was signed by the Agency will be returned to the Agency.

(1) *Time extensions.* The Agency may extend the 2-year time limit for a period not to exceed 24 months if the Agency determines, at its sole discretion, that the grantee is unable to complete the project for reasons beyond the grantee's control. Grantees must submit a request for the no-cost extension no later than 30 days before the two-year anniversary of executing the Financial Assistance Agreement. This request must describe the extenuating circumstances that were beyond their control to complete the project for which the grant was awarded, and why an approval is in the government's best interest.

(2) *Return of funds to the Agency.* Funds remaining after grant closeout that exceed the amount the grantee is entitled to receive under the Financial Assistance Agreement will be returned to the Agency.

§ 4280.111 Notifications.

(a) *Eligibility.* If an applicant and/or their application are determined by the Agency to be eligible for participation, the Agency will notify the applicant or lender in writing of the eligibility determination.

(b) *Ineligibility.* If an applicant and/or their application are determined to be ineligible at any time, the Agency will inform the applicant or lender, as applicable, in writing of the decision, reasons therefore, and any appeal rights, if applicable. No further processing of the application will occur.

(c) *Funding determinations.* Each applicant and/or lender, as applicable, will be notified of the Agency's decision on their application. If unfunded in a competition, the application will compete in the next available competition and will continue competing until either awarded or the application has competed in the maximum number of competitions in a fiscal year. The Agency will then issue an adverse funding determination for the unsuccessful application. If the Agency's decision is not to fund an application, the Agency will include in the notification any applicable appeal or review rights.

Renewable Energy System and Energy Efficiency Improvement Grants

§ 4280.112 Applicant eligibility.

To receive a RES or EEI grant under this subpart, an applicant must meet the requirements specified in paragraphs (a) through (g) of this section.

(a) *Type of applicant.* The applicant must be an agricultural producer or rural small business at the time of application.

(b) *Ownership and control.* The applicant must at the time of application and, if an award is made, for the useful life of the project as described in the Financial Assistance Agreement:

(1) Own the project; and

(2) Own or control the site for the project. If the grantee does not maintain ownership of the project and ownership or control of the site, then grant funds may be recovered from the grantee by the Agency in accordance with Departmental Regulations.

(c) *End Users.* If the controlling interest in the applicant entity is otherwise eligible and a legal transaction between two parties for the sale of energy in an open market is being proposed, the Agency will not consider the energy end-users as part of the analysis of the eligibility of the applicant. If the proposed end-user would be an ineligible applicant, such as an entity which is residential in nature or a non-profit entity, and the REAP applicant entity is a newly formed special-purpose entity with substantially the same ownership as the sole proposed end-user, then the REAP applicant entity is not eligible.

(d) *Revenues and expenses.* The applicant must have available at the time of application satisfactory sources of revenue in an amount sufficient to provide for the operation, management, maintenance, and any debt service of the project for the useful life of the project. In addition, the applicant must control the revenues and expenses of the project, including its operation and maintenance. Notwithstanding the provisions of this paragraph, the applicant may employ a qualified consultant under contract to manage revenues and expenses of the project and its operation and/or maintenance.

(e) *Legal authority and responsibility.* Each applicant must have the legal authority necessary to apply for and carry out the purpose of the grant.

(f) *Unique Entity Identifier (UEI).* All applicants must register for a UEI as part of the registration process. Generally, the UEI number is included on Standard Form-424, ''Application for Federal Assistance.''

(g) *System for Awards Management (SAM).* Unless exempt under 2 CFR 25.110, the applicant must:

(1) Be registered in the SAM prior to submitting an application;

(2) Maintain an active SAM registration with current information at all times while an application is pending and until final fund disbursement has been made.

§ 4280.113 Project eligibility.

For a project to be eligible to receive a RES or EEI grant under this subpart, the proposed project must meet each of the requirements specified in paragraphs (a) through (e) of this section. Subsequent EEI projects must meet the requirements specified in paragraph (a)(5)(ii) of this section. The applicant is cautioned against taking any actions or incurring any obligations prior to the Agency completing the environmental review that would either limit the range of alternatives to be considered or that would have an adverse effect on the environment, such as the initiation of construction. If the applicant takes any such actions or incurs any such obligations, it could result in project ineligibility.

(a) The project must be for:

(1) The purchase of a new RES;

(2) The purchase of a refurbished RES;

(3) The retrofitting of an existing RES;

(4) For the purposes of this subpart, only those hydroelectric sources with a rated power of 30 megawatts or less are eligible, or

(5) Making an EEI that will allow less energy to be used on an annual basis than the original building and/or equipment being improved or replaced as provided in a vendor/installer certification or as demonstrated in an energy assessment or energy audit as applicable.

(i) *Types of improvements.* Eligible EEI include, but are not limited to:

(A) Efficiency improvements to existing RES; and

(B) Construction of a new energy efficient building only when the building is used for the same purpose as the existing building, and, based on an energy assessment or energy audit, as applicable, it will be more cost effective to construct a new building and will use less energy on annual basis than improving the existing building.

(ii) *Subsequent EEI projects.* A proposed EEI project that replaces an

EEI project previously funded under this subpart may or may not be eligible for funding.

(A) If the proposed EEI project would replace the same specific EEI equipment that had previously received funds under this subpart prior to the end of the useful life, as specified in the Financial Assistance Agreement, then the proposed improvement project, even if it is more energy efficient than the previously funded improvement, is ineligible.

(B) If the proposed EEI project would replace the same specific EEI equipment that had previously received funds under this subpart at or after the end of the useful life, as specified in the Financial Assistance Agreement, then the proposed improvement is eligible for funding under this subpart provided the EEI is more energy efficient than the previously funded improvement. If the proposed EEI is not more energy efficient than the previously funded improvement, then it is not eligible for funding under this subpart.

(b) The project must utilize commercially available technology;

(c) The project must have technical merit, as determined using the procedures specified in § 4280.117; and

(d) The project must be located in a rural area in a State if the type of applicant is a rural small business, or in a rural or non-rural area in a State if the type of applicant is an agricultural producer and the application supports the production, processing, vertical integration, or marketing of agricultural products. If the agricultural producer's operation is in a non-rural area, then the application can only be for RES or EEI components of the business operation that are directly related to and their use and purpose is limited to the agricultural production operation, such as vertically integrated operations, and are part of and co-located with the agricultural production operation.

(e) For a RES project, where a residence is closely associated with and shares an energy metering device with an agricultural operation or rural small business to be served by the RES project, 50 percent or more of the energy to be generated by the RES project must be used by the agricultural operation or rural small business. This also includes projects which will virtually net meter or credit energy to be generated by the RES project to a residence off-site from the project and owned by the applicant. The application must contain sufficient documentation to evaluate this provision which may include using either of the methods identified in paragraphs (e)(1) through (2) of this section.

(1) Provide a renewable energy site assessment or other documentation including calculations that demonstrate, based on historical energy use, that 50 percent or more of the energy to be produced by the RES project will be used in the agricultural operation or rural small business. This includes documentation on historical residential energy use. The Agency may request additional data to determine residential versus business or agricultural operation usage. The actual percentage of energy determined to benefit the rural small business or agricultural operation will be used to determine eligible project costs; or

(2) The applicant may install, or elect to conditionalize funding upon the installation of, a device (such as a second meter) that restricts 100 percent of the energy generated by the RES project to be used only by the agricultural operation or rural small business.

(f) An applicant is permitted to use up to 10 percent of the amount provided under this subpart to construct, improve, or acquire broadband infrastructure, subject to the requirements of 7 CFR 1980, Subpart M, Special Authority to Enable Funding of Broadband and Smart Utility Facilities Across Select Rural Development Programs.

§ 4280.114 Ineligible projects.

The Agency will not award funding under this part for any projects identified in this section, unless otherwise noted.

(a) Research and development projects and projects that involve technology that is not commercially available;

(b) Business operations that derive more than 10 percent of annual gross revenue from gambling activity. Gambling activities include any lease income from space or machines used for gambling activities. State or Tribal-authorized lottery proceeds, as approved by the Agency, conducted for the purpose of raising funds for the approved project are excluded;

(c) Business operations deriving income from activities of a sexual nature or illegal activities;

(d) Residential RES or EEI projects, including farm labor housing, apartment complexes, and owner-occupied bed and breakfasts, except for-profit nursing homes and assisted living facilities that provide full-time medical care for residents, and for-profit hotels that provide short-term housing;

(e) Racetracks or facilities for conducting either professional or amateur races of animals, or by professional or amateur drivers or jockeys, or any other type of racing;

(f) RES projects that co-fire with fossil fuels, natural gas or petroleum-based products or materials such as coal and other non-renewable fuels, oils, and chemicals, and tires or plastic;

(g) Projects where 50 percent or more of the costs are ineligible or where project costs as defined in the application do not meet the definition of a renewable energy system or energy efficiency improvement, including projects submitted for labor costs only. Project costs associated with an EEI that are not clearly identified in the energy assessment or audit will be considered ineligible costs; and

(h) Projects proposing two or more different types of RES technologies that are not incorporated into a unified system and projects proposing two or more different types of RES technologies at two or more locations.

§ 4280.115 RES and EEI grant funding.

(a) *Grant amounts.* The amount of grant funds that will be made available to an eligible RES or EEI project under this subpart will not exceed 25 percent of eligible project costs. Eligible project costs are specified in paragraph (c) of this section.

(1) *Minimum request.* Unless otherwise specified in a **Federal Register** notice, the minimum request for a RES grant application is $2,500 and the minimum request for an EEI grant application is $1,500.

(2) *Maximum request.* Unless otherwise specified in a **Federal Register** notice, the maximum request for a RES grant application is $500,000 and the maximum request for an EEI grant application is $250,000.

(3) *Maximum grant assistance.* Unless otherwise specified in a **Federal Register** notice, the maximum amount of grant assistance to one person or entity under this subpart will not exceed $750,000 per Federal fiscal year.

(b) *Matching funds and other funds.* The applicant is responsible for securing the remainder of the total project costs not covered by grant funds.

(1) Without specific statutory authority, other Federal grant funds cannot be used to meet the matching funds requirement. A copy of the statutory authority must be provided to the Agency to verify if the other Federal grant funds can be used to meet the matching funds requirement under this subpart.

(2) Passive third-party equity contributions are acceptable for RES projects, including equity raised from the sale of Federal tax credits.

(c) *Eligible Project Costs.* Eligible project costs are only those costs incurred after a complete application has been received by the Agency and are associated with the items identified in paragraphs (c)(1) through (6) of this section. Each item identified in paragraphs (c)(1) through (6) of this section is only an eligible project cost if it is directly related to and its use and purpose is limited to the RES or EEI.

(1) Purchase and installation of new or refurbished equipment.

(2) Construction, retrofitting, replacement, and improvements.

(3) EEI identified by vendor/installer certification or in the applicable energy assessment or energy audit.

(4) Fees for construction permits and licenses and fees required by an interconnection agreement.

(5) Professional service fees related to the project for qualified consultants, contractors, installers, and other third-party services.

(6) For an eligible RES in which a residence is closely associated with the rural small business or agricultural operation the installation of a second meter to separate the residence from the portion of the project that benefits the rural small business or agricultural operation, as applicable.

(d) *Ineligible project costs.* Ineligible project costs for RES and EEI projects include, but are not limited to:

(1) Costs for agricultural tillage equipment, used equipment, and vehicles;

(2) Construction or equipment costs that would be incurred regardless of the installation of a RES or EEI.

(3) Lease payments, including lease to own or capitalized leases;

(4) Any project cost that creates a conflict of interest or an appearance of a conflict of interest as provided in § 4280.106;

(5) Funds used for political or lobbying activities; and

(6) Funds used to pay off any Federal direct or guaranteed loans or other Federal debts.

(e) *Award amount considerations.* In determining the amount of a RES or EEI grant awarded, the Agency will take into consideration the following six criteria:

(1) The type of RES to be purchased;

(2) The estimated quantity of energy to be generated by the RES;

(3) The expected environmental benefits of the RES;

(4) The quantity of energy savings expected to be derived from the activity, as certified by the vendor/installer as applicable, or demonstrated by an energy audit or energy assessment;

(5) The estimated period of time for the energy savings generated by the activity to equal the cost of the activity; and

(6) The expected energy efficiency of the RES.

§ 4280.116 Grant applications—general.

(a) *General.* Separate applications must be submitted for RES and EEI projects. An original, hardcopy or electronic, of each application is required.

(b) *Application content.* Applications for RES projects or EEI projects must contain the information specified in § 4280.118 unless the requirements of either § 4280.119(a) or § 4280.120(a) are met. If the requirements of § 4280.119(a) are met, the application may contain the information specified in § 4280.119(b). If the requirements of § 4280.120(a) are met, the application may contain the information specified in § 4280.120(b). For RES Projects only, the Agency may require a feasibility study based on the scope of the project to the applicant's overall operations, including new facilities with significant impacts on an existing operation, or when the application information or technical report does not provide sufficient documentation and analysis of the project's engineering, technical, financial, or market feasibility, or the economic viability of the project including any feedstock or off-take agreements, that are needed to evaluate whether a project will be successful. The elements of an acceptable feasibility study may vary by project scope and should be prepared by a qualified and independent third party.

(c) *Evaluation of applications.* The Agency will evaluate each RES and EEI grant application and make a determination as to whether the application meets the criteria specified in paragraphs (c)(1) through (4).

(1) The application is complete, as defined in § 4280.103;

(2) The Applicant is eligible according to § 4280.112;

(3) The project is eligible according to § 4280.113; and

(4) The proposed project has technical merit as determined under § 4280.117.

§ 4280.117 Determination of technical merit.

The Agency will determine the technical merit of all proposed projects for which complete applications are submitted under §§ 4280.118, 4280.119, and 4280.120 under this subpart using the procedures specified in this section. Only projects that have been determined by the Agency to have technical merit are eligible for funding under this subpart.

(a) *General.* The Agency will use the information provided in the applicant's application and/or technical report to determine whether or not the project has technical merit. In making this determination, the Agency may engage the services of other Government agencies or other recognized industry experts in the applicable technology field, at its discretion, to evaluate and rate the technical report. The technical report can also be provided in the technical feasibility section of the feasibility study, when required, instead of completing a separate technical report.

(b) *Technical report areas.* The areas that the Agency will evaluate in the technical reports when making the technical merit determination are specified in paragraphs (b)(1) through (5) of this section.

(1) *EEI whose total project costs are $80,000 or less.* The following areas will be evaluated in making the technical merit determination:

(i) Project description;

(ii) Qualifications of EEI provider(s); and

(iii) Vender/Installer certification, energy assessment, or energy audit.

(2) *RES whose total project costs are $80,000 or less.* The following areas will be evaluated in making the technical merit determination:

(i) Project description;

(ii) Resource assessment;

(iii) Project economic assessment; and

(iv) Qualifications of key service providers.

(3) *EEI whose total project costs are greater than $80,000.* The following areas will be evaluated in making the technical merit determination:

(i) Project information;

(ii) Energy assessment or energy audit; and

(iii) Qualifications of the contractor or installers.

(4) *RES whose total project costs are less than $200,000, but more than $80,000.* The following areas will be evaluated in making the technical merit determination:

(i) Project description;

(ii) Resource assessment;

(iii) Project economic assessment;

(iv) Project construction and equipment; and

(v) Qualifications of key service providers.

(5) *RES whose total project costs are $200,000 and greater.* The following areas will be evaluated in making the technical merit determination:

(i) Qualifications of the project team;

(ii) Agreements and permits;

(iii) Resource assessment;

(iv) Design and engineering;

(v) Project development;

(vi) Equipment procurement and installation; and

(vii) Operations and maintenance.

(c) *Pass/Pass with conditions/fail assignments.* The Agency will assign each area of the technical report, as specified in paragraph (b) of this section, a ''pass,'' ''pass with conditions,'' or ''fail.'' An area will receive a ''pass'' if the information provided for the area has no weaknesses and meets or exceeds any requirements specified for the area. An area will receive a ''pass with conditions'' if the information provided for the area has minor weaknesses which could be conditionalized and reasonably resolved by the applicant. Otherwise, if the information provided for the area is conclusively deemed to be a major weakness or if the area has not been addressed by the applicant, the area will receive a ''fail.''

(d) *Determination.* The Agency will compile the results for each area of the technical report to determine if the project has technical merit.

(1) A project whose technical report receives a ''pass'' in each of the applicable technical report areas will be considered to have ''technical merit.''

(2) A project whose technical report receives a ''pass with conditions'' in one or more the applicable areas will be considered to have ''conditional technical merit.''

(3) A project whose technical report receives a ''fail'' in any one technical report area will be considered to be without technical merit.

(e) *Further processing of applications.* A project that is determined to have ''technical merit'' or ''conditional technical merit'' is eligible for further consideration for funding. Projects with ''conditional technical merit'' would be subject to funding conditions that would need to be met to ensure full technical merit prior to completion of the project. A project that is determined to be ''without technical merit'' is considered to be an incomplete application and therefore is not eligible to compete for funding.

§ 4280.118 Grant applications for RES and EEI projects with total project costs of $200,000 and greater.

Grant applications for RES and EEI projects with total project costs of $200,000 and greater must provide the information specified in paragraphs (a) through (c) of this section, as applicable. Each applicant is encouraged, but is not required, to self-score the project using the evaluation criteria in § 4280.121.

(a) *Forms and certifications.* Each application must contain the forms and certifications specified in paragraphs (a)(1) through (10), as applicable, of this section, except paragraph (a)(5) is optional.

(1) Form RD 4280–3C, ''Application for Renewable Energy Systems and Energy Efficiency Improvement Projects Total Project Costs of $200,000 or Greater''.

(2) Form SF–424, ''Application for Federal Assistance.''

(3) Form SF–424C, ''Budget Information—Construction Programs.''

(4) Form SF–424D, ''Assurances—Construction Programs.''

(5) Identify the ethnicity, race, and gender of the applicant. Identify if the borrower is a veteran. This information is optional and is not required for a complete application but may be used by the Agency to award priority points.

(6) Environmental documentation in accordance with 7 CFR part 1970. The applicant should contact the Agency to determine what documentation is required to be provided.

(7) The applicant must identify whether or not the applicant has a known relationship or association with an Agency employee. If there is a known relationship, the applicant must identify each Agency employee with whom the applicant has a known relationship.

(8) Certification that the applicant is a legal entity in good standing (as applicable) and operating in accordance with the laws of the State(s) or Tribe(s) where the applicant has a place of business.

(9) Certification by the applicant that the equipment required for the project is available, can be procured and delivered within the proposed project development schedule, and will be installed in conformance with manufacturer's specifications and design requirements. This would not be applicable when equipment is not part of the project.

(10) Certification by the applicant that the project will be constructed in accordance with applicable laws, regulations, agreements, permits, codes, and standards.

(b) *Applicant information.* Provide information specified in paragraphs (b)(1) through (4) of this section to allow the Agency to determine the eligibility of the applicant.

(1) *Type of applicant.* Eligible applicants must meet the definition of agricultural producer or rural small business as defined in § 4280.103. Agricultural producers seeking funding for a RES or EEI project may apply as either a rural small business or as an agricultural producer, provided they meet the applicable eligibility requirements. The applicant must provide the primary North American Industry Classification System (NAICS) code applicable to the applicant's business concern and certify on the Agency approved application form that they meet the definition of agricultural producer or rural small business. The Agency reserves the right to request supporting documentation to verify applicant eligibility.

(2) *Applicant description.* Describe the ownership of the applicant, including the information specified in paragraphs (b)(2)(i) and (ii) of this section as applicable. Include a description of the applicant's farm/ranch/business operation, including how long the applicant has been in operation.

(i) Describe how the applicant meets the ownership and control requirements as identified in § 4280.112(b).

(ii) For each entity(ies) it controls or entity(ies) it is controlled by, provide a list of the individual owners with their contact information. Describe the relationship between the applicant and the other entity(ies), including percent ownership and control, management, passive investor ownership, and as applicable products exchanged. Organizational charts to demonstrate structure should be submitted when applicable.

(3) *Financial information.* Financial information is required on the total operation of the applicant and all entity(ies) it controls or entity(ies) that control the applicant.

(i) All financial information (*e.g.,* financial statements, balance sheets, financial projections, income statements) must be submitted in accordance with accounting practices acceptable to the Agency. Such practices can include, but are not limited to, Generally Accepted Accounting Principles (GAAP) and the industry's standard accounting practice.

(ii) For sole proprietorships and other situations where business assets are held personally, financial statements must be prepared using only the assets and liabilities directly attributable to the business. Assets, plus any improvements must be valued at the lower of cost or market value.

(iii) The Agency may request additional financial statements, financial models, cash flow information, updated financial statements, and other related financial information to determine the financial feasibility of a Project. Required financial statements:

(A) *Historical financial statements.* Provide Agency-acceptable historical balance sheets and income statements the lesser of the last 3 fiscal years or all years of operation.

(B) *Current balance sheet and income statement.* Provide a current Agency-

acceptable balance sheet and year-to-date income statement dated within 90 days of submission of the complete application.

(C) *Pro forma financial statements.* Provide balance sheets, income statements, and cash flow statements or financial model starting from the current financial statements through a minimum of 2 years of the project performing at full operational capacity or stable operations. Financial projections must be supported by a list of assumptions showing the basis for the projections.

(4) *Previous grants and loans.* State whether the applicant has received and accepted any grants or guaranteed loan commitments under this subpart or any guaranteed loans under 7 CFR 5001. If the applicant has, identify each such grant award or guaranteed loan commitment and describe the progress the applicant has made on each project for which the grant or loan was received, including projected schedules and actual completion dates.

(c) *Project information.* Provide information concerning the proposed project as a whole and its relationship to the applicant's operations, including the following:

(1) Identification as to whether the project is for a RES or an EEI project. Include a description and the location of the project.

(2) A description of the process that will be used to conduct all procurement transactions to demonstrate compliance with § 4280.125(a)(1).

(3) Indicate if the proposed project will have a positive effect on resource conservation (*e.g.,* water, soil, forest), public health (*e.g.,* potable water, air quality), and the environment (*e.g.,* compliance with the U.S. Environmental Protection Agency's (EPA) renewable fuel standard(s), greenhouse gases, emissions, particulate matter).

(4) Identify the amount of funds and the source(s) the applicant is proposing to use for the project. Provide written commitments for funds at the time the application is submitted to receive points under this scoring criterion.

(i) If financial resources come from the applicant, documentation may include bank statements that demonstrates availability of funds.

(ii) If a third party is providing financial assistance, the applicant must submit a commitment letter signed by an authorized official of the third party. The letter must be specific to the project and must identify the dollar amount and any applicable rates and terms. If the third-party commitment is a loan, the commitment must be firm; a letter-of-intent or pre-qualification letter subject to underwriting requirements or contingencies are not acceptable. An acceptable condition may be based on the receipt of the REAP grant or an appraisal.

(d) *Technical report.* Each application must contain a technical report prepared in accordance with § 4280.110(g) and Appendix A or C, as applicable, of this subpart.

(e) *Construction planning and performing development.* Each application submitted must be in accordance with § 4280.125 for planning, designing, bidding, contracting, and constructing RES and EEI projects as applicable.

§ 4280.119 Grant applications for RES and EEI projects with total project costs of less than $200,000, but more than $80,000.

Grant applications for RES and EEI projects with total project costs of less than $200,000, but more than $80,000, may provide the information specified in this section or, if the applicant elects to do so, the information specified in § 4280.118. In order to submit an application under this section, the criteria specified in paragraph (a) of this section must be met. The content for applications submitted under this section is specified in paragraph (b) of this section. Unless otherwise specified in this subpart, the construction planning and performing development procedures and the payment process that will be used for awards for applications submitted under this section are specified in paragraphs (c) and (d), respectively, of this section.

(a) *Criteria for submitting applications for projects with total project costs of less than $200,000, but more than $80,000.* In order to submit an application under this section, each of the conditions specified in paragraphs (a)(1) through (7) of this section must be met.

(1) The applicant must be eligible in accordance with § 4280.112.

(2) The project must be eligible in accordance with § 4280.113.

(3) Total project costs must be less than $200,000, but more than $80,000.

(4) Construction planning and performing development must be performed in compliance with paragraph (c) of this section. The applicant or the applicant's prime contractor assumes all risks and responsibilities of project development.

(5) The applicant or the applicant's prime contractor is responsible for all interim financing, including during construction.

(6) The applicant agrees not to request reimbursement from funds obligated under this program until after project completion and is operating in accordance with the information provided in the application for the project.

(7) The applicant must maintain insurance as required under § 4280.123(b), except business interruption insurance is not required.

(b) *Application content.* Applications submitted under this section must contain the information specified in paragraphs (b)(1) through (4) of this section. Each applicant is encouraged, but is not required, to self-score the project using the evaluation criteria in § 4280.121.

(1) *Forms and certifications.* The application must contain the items identified in § 4280.118(a), except that Form RD 4280–3B, ''Application for Renewable Energy Systems and Energy Efficiency Improvement Projects Total Project Costs of Less than $200,000, But More Than $80,000'' may be used instead of the form noted in § 4280.118 (a)(1). In addition, the applicant must submit a certification that the applicant meets each of the criteria for submitting an application under this section as specified in paragraph (a) of this section.

(2) *Applicant information.* The application must contain the items identified in § 4280.118(b), except that the information specified in § 4280.118(b)(3) is not required. The Agency reserves the right to request supporting documentation to verify applicant eligibility.

(3) *Project information.* The application must contain the items identified in § 4280.118(c).

(4) *Technical report.* Each application must contain a technical report in accordance with § 4280.110(g) and Appendix A or B, as applicable, of this subpart.

(c) *Construction planning and performing development.* Applicants submitting applications under this section must comply with the requirements specified in paragraphs (c)(1) through (3) of this section for construction planning and performing development.

(1) *General.* Paragraphs (a)(1), (2), and (4) of § 4280.125 apply.

(2) *Small acquisition and construction procedures.* Small acquisition and construction procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, equipment, and construction of a RES or EEI project with a total project cost of not more than $200,000. The applicant is solely responsible for the execution of all contracts under this

procedure, and Agency review and approval is not required.

(3) *Contractor forms.* Applicants must have each contractor sign, as applicable:

(i) Form RD 400–6, ''Compliance Statement,'' for contracts exceeding $10,000; and

(ii) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions,'' for contracts exceeding $25,000.

(d) *Payment process for applications for RES and EEI projects with total project costs of less than $200,000, but more than $80,000.*

(1) Upon completion of the project, the grantee must submit to the Agency a copy of the contractor's certification of final completion for the project and a statement that the grantee accepts the work completed. At its discretion, the Agency may require the applicant to have an inspector certify that the project is constructed and installed correctly.

(2) The RES or EEI project must be constructed, installed, and operating as described in the technical report prior to disbursement of funds. For RES, the system must be operating at the steady state operating level described in the technical report for a period of not less than 30 days, unless this requirement is modified by the Agency, prior to disbursement of funds. Any modification to the 30-day steady state operating level requirement will be based on the Agency's review of the technical report and will be incorporated into the Letter of Conditions.

(3) Prior to making payment, the Agency will be provided with Form RD 1924–9, ''Certificate of Contractor's Release,'' and Form RD 1924–10, ''Release by Claimants,'' or similar forms, executed by all persons who furnished materials or labor in connection with the contract.

§ 4280.120 Grant applications for RES and EEI projects with total project costs of $80,000 or less.

Grant applications for RES and EEI projects with total project costs of $80,000 or less must provide the information specified in this section or, if the applicant elects to do so, the information specified in either §§ 4280.118 or 4280.119. In order to submit an application under this section, the criteria specified in paragraph (a) of this section must be met. The content for applications submitted under this section is specified in paragraph (b) of this section. Unless otherwise specified in this subpart, the construction planning and performing development procedures and the payment process that will be used for awards for applications submitted under this section are specified in paragraphs (c) and (d), respectively, of this section.

(a) *Criteria for submitting applications for RES and EEI projects with total project costs of $80,000 or less.* In order to submit an application under this section, each of the conditions specified in paragraphs (a)(1) through (7) of this section must be met.

(1) The applicant must be eligible in accordance with § 4280.112.

(2) The project must be eligible in accordance with § 4280.113.

(3) Total project costs must be $80,000 or less.

(4) Construction planning and performing development must be performed in compliance with paragraph (c) of this section. The applicant or the applicant's prime contractor assumes all risks and responsibilities of project development.

(5) The applicant or the applicant's prime contractor is responsible for all interim financing, including during construction.

(6) The applicant agrees not to request reimbursement from funds obligated under this program until after the project has been completed and is operating in accordance with the information provided in the application for the project.

(7) The applicant must maintain insurance as required under § 4280.123(b), except business interruption insurance is not required.

(b) *Application content.* Applications submitted under this section must contain the information specified in paragraphs (b)(1) through (4), as applicable. Each applicant is encouraged, but is not required, to self-score the project using the evaluation criteria in § 4280.121.

(1) *Forms and certifications.* Each application must contain the forms and certifications specified in paragraphs (b)(1)(i) through (x), as applicable, of this section except that paragraph (b)(1)(v) is optional.

(i) Form RD 4280–3A, ''Application for Renewable Energy Systems and Energy Efficiency Improvement Projects Total Project Costs of $80,000 or Less''.

(ii) Form SF–424, ''Application for Federal Assistance''.

(iii) Form SF–424C, ''Budget Information for Construction Programs''.

(iv) Form SF–424D, ''Assurances for Construction Programs''.

(v) Identify the ethnicity, race, and gender of the applicant. Identify if the borrower is a veteran. This information is optional and is not required for a complete application but may be used by the Agency to award priority points.

(vi) Environmental documentation in accordance with 7 CFR part 1970. The applicant should contact the Agency to determine what documentation is required to be provided.

(vii) Certification by the applicant that:

(A) The applicant meets each of the applicant eligibility criteria found in § 4280.112. The Agency reserves the right to request supporting documentation to verify applicant eligibility;

(B) The proposed project meets each of the project eligibility requirements found in § 4280.113;

(C) The design, engineering, testing, and monitoring will be sufficient to demonstrate that the proposed project will meet its intended purpose;

(D) The equipment required for the project is available, can be procured and delivered within the proposed project development schedule, and will be installed in conformance with manufacturer's specifications and design requirements. This would not be applicable when equipment is not part of the project;

(E) The project will be constructed in accordance with applicable laws, regulations, agreements, permits, codes, and standards;

(F) The applicant meets the criteria for submitting an application for projects with total project costs of $80,000 or less;

(G) The applicant will abide by the open and free competition requirements in compliance with § 4280.125(a)(1); and

(H) For bioenergy projects, any and all woody biomass feedstock from National Forest System land or public lands cannot be otherwise used as a higher value wood-based product.

(viii) State whether the applicant has received any grants and/or guaranteed loans under this subpart, or any guaranteed loans under 7 CFR part 5001. If the applicant has, identify each such grant and/or loan and describe the progress the applicant has made on each project for which the grant and/or loan was received, including projected schedules and actual completion dates.

(ix) The applicant must identify whether or not the applicant has a known relationship or association with an Agency employee. If there is a known relationship, the applicant must identify each Agency employee with whom the applicant has a known relationship.

(x) The applicant is a legal entity in good standing (as applicable) and operating in accordance with the laws of the State(s) or Tribe where the applicant has a place of business.

(2) *General.* For both RES and EEI project applications:

(i) Identify whether the project is for a RES or an EEI project;

(ii) Identify the primary NAICS code applicable to the applicant's operation if known or a description of the operation in enough detail for the Agency to determine the primary NAICS code;

(iii) Indicate if the proposed project will have a positive effect on resource conservation (*e.g.,* water, soil, forest), public health (*e.g.,* potable water, air quality), and the environment (*e.g.,* compliance with the EPA's renewable fuel standard(s), greenhouse gases, emissions, particulate matter); and

(iv) Identify the amount of matching funds and other funds and the source(s) the applicant is proposing to use for the project. In order to receive points under this scoring criterion, written commitments for funds (*e.g.,* a Letter of commitment, bank statement) must be submitted when the application is submitted.

(A) If financial resources come from the applicant, documentation may include a bank statement that demonstrates availability of funds.

(B) If a third party is providing financial assistance, the applicant must submit a commitment letter signed by an authorized official of the third party. The letter must be specific to the project, identify the dollar amount and any applicable rates and terms. If the third-party commitment is a loan, the commitment must be firm, a letter-of-intent or pre-qualification letter, subject to underwriting requirements or contingencies are not acceptable. An acceptable condition may be based on the receipt of the REAP grant or an appraisal.

(3) *Technical report for EEI.* Each EEI application submitted under this section must include a technical report in accordance with § 4280.110(g) and paragraphs (b)(3)(i) through (iv) of this section.

(i) *Project description.* Provide a description of the proposed EEI, including its intended purpose and a vendor/installer certification that the EEI project meets the requirements for being commercially available.

(ii) *Qualifications of EEI provider(s).* Provide a certification by the vendor/installer that:

(A) They are qualified to complete the project as intended, including the number of years of experience with the proposed EEI technology. Any contractor or installer with less than 2 years of experience may be required to provide additional information in order for the Agency to determine if they are a qualified installer/contractor.

(B) The EEI system will operate and perform over the project's useful life in a reliable and cost-effective manner; and

(iii) *Energy assessment.* Provide a copy of the energy assessment (or energy audit) performed for the project as required under Section C of Appendix A to this subpart and the qualifications of the person which completed the energy assessment.

(iv) *Simple payback.* Provide an estimate of simple payback, including all calculations, documentation, and any assumptions.

(4) *Technical report for RES.* Each RES application submitted under this section must include a technical report in accordance with § 4280.110(g) and paragraphs (b)(4)(i) through (iv) of this section.

(i) *Project description.* Provide a description of the project, including its intended purpose and a vendor/installer certification that the RES project meets the requirements for being commercially available. Appendix B contains instructions for how a project is to be constructed and installed. Identify the project's location and describe the project site.

(ii) *Resource assessment.* Provide vendor/installer certified projections on energy to be replaced and/or generated once the proposed system is operating at its steady state operating level, including the quality and availability of the renewable resource to the project. If there is a residence closely associated with the RES project, include the historical amount of energy used by the residence and the historical amount of energy used by the agricultural operation or rural small business, as applicable, to satisfactorily demonstrate 50% or more of proposed generation will benefit the agricultural operation or rural small business;

(iii) *Project economic assessment.* Describe the projected financial performance of the proposed project. The description must address total project costs, revenues accrued from the sale or crediting of energy, quantity and value of energy offset, and revenue from byproducts. Include applicable investment and other production incentives and indicate if they are a one time or reoccurring incentive. Provide an estimate of simple payback, including all calculations, documentation, and any assumptions; and

(iv) *Qualifications of key service providers.* Provide a certification by the vendor/installer that:

(A) They are qualified to complete the project as intended, including the number of similar systems installed previously and any professional credentials, licenses, and relevant experience. If specific numbers are not available for similar systems, you may submit an estimation of the number of similar systems; and

(B) The RES system will operate and perform over the project's useful life in a reliable and cost-effective manner.

(c) *Construction planning and performing development for applications submitted under this section.* All applicants submitting applications under this section must comply with the requirements specified in paragraphs (c)(1) through (3) of this section for construction planning and performing development.

(1) *General.* Paragraphs (a)(1), (2), and (4) of § 4280.125 apply.

(2) *Small acquisition and construction procedures.* Small acquisition and construction procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, equipment and construction of a RES or EEI project with a total project cost of not more than $80,000. The applicant is solely responsible for the execution of all contracts under this procedure, and Agency review and approval is not required.

(3) *Contractor forms.* Applicants must have each contractor sign, as applicable:

(i) Form RD 400–6, ''Compliance Statement'' for contracts exceeding $10,000; and

(ii) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion lower Tier Covered Transactions'' for contracts exceeding $25,000.

(d) *Payment process for applications for RES and EEI projects with total project costs of $80,000 or less.* (1) Upon completion of the project, the grantee must submit to the Agency a copy of the contractor's certification of final completion for the project and a statement that the grantee accepts the work completed. At its discretion, the Agency may require the applicant to have an inspector certify that the project is constructed and installed correctly.

(2) The RES or EEI project must be constructed, installed, and currently be operating as described in the technical report prior to disbursement of funds. For RES, the system must be operating at the steady state operating level described in the technical report for a period of not less than 30 days, unless this requirement is modified by the Agency, prior to disbursement of funds. Any modification to the 30-day steady state operating level requirement will be based on the Agency's review of the technical report and will be

incorporated into the Letter of Conditions.

(3) Prior to making payment, the grantee must provide the Agency with Form RD 1924–9 and Form RD 1924–10, or similar forms, executed by all persons who furnished materials or labor in connection with the contract.

§ 4280.121 Scoring RES and EEI grant applications.

Agency personnel will score each complete and eligible RES and EEI application based on the scoring criteria specified in this section, unless otherwise specified in a **Federal Register** notice, with a maximum score of 100 points possible.

(a) *Environmental benefits.* A maximum of 5 points will be awarded for this criterion based on whether the applicant has indicated in the application that the proposed project will have a positive effect on resource conservation (*e.g.,* water, soil, forest), public health (*e.g.,* potable water, air quality), and the environment (*e.g.,* compliance with EPA's renewable fuel standard(s), greenhouse gases, emissions, particulate matter). If the project will have a positive impact on:

(1) Any one of the three impact areas, 1 point will be awarded.

(2) Any two of the three impact areas, 3 points will be awarded.

(3) All three impact areas, 5 points will be awarded.

(b) *Energy generated, replaced, or saved.* A maximum of 25 points will be awarded for this criterion. Applications for RES and EEI projects are eligible for points under both paragraphs (b)(1) and (2) of this section.

(1) *Quantity of energy generated or saved per REAP grant dollar requested.* A maximum of 10 points will be awarded for this sub-criterion. For RES and EEI projects, points will be awarded for either the amount of renewable energy generation per grant dollar requested, which includes those projects that are replacing energy usage with a renewable source; or the actual annual average energy savings over the most recent 12, 24, 36, 48, or 60 consecutive months of operation per grant dollar requested. Points will not be awarded for more than one category.

(i) *RES.* The quantity of energy generated or replaced per grant dollar requested will be determined by dividing the projected total annual energy generated or replaced by the RES or RES retrofit (minus energy for residential use), which will be converted to BTUs, by the grant dollars requested. Points will be awarded based on the annual amount of energy generated or replaced (minus energy for residential use) per grant dollar requested for the proposed RES project. In cases where there are ineligible pre-application costs, the entire quantity of energy produced by the system is utilized for this scoring criteria as long as the use of energy produced is eligible. The Agency will award up to 10 points as determined using paragraphs (b)(1)(i)(A) and (B) of this section. If the annual amount of energy generated or replaced per grant dollar requested is:

(A) 50,000 BTUs average annual energy generated or replaced per grant dollar requested or higher, 10 points will be awarded; or

(B) Less than 50,000 BTUs annual energy generated or replaced per grant dollar requested, points will be awarded according to the results of taking the energy generated or replaced per grant dollar requested/50,000 × 10 points. The points awarded are rounded to the nearest hundredth of a point.

(ii) *EEI.* The Agency will award up to 10 points under this sub-criterion based on the average annual energy saved per grant dollar requested for the EEI project. The Agency will award up to 10 points as determined under paragraph (b)(1)(ii)(A) and (B) of this section. If the average annual energy saved per grant dollar requested is:

(A) 50,000 BTUs average annual energy saved per grant dollar requested or higher, 10 points will be awarded; or

(B) Less than 50,000 BTUs average annual energy saved per grant dollar requested, points will be awarded according to the result of taking the energy saved per grant dollar requested/ 50,000 × 10 points. The points awarded are rounded to the nearest hundredth of a point.

(2) *Quantity of energy replaced, generated, or saved.* A maximum of 15 points will be awarded for this sub-criterion. Points will be awarded on the basis of whether the project is for energy replacement, energy savings, or energy generation; points will not be awarded for more than one category.

(i) *Energy replacement.* The Agency will award points under this sub-criterion for a RES project based on the amount of energy replaced by the project compared to the amount of energy used by the applicable process(es) over a 12-month period. If the estimated energy produced is more than 150 percent of the energy used by the applicable process(es), the project will be scored as an energy generation project under paragraph (b)(2)(ii) of this section.

(A) *Documentation for energy replacement.* For a RES project to qualify as energy replacement, the applicant must provide documentation in its application on prior energy use incurred by the applicant. Proposed energy use, such as that attributed to an expansion, is not considered in the replacement calculation. For a RES project involving new construction and being installed to serve the new facility, the project can be classified as energy replacement only if the applicant can document prior energy use from a facility that is within plus or minus 10 percent of the size of the facility it is replacing. The estimated quantities of energy must be converted to either BTUs, watts, or similar energy equivalents to facilitate scoring.

(B) *Calculation.* Energy replacement is determined by dividing the quantity of renewable energy that the RES project is estimated would have been generated if it were in place over the most recent 12-month period by the quantity of energy actually consumed over the same period by the applicable energy process(es) that is(are) consuming energy.

(C) *Awarding of points.* Using the results from paragraph (b)(2)(i)(B) of this section, if the percentage of energy replacement is:

(*1*) Greater than 50 percent, 15 points will be awarded;

(*2*) Greater than 25 percent, but equal to or less than 50 percent, 10 points will be awarded; or

(*3*) Equal to or less than 25 percent, 5 points will be awarded.

(ii) *Energy generation.* If the proposed RES is intended for production of energy or is a proposed retrofitting of an existing RES which increases the amount of energy generated, the Agency will award 10 points.

(iii) *Energy saved.* The Agency will award up to 15 points under this sub-criterion for an EEI project based on the percentage of estimated energy saved by the installation of the project as determined by the projections in the applicable energy assessment or energy audit. If the estimated energy expected to be saved over the same period used in the energy assessment or energy audit, as applicable, will be:

(A) 50 percent or greater, 15 points will be awarded;

(B) 35 percent up to, but not including 50 percent, 10 points will be awarded;

(C) 20 percent up to, but not including 35 percent, 5 points will be awarded; or

(D) Less than 20 percent, no points will be awarded.

(c) *Commitment of funds.* A maximum of 15 points will be awarded for this criterion based on the percentage of written commitment an applicant has from its fund sources that are documented with a complete application.

(1) *Calculation.* The percentage of written commitment is calculated as follows: Percentage of written commitment = total amount of funds for which written commitments have been submitted with the application/total amount of matching funds and other funds required.

(2) *Awarding of points.* Using the result from paragraph (c)(1) of this section, the Agency will award points as shown in paragraphs (c)(2)(i) through (iii) of this section.

(i) If the percentage of written commitments is 100 percent of the matching funds, 15 points will be awarded.

(ii) If the percentage of written commitments is less than 100 percent, but more than 50 percent, points will be awarded as follows: ((Percentage of written commitments $-$ 50 percent)/(50 percent)) $\times$ 15 points, where points awarded are rounded to the nearest hundredth of a point.

(iii) If the percentage of written commitments is 50 percent or less, no points will be awarded.

(d) *Previous grantees and borrowers.* A maximum of 15 points will be awarded for this criterion based on whether the applicant has received and accepted a REAP grant award or guaranteed loan commitment under 7 CFR part 4280 of this title or a guaranteed loan commitment under either this part or 7 CFR part 5001 of this title.

(1) If the applicant has never received and accepted a grant award or a guaranteed loan commitment under either this part or 7 CFR part 5001 of this title, 15 points will be awarded.

(2) If the applicant has not received and accepted a grant award or guaranteed loan commitment under this subpart, or a guaranteed loan commitment under 7 CFR part 5001 of this title within the 2 previous Federal fiscal years, 5 points will be awarded.

(3) If the applicant has received a grant award or guaranteed loan commitment under this subpart, or a guaranteed loan commitment under 7 CFR part 5001 of this title within the 2 previous Federal fiscal years, no points will be awarded.

(e) *Existing business.* A maximum of 5 points will be awarded for an existing agricultural producer business or rural small business that meets the definition of existing business in § 4280.103 of this part.

(f) *Simple payback.* A maximum of 15 points will be awarded for this criterion based on the simple payback of the project as defined in § 4280.103. Points will be awarded for either RES or EEI; points will not be awarded for more than one category.

(1) *RES.* If the simple payback of the proposed project is:

(i) Less than 10 years, 15 points will be awarded;

(ii) 10 years up to but not including 15 years, 10 points will be awarded;

(iii) 15 years up to and including 25 years, 5 points will be awarded; or

(iv) Longer than 25 years, no points will be awarded.

(2) *EEI.* If the simple payback of the proposed project is:

(i) Less than 4 years, 15 points will be awarded;

(ii) 4 years up to but not including 8 years, 10 points will be awarded;

(iii) 8 years up to and including 12 years, 5 points will be awarded; or

(iv) Longer than 12 years, no points will be awarded.

(g) *Size of request.* For grant applications requesting $250,000 or less for RES, or $125,000 or less for EEI, an additional 10 points may be awarded such that a maximum score of 100 points is possible. All other applications will have a maximum possible score of 90 points.

(h) *State Director and Administrator priority points.* A maximum of 10 points are available for this criterion. A State Director, for its State allocation under this subpart, or the Administrator, for making awards from the National Office reserve, may award up to 10 points to an application based on the conditions specified in paragraphs (h)(1) through (5) of this section. In no case shall an application receive more than 10 points under this criterion.

(1) The application is for an under-represented technology.

(2) Selecting the application helps achieve geographic diversity, which may include points based upon the size of the funding request.

(3) The applicant is a member of an unserved or under-served population described as follows:

(i) Owned by a veteran, including but not limited to individuals as sole proprietors, members, partners, stockholders, etc., of not less than 20 percent. In order to receive points, applicants must provide a statement in their applications to indicate that owners of the project have Veteran status; or

(ii) Owned by a member of a socially-disadvantaged group, which are groups whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. In order to receive points, the application must include a statement to indicate that the owners of the project are members of a socially disadvantaged group.

(4) Selecting the application helps further a Presidential initiative or a Secretary of Agriculture priority.

(5) The proposed project is located in a Federally declared disaster area. Declarations must be within the last 2 calendar years.

(6) The proposed project is located in an area where 20 percent or more of its population is living in poverty, as defined by the United States Census Bureau, underserved community(ies) or has experienced long-term population decline, or loss of employment.

§ 4280.122 Selecting RES and EEI grant applications for award.

Unless otherwise provided for in a **Federal Register** notice, RES and EEI grant applications will be processed in accordance with this section. Complete applications will be evaluated, processed, and subsequently ranked, and will compete for funding, subject to the availability of grant funding. Each State will receive two grant allocations, an allocation of grant funds restricted to funding requests of $20,000 or less, and an allocation of grant funds which are unrestricted and can fund any size funding request.

(a) *RES and EEI grant applications.* Complete RES and EEI grant applications, including combination grant and guaranteed loan requests, regardless of the amount of funding requested, are eligible to compete in two competitions within a Federal fiscal year—a State competition and a National competition.

(1) To be competed in the State and National competitions, complete applications must be received by the applicable State Office by 4:30 p.m. local time no later than March 31. If March 31 falls on a non-business day or a federally-observed holiday, the next Federal business day will be considered the last day for receipt of a complete application. Complete applications received after this date and time will be processed in the subsequent fiscal year.

(2) All eligible RES and EEI grant applications that remain unfunded after completion of the State competition will be competed in a National competition.

(b) *RES and EEI grant applications requesting $20,000 or less.* Complete RES and EEI grant applications, including combination grant and guaranteed loan requests, requesting $20,000 or less are eligible to compete in up to five competitions—two State competitions and a National set-aside competition for grants of $20,000 or less, as well as the two competitions

referenced in paragraph (a) of this section.

(1) For complete RES and EEI grant applications for grants requesting $20,000 or less, there will be two State competitions each Federal fiscal year. Complete applications for $20,000 or less that are received by the Agency by 4:30 p.m. local time on October 31 of the Federal fiscal year will be competed against each other. Complete applications for $20,000 or less that are received by the Agency by 4:30 p.m. local time on March 31 of the Federal fiscal year and any applications for $20,000 or less that were not ready to compete or were not funded from the prior competition, will be competed against each other. If either October 31 or March 31 falls on a weekend or a federally observed holiday, the next Federal business day will be considered the last day for receipt of a complete application. Complete applications received after 4:30 p.m. local time on March 31, regardless of the postmark on the application, will be processed in the subsequent fiscal year.

(2) All eligible RES and EEI grant applications requesting $20,000 or less that remain unfunded after completion of the State competition for applications received by March 31 will be competed in the National competition.

(c) *Ranking of applications.* The Agency will rank complete eligible applications using the scoring criteria specific in § 4280.121. Higher scoring applications will receive first consideration.

(d) *Funding selected applications.* As applications are funded, if insufficient funds remain to fund the next highest scoring application, the Agency may elect to fund a lower scoring application. Before this occurs, the Agency will provide the applicant of the higher scoring application the opportunity to reduce the amount of the applicant's grant request to the amount of funds available. If the applicant agrees to lower its grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project. If two or more applications score the same and if remaining funds are insufficient to fund each such application, the Agency will notify the applicants that they may either accept a proportional amount of funds or submit their total request for the next available competition. At its discretion, the Agency may also elect to allow any remaining multi-year funds to be carried over to the next fiscal year rather than selecting a lower scoring application.

(e) *Handling of ranked applications not funded.* Based on the availability of funding, a ranked application might not be funded. Handling of unfunded applications depends on whether the request is more or less than $20,000.

(1) All complete and eligible applications requesting $20,000 or less may be competed in up to five competitions within a Federal fiscal year and if not selected for funding, the Agency will discontinue consideration of the applications.

(2) The Agency will discontinue consideration for funding all complete and eligible applications requesting more than $20,000 that are not selected for funding after the State and National competitions for the Federal fiscal year.

(f) *Commencement of the project.* Not all grant applications that compete for funding will receive an award. Thus, the applicant assumes all risks if the applicant chooses to purchase the proposed equipment or start construction of the proposed project after the complete application has been received by the Agency, but before the applicant is notified as to whether or not they have been selected for an award.

§ 4280.123 Awarding and administering RES and EEI grants.

The Agency will award and administer RES and EEI grants in accordance with Departmental Regulations and with paragraphs (a) through (h) of this section.

(a) *Letter of Conditions.* A Letter of Conditions will be prepared by the Agency, establishing conditions that must be agreed to by the applicant before any obligation of funds can occur. Upon reviewing the conditions and requirements in the Letter of Conditions, the applicant must complete, sign, and return the Form RD 1942–46, ''Letter of Intent to Meet Conditions,'' and Form RD 1940–1, ''Request for Obligation of Funds,'' to the Agency if they accept the conditions of the grant; or if certain conditions cannot be met, the applicant may propose alternate conditions to the Agency. The Agency must concur with any changes proposed to the Letter of Conditions by the applicant before the application will be further processed.

(b) *Insurance requirements.* Agency approved insurance coverage must be maintained for 3 years after the Agency has approved the final performance report unless this requirement is waived or modified by the Agency in writing. Insurance coverage shall include, but is not limited to:

(1) Property insurance, such as fire and extended coverage, will normally be maintained on all structures and equipment.

(2) Liability.

(3) National flood insurance is required in accordance with 7 CFR part 1806, subpart B, if applicable.

(4) Business interruption insurance for projects with total project costs of more than $200,000.

(c) *Forms and certifications.* The forms specified in paragraphs (c)(1) through (5) of this section will be attached to the Letter of Conditions referenced in paragraph (a) of this section. The forms specified in paragraphs (c)(1) through (4) of this section and all of the certifications must be submitted prior to grant approval. The form specified in paragraph (c)(5) of this section, which is to be completed by contractors, does not need to be returned to the Agency, but must be kept on file by the grantee.

(1) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(2) Form RD 1940–1.

(3) Form SF–LLL, ''Disclosure of Lobbying Activities,'' if the grant exceeds $100,000 and/or if the grantee has made or agreed to make payment using funds other than Federal appropriated funds to influence or attempt to influence a decision in connection with the application.

(4) Form RD 400–4, ''Assurance Agreement,'' or successor form.

(5) Form AD–1048, as signed by the contractor or other lower tier party.

(d) *Evidence of matching funds and other funds.* If an applicant submitted written evidence of matching funds and other funds with the application, the applicant is responsible for ensuring that such written evidence is still in effect (*i.e.,* not expired) when the grant is executed. If the applicant did not submit written evidence of matching funds and other funds with the application, the applicant must submit such written evidence that is in effect before the Agency will execute the Financial Assistance Agreement. In either case, written evidence of matching funds and other funds needed to complete the project must be provided to the Agency before execution of the Financial Assistance Agreement and must be in effect (*i.e.,* must not have expired) at the time Financial Assistance Agreement is executed.

(e) *System for Award Management (SAM) registration.* Before the Financial Assistance Agreement can be executed, the applicant's UEI number must be registered in the SAM and a valid (*e.g.* non-expired) Commercial and Government Entity (CAGE) code must be submitted to the Agency.

(f) *Financial Assistance Agreement.* Once the requirements specified in paragraphs (a) through (e) of this section have been met, the Financial Assistance Agreement can be executed by the grantee and the Agency. The Agreement should be signed as soon as possible, but no later than within 6 months of obligation of funds or grant funds may be de-obligated by the Agency. The grantee must abide by all requirements contained in the Financial Assistance Agreement, this subpart, and any other applicable Federal statutes or regulations. Failure to follow these requirements might result in termination of the grant and adoption of other available remedies.

(g) *Grant approval.* The grantee will be sent a copy of the executed Form RD 1940–1 and the Financial Assistance Agreement.

(h) *Power purchase agreement.* Where applicable, the grantee shall provide to the Agency a copy of the executed power purchase agreement within 12 months from the date that the Financial Assistance Agreement is executed, unless otherwise approved by the Agency.

§ 4280.124 Servicing RES and EEI grants.

The Agency will service RES and EEI grants in accordance with the requirements specified in Departmental Regulations; 7 CFR part 3; 7 CFR 1951 Subparts E and O; the Financial Assistance Agreement; and paragraphs (a) through (k) of this section.

(a) *Inspections.* Grantees must permit periodic inspection of the project records and operations by a representative of the Agency.

(b) *Programmatic changes.* Grantees may make changes to an approved project's costs, scope, contractor, or vendor subject to the provisions specified in paragraphs (b)(1) through (3) of this section. If the changes result in lowering the project's score to below what would have qualified the application for award, the Agency will not approve the changes.

(1) *Prior approval.* The grantee must obtain prior Agency approval for any change to the scope, contractor, or vendor of the approved project. Changes in project cost will require Agency approval as outlined in paragraph (b)(1)(iii) of this section.

(i) Grantees must submit requests for programmatic changes in writing to the Agency for Agency approval.

(ii) Failure to obtain prior Agency approval of any such change could result in such remedies as suspension, termination, and recovery of grant funds.

(iii) Prior Agency approval is required for all increases in project costs. Prior Agency approval is required for a decrease in project cost only if the decrease would have a negative effect on the long-term viability of the project. A decrease in project cost that does not have a negative impact on long-term viability requires Agency review and approval prior to disbursement of funds.

(2) *Changes in project cost or scope.* If there is a significant change in project cost or any change in project scope, then the grantee's funding needs, eligibility, and scoring, as applicable, will be reassessed. Decreases in Agency funds will be based on revised project costs and other factors, including Agency regulations used at the time of grant approval.

(3) *Change of contractor or vendor.* When seeking a change, the grantee must submit to the Agency a written request for approval. The proposed contractor or vendor must have qualifications and experience acceptable to the Agency. The written request must contain sufficient information, which may include a revised technical report as required under § 4280.118(e), 4280.119(b)(4), 4280.120(b)(3), or 4280.120(b)(4), as applicable, to demonstrate to the Agency's satisfaction that such change maintains project integrity. If the Agency determines that project integrity continues to be demonstrated, the grantee may make the change. If the Agency determines that project integrity is no longer demonstrated, the change will not be approved and the grantee has the following options: Continue with the original contractor or vendor; find another contractor or vendor that has qualifications and experience acceptable to the Agency to complete the project; or terminate the grant by providing a written request to the Agency. No additional funding will be available from the Agency if costs for the project have increased. The Agency decision will be provided in writing.

(c) *Transfer of ownership.* After the Financial Assistance Agreement for the project has been executed, the grantee may request, in writing, a transfer of the Financial Assistance Agreement to another entity. Subject to Agency approval provided in writing, the Financial Assistance Agreement may be transferred to another entity provided:

(1) The entity is determined by the Agency to be an eligible entity under this subpart; and

(2) The type of RES or EEI technology and the scope of the project for which the Agency funds will be used remain unchanged.

(d) *Disposition of acquired property.* Grantees must abide by the disposition requirements outlined in Departmental Regulations.

(e) *Financial management system and records.* The grantee must provide for financial management systems and maintain records as specified in paragraphs (f)(1) and (2) of this section.

(1) *Financial management system.* The grantee will provide for a financial system that will include:

(i) Accurate, current, and complete disclosure of the financial results of each grant;

(ii) Records that identify adequately the source and application of funds for grant-supporting activities, together with documentation to support the records. Those records must contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income; and

(iii) Effective control over and accountability for all funds. The grantee must adequately safeguard all such assets and must ensure that funds are used solely for authorized purposes.

(2) *Records.* The grantee will retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least 3 years after completion of grant activities except that the records must be retained beyond the 3-year period if audit findings have not been resolved or if directed by the United States. The Agency and the Comptroller General of the United States, or any of their duly authorized representatives, must have access to any books, documents, papers, and records of the grantee that are pertinent to the specific grant for the purpose of making audit, examination, excerpts, and transcripts.

(f) *Audit requirements.* If applicable, grantees must provide an annual audit in accordance with 7 CFR part 3052. The Agency may exercise its right to do a program audit after the end of the project to ensure that all funding supported eligible project costs.

(g) *Grant disbursement.* As applicable, grantees must disburse grant funds as scheduled in accordance with the appropriate construction and inspection requirements in §§ 4280.119, 4280.120 or 4280.125 as applicable. Unless required by third parties providing cost sharing payments to be provided on a pro-rata basis with other funds, grant funds will be disbursed after all other funds have been expended.

(1) Unless authorized by the Agency to do so, grantees may submit requests for reimbursement no more frequently than monthly. Ordinarily, payment will

be made within 30 days after receipt of a proper request for reimbursement.

(2) Grantees must not request reimbursement for the Federal share of amounts withheld from contractors to ensure satisfactory completion of work until after it makes those payments.

(3) Payments will be made by electronic funds transfer.

(4) Grantees must use SF–271, ''Outlay Report and Request for Reimbursement for Construction Programs,'' or other format prescribed by the Agency to request grant reimbursements. Fund requests must at a minimum include documentation of costs and evidence of payment(s), including payment date(s). Failure to provide sufficient documentation of costs and evidence of payment, including payment date, may result in denied reimbursement.

(5) For a grant awarded to a project with total project costs of $200,000 and greater, grant funds will be disbursed in full after the project is completed, is operational, and has met or exceeded the steady state operating level as set out in the grant award requirements. Grant funds may also be disbursed through 90 percent of grant disbursement. The final 10 percent of grant funds will be held by the Agency until construction of the project is completed, the project is operational, and the project has met or exceeded the steady state operating level as set out in the grant award requirements. In addition, the Agency reserves the right to request additional information or testing if upon a final site visit or review of documentation, the 30-day steady state operating level is not found acceptable to the Agency.

(h) *Monitoring of project.* Grantees are responsible for ensuring that all activities are performed within the approved scope of work and that funds are only used for approved purposes.

(1) Grantees shall constantly monitor performance to ensure that:

(i) Time schedules are being met;

(ii) Projected work is being accomplished by projected time periods;

(iii) Financial resources are being appropriately expended by contractors (if applicable); and

(iv) Any other performance objectives identified in the scope of work are being achieved.

(2) To the extent that resources are available, the Agency will monitor grantees to ensure that activities are performed in accordance with the Agency-approved scope of work and to ensure that funds are expended for approved purposes. The Agency's monitoring of grantees neither:

(i) Relieves the grantee of its responsibilities to ensure that activities are performed within the scope of work approved by the Agency and that funds are expended for approved purposes only; nor

(ii) Provides recourse or a defense to the grantee should the grantee conduct unapproved activities, engage in unethical conduct, engage in activities that are or that give the appearance of a conflict of interest, or expend funds for unapproved purposes.

(i) *Reporting requirements.* Financial and project performance reports must be provided by grantees and contain the information specified in paragraphs (i)(1) through (3) of this section.

(1) *Federal financial reports.* Between grant approval and completion of project (*i.e.,* construction), SF–425, ''Federal Financial Report'' will be required of all grantees as applicable on a semiannual basis. The grantee will complete the project within the total sums available to it, including the grant, in accordance with the scope of work and any necessary modifications thereof prepared by grantee and approved by the Agency.

(2) *Project performance reports.* Between grant approval and completion of project (*i.e.,* construction), grantees must provide semiannual project performance reports and a final project development report containing the information specified in paragraphs (i)(2)(i) and (ii) of this section. These reports are due 30 working days after June 30 and December 31 of each year.

(i) *Semiannual project performance reports.* Each semiannual project performance report must include the following:

(A) A comparison of actual accomplishments to the objectives for that period;

(B) Reasons why established objectives were not met, if applicable;

(C) Reasons for any problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure must be accompanied by a statement of the action taken or planned to resolve the situation; and

(D) Objectives and timetables established for the next reporting period.

(ii) *Final project development report.* The final project development report must be submitted 90 days after project completion and include:

(A) A detailed project funding and expense summary; and

(B) A summary of the project's installation/construction process, including recommendations for development of similar projects by future Applicants to the program.

(3) *Project completion requirements.* Once the project has been constructed, the grantee must provide the Agency as applicable via form RD 4280–3D ''Annual Outcome Project Performance Certification'', a certification that their system has for the past year performed at the steady operating level as described in the technical report of their application, and whether projected jobs created or saved have occurred, or certify that it has not performed as described. If it has not performed, a description of the circumstances which have occurred and affected system performance must be reported, along with the actual performance of the subject REAP project, and the actual number of jobs created or saved as a direct result of the REAP project.

(i) *RES.* Three total annual outcome project performance certifications or reports are required for RES projects. The first is due at the completion of the first full calendar year following the year in which the project was completed. The remaining are required for subsequent calendar years.

(ii) *EEI.* Two total annual outcome performance certifications or reports are required for EEI projects. The first is due at completion of the first full calendar year following the year in which the project was completed. The second is required for the subsequent calendar year.

(j) *Grant close-out.* Grant close-out must be performed in accordance with the requirements specified in 2 CFR part 200.

§ 4280.125 Construction planning and performing development.

(a) *General.* The following requirements are applicable to all procurement methods specified in paragraph (f) of this section.

(1) *Maximum open and free competition.* All procurement transactions, regardless of procurement method and dollar value, must be conducted in a manner that provides maximum open and free competition. Procurement procedures must not restrict or eliminate competition. Competitive restriction examples include, but are not limited to, the following: Placing unreasonable requirements on firms in order for them to qualify to do business; noncompetitive practices between firms; organizational conflicts of interest; and unnecessary experience or excessive bonding requirements. In specifying

material(s), the grantee and its consultant will consider all materials normally suitable for the project commensurate with sound engineering practices and project requirements. The Agency will consider any recommendation made by the grantee's consultant concerning the technical design and choice of materials to be used for such a project. If the Agency determines that a design or material, other than those that were recommended, should be considered by including them in the procurement process as an acceptable design or material in the project, the Agency will provide such applicant or grantee with a comprehensive justification for such a determination. The justification will be documented in writing.

(2) *Equal employment opportunity.* For all construction contracts and grants in excess of $10,000, the contractor must comply with Executive Order 11246, as amended by Executive Order 11375 and Executive Order 13672, and as supplemented by applicable Department of Labor regulations (41 CFR part 60). The applicant, or the lender and borrower, as applicable, is responsible for ensuring that the contractor complies with these requirements.

(3) *Surety.* The Agency will require surety on any contract for procurement exceeding $100,000, except as provided for in paragraph (a)(3)(iv) of this section. For contracts of lesser amounts, the grantee may require surety.

(i) Surety covering both performance and payment will be required. The United States, acting through the Agency, will be named as co-obligee on all surety unless prohibited by State or Tribal law. Surety may be provided as specified in paragraphs (a)(3)(i)(A) or (B) of this section.

(A) Surety in the amount of 100 percent of the contract cost may be provided using either:

(*1*) A bank letter of credit; or

(*2*) Performance bonds and payment bonds. Companies providing performance bonds and payment bonds must hold a certificate of authority as an acceptable surety on Federal bonds as listed in Treasury Circular 570 as amended and be legally doing business in the State where the project is located.

(B) Cash deposit in escrow of at least 50 percent of the contract amount. The cash deposit cannot be from funds awarded under this subpart.

(ii) The surety will normally be in the form of performance bonds and payment bonds; however, when other methods of surety are necessary, bid documents must contain provisions for such alternative types of surety. The use of surety other than performance bonds and payment bonds requires concurrence by the Agency after submission of a justification to the Agency together with the proposed form of escrow agreement or letter of credit.

(iii) When surety is not provided, contractors must furnish evidence of payment in full for all materials, labor, and any other items procured under the contract in an Agency-approved form.

(iv) The Agency may make exceptions to surety for any of the situations identified in paragraphs (a)(3)(iv)(A) through (E) of this section.

(A) Small acquisition and construction procedures as specified in § 4280.119(c) and (d) or § 4280.120(c) and (d) as applicable are used.

(B) The proposed project is for equipment purchase and installation only and the contract costs for the equipment purchase and installation are $200,000 or less.

(C) The proposed project is for equipment purchase and installation only and the contract costs for the equipment purchase and installation are more than $200,000 and the following requirements can be met:

(*1*) The project involves two or fewer subcontractors; and

(*2*) The equipment manufacturer or provider must act as the general contractor.

(D) Other construction projects that have only one contractor performing work.

(E) The grantee agrees to request reimbursement of grant funds only after the contractors have furnished evidence of payment in full and evidence there are no outstanding liens regarding any materials, labor, and any other items procured under the contract, and the systems are deemed operational.

(4) *Grantees accomplishing work.* In some instances, grantees may wish to perform a part of the work themselves. Grantees may accomplish construction by using their own personnel and equipment, provided the grantees possess the necessary skills, abilities, and resources to perform the work and there is not a negative impact to their business operation. For a grantee to provide a portion of the work, with the remainder to be completed by a contractor:

(i) A clear understanding of the division of work must be established and delineated in the contract;

(ii) Grantees are not eligible for payment for their own work as it is not an eligible project cost;

(iii) Warranty requirements applicable to the technology must cover the grantee's work; and

(iv) Inspection and acceptance of the grantee's work must be completed by either:

(A) An inspector that will:

(*1*) Inspect, as applicable, and accept construction; and

(*2*) Furnish inspection reports; or

(B) A licensed engineer that will:

(*1*) Prepare design drawings and specifications;

(*2*) Inspect, as applicable, and accept construction; and

(*3*) Furnish inspection reports.

(b) *Forms used.* Technical service and procurement documents must be approved by the Agency and may be used only if they are customarily used in the area and protect the interest of the applicant and the Government with respect to compliance with items such as the drawings, specifications, payments for work, inspections, completion, nondiscrimination in construction work and acceptance of the work. The Agency will not become a party to a construction contract or incur any liability under it. No contract will become effective until concurred in writing by the Agency. Such concurrence statement must be attached to and made a part of the contract.

(c) *Technical services.* Unless the requirements of paragraph (c)(4) of this section can be met, all RES and EEI projects with total project costs greater than $1,000,000 require:

(1) The design, installation monitoring, testing prior to commercial operation, and project completion certification be completed by a licensed professional engineer (PE) or team of licensed PEs. Licensed PEs may be ''in-house'' PEs or contracted PEs.

(2) Any contract for design services must be subject to Agency concurrence.

(3) Engineers must be licensed in the State where the project is to be constructed.

(4) The Agency may grant an exception to the requirements of paragraphs (c)(1) through (3) of this section if the following requirements are met:

(i) State or Tribal law does not require the use of a licensed PE; and

(ii) The project is not complex, as determined by the Agency, and can be completed to meet the requirements of this program without the services of a licensed PE.

(d) *Design policies.* Unless the applicant plans to request a lump sum reimbursement of grant funds at the end of construction and 30 days of successful operation, regardless of total project costs, final plans and specifications must be reviewed by the Agency and approved prior to the start of construction. Facilities funded by the

Agency must meet the following design requirements, as applicable:

(1) *Environmental requirements.* Actions taken under this subpart must comply with the environmental review requirements in accordance with 7 CFR part 1970. Project planning and design must not only be responsive to the grantee's needs but must consider the environmental consequences of the proposed project. Project design must incorporate and integrate, where practicable, mitigation measures that avoid or minimize adverse environmental impacts. Environmental reviews serve as a means of assessing environmental impacts of project proposals, rather than justifying decisions already made. Applicants may not take any action on a project proposal that will have an adverse environmental impact or limit the choice of reasonable project alternatives being reviewed prior to the completion of the Agency's environmental review. If such actions are taken, the Agency has the right to withdraw and discontinue processing the application.

(2) *Architectural barriers.* All facilities intended for or accessible to the public or in which physically handicapped persons may be employed must be developed in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) as implemented by 41 CFR 101–196, section 504 of the Rehabilitation Act of 1973 (42 U.S.C. 1474 *et seq.*) as implemented by 7 CFR parts 15 and 15b, and Titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(3) *Energy/environment.* Project design shall consider cost effective energy-efficient and environmentally-sound products and services.

(4) *Seismic safety.* All new structures, fully or partially enclosed, used or intended for sheltering persons or property will be designed with appropriate seismic safety provisions in compliance with the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*), and E.O. 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction. Designs of components essential for system operation and substantial rehabilitation of structures that are used for sheltering persons or property shall incorporate seismic safety provisions to the extent practicable as specified in 7 CFR part 1792, subpart C.

(e) *Contract methods.* This paragraph identifies the three types of contract methods that can be used for projects funded under this subpart. The procurement methods, which are applicable to each of these contract methods, are specified in paragraph (f) of this section.

(1) *Traditional method or design-bid-build.* The services of the consulting engineer or architect and the general construction contractor must be procured in accordance with the following paragraphs.

(i) *Solicitation of offers.* Solicitation of offers must:

(A) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description must not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary will set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a ''brand name or equal'' description may be used to define the performance or other salient requirements of a procurement. The specific features of the named brands which must be met by offerors must be clearly stated.

(B) Clearly specify all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(ii) *Contract pricing.* Cost plus a percentage of cost method of contracting must not be used.

(iii) *Unacceptable bidders.* The following will not be allowed to bid on, or negotiate for, a contract or subcontract related to the construction of the project:

(A) An engineer or architect as a person who has prepared plans and specifications or who will be responsible for monitoring the construction;

(B) Any entity in which the grantee's architect or engineer is an officer, employee, or holds or controls a substantial interest in the grantee;

(C) The grantee's governing body officers, employees, or agents;

(D) Any member of the grantee's immediate family or partners in paragraphs (e)(1)(iii)(A), (B), or (C) of this section; or

(E) An entity which employs, or is about to employ, any person in paragraph (e)(1)(iii)(A), (B), (C), or (D) of this section.

(iv) *Contract award.* Contracts must be made only with responsible parties possessing the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration must include, but not be limited to, matters such as integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources. Contracts must not be made with parties who are suspended or debarred.

(2) *Design/build method.* The design/build method, where the same person or entity provides design and engineering work, as well as construction or installation, may be used with Agency written approval.

(i) *Concurrence information.* The applicant will request Agency concurrence by providing the Agency at least the information specified in paragraphs (e)(2)(i)(A) through (H) of this section.

(A) The grantee's written request to use the design/build method with a description of the proposed method.

(B) A proposed scope of work describing in clear, concise terms the technical requirements for the contract. It shall include a nontechnical statement summarizing the work to be performed by the contractor, the results expected, and a proposed construction schedule showing the sequence in which the work is to be performed.

(C) A proposed firm-fixed-price contract for the entire project which provides that the contractor will be responsible for any extra cost which result from errors or omissions in the services provided under the contract, as well as compliance with all Federal, State, local, and Tribal requirements effective on the contract execution date.

(D) Where noncompetitive negotiation is proposed and found, by the Agency, to be an acceptable procurement method, then the Agency will evaluate documents indicating the contractor's performance on previous similar projects in which the contractor acted in a similar capacity.

(E) A detailed listing and cost estimate of equipment and supplies not included in the construction contract but which are necessary to properly operate the project.

(F) Evidence that a qualified construction inspector who is independent of the contractor has or will be hired.

(G) Preliminary plans and outline specifications. However, final plans and specifications must be completed and reviewed by the Agency prior to the start of construction.

(H) The grantee's attorney's opinion and comments regarding the legal adequacy of the proposed contract documents and evidence that the grantee has the legal authority to enter into and fulfill the contract.

(ii) *Agency concurrence of design/build method.* The Agency will review the material submitted by the applicant. When all items are acceptable, the Agency approval official will concur in the use of the design/build method for the proposal.

(iii) *Forms used.* Agency approved contract documents must be used provided they are customarily used in the area and protect the interest of the applicant and the Agency with respect to compliance with items such as the drawings, specifications, payments for work, inspections, completion, nondiscrimination in construction work, and acceptance of the work. The Agency will not become a party to a construction contract or incur any liability under it. No contract shall become effective until concurred, in writing, by the Agency. Such concurrence statement must be attached to and made a part of the contract.

(iv) *Contract provisions.* Contracts will have a listing of attachments and must contain the following:

(A) The contract sum;

(B) The dates for starting and completing the work;

(C) The amount of liquidated damages, if any, to be charged;

(D) The amount, method, and frequency of payment;

(E) Surety provisions that meet the requirements of paragraph (a)(3) of this section;

(F) The requirement that changes or additions must have prior written approval of the Agency as identified in the letter of conditions;

(G) Contract review and concurrence. The grantee's attorney will review the executed contract documents, including performance and payment bonds, and will certify that they are in compliance with Federal, State, or Tribal law, and that the persons executing these documents have been properly authorized to do so. The contract documents, engineer's recommendation for award, and bid tabulation sheets will be forwarded to the Agency for concurrence prior to awarding the contract. All contracts will contain a provision that they are not effective until they have been concurred, in writing, by the Agency;

(H) This part does not relieve the grantee of any responsibilities under its contract. The grantee is responsible for the settlement of all contractual and administrative issues arising out of procurement entered into in support of Agency funding. These include, but are not limited to, source evaluation, protests, disputes, and claims. Matters concerning violation of laws are to be referred to the applicable local, State, Tribal, or Federal authority; and

(3) *Construction management.* Construction managers as a constructor (CMc) acts in the capacity of a general contractor and is financially and professionally responsible for the construction. This type of construction management is also referred to as construction manager ''At Risk.'' The construction contract is between the grantee and the CMc. The CMc in turn subcontracts for some or all of the work. The CMc will need to carry the Agency required 100 percent surety and insurance, as required under paragraph (a)(3) of this section. Projects using construction management must follow the requirements of (e)(2)(i) through (iv) of this section.

(f) *Procurement methods.* Procurement must be made by one of the following methods: Competitive sealed bids (formal advertising); competitive negotiation; or noncompetitive negotiation. Competitive sealed bids (formal advertising) are the preferred procurement method for construction contracts.

(1) *Competitive sealed bids.* In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest, price and other factors considered. When using this method, the following will apply:

(i) At a sufficient time prior to the date set for opening of bids, bids must be solicited from an adequate number of qualified sources. In addition, the invitation must be publicly advertised.

(ii) The invitation for bids, including specifications and pertinent attachments, must clearly define the items or services needed in order for the bidders to properly respond to the invitation under paragraph (f)(1) of this section.

(iii) All bids must be opened publicly at the time and place stated in the invitation for bids.

(iv) A firm-fixed-price contract award must be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. When specified in the bidding documents, factors such as discounts and transportation costs will be considered in determining which bid is lowest.

(v) The applicant, with the concurrence of the Agency, will consider the amount of the bids or proposals, and all conditions listed in the invitation. On the basis of these considerations, the applicant will select and notify the lowest responsible bidder. The contract will be awarded using an Agency-approved form.

(vi) Any or all bids may be rejected by the grantee when it is in their best interest.

(2) *Competitive negotiation.* In competitive negotiations, proposals are requested from a number of sources. Negotiations are normally conducted with more than one of the sources submitting offers (offerors). Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising and where discussions and bargaining with a view to reaching agreement on the technical quality, price, other terms of the proposed contract and specifications are necessary. If competitive negotiation is used for procurement, the following requirements will apply:

(i) Proposals must be solicited from two qualified sources, unless otherwise approved by the Agency, to permit reasonable competition consistent with the nature and requirements of the procurement.

(ii) The request for proposal must identify all significant evaluation factors, including price or cost where required, and their relative importance.

(iii) The grantee must provide mechanisms for technical evaluation of the proposals received, determination of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(iv) Award may be made to the responsible offeror whose proposal will be most advantageous to the grantee, price and other factors considered. Unsuccessful offerors must be promptly notified.

(v) Owners may utilize competitive negotiation procedures for procurement of architectural/engineering and other professional services, whereby the offerors' qualifications are evaluated, and the most qualified offeror is selected, subject to negotiations of fair and reasonable compensation.

(3) *Noncompetitive negotiation.* Noncompetitive negotiation is procurement through solicitation of a proposal from only one source. Noncompetitive negotiation may be used when the award of a contract is not feasible under small acquisition and construction procedures, competitive sealed bids (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiations are limited to the following:

(i) After solicitation of a number of sources, competition is determined inadequate; or

(ii) No acceptable bids have been received after formal advertising.

(4) *Additional procurement methods.* The grantee may use additional innovative procurement methods provided the grantee receives prior written approval from the Agency. Contracts will have a listing of attachments and the minimum provisions of the contract will include:

(i) The contract sum;

(ii) The dates for starting and completing the work;

(iii) The amount of liquidated damages to be charged;

(iv) The amount, method, and frequency of payment;

(v) Whether or not surety bonds will be provided; and

(vi) The requirement that changes or additions must have prior written approval of the Agency.

(g) *Contracts awarded prior to applications.* Owners awarding construction or other procurement contracts prior to filing an application, must provide evidence that is satisfactory to the Agency that the contract was entered into without intent to circumvent the requirements of Agency regulations.

(1) *Modifications.* The contract shall be modified to conform to the provisions of this subpart. Where this is not possible, modifications will be made to the extent practicable and, as a minimum, the contract must comply with all State and local laws and regulations as well as statutory requirements and executive orders related to the Agency financing.

(2) *Consultant's certification.* Provide a certification by an engineer, licensed in the State where the facility is constructed, that any construction performed complies fully with the plans and specifications.

(3) *Owner's certification.* Provide a certification by the owner that the contractor has complied with applicable statutory and executive requirements related to Agency financing.

(h) *Contract administration.* Contract administration must comply with 7 CFR 1780.76. If another authority, such as a Federal, State, or Tribal agency, is providing funding and requires oversight of inspections, change orders, and pay requests, the Agency will accept copies of their reports or forms as meeting oversight requirements of the Agency.

§§ 4280.126–4280.136 [Reserved]

Combined Funding for Renewable Energy Systems and Energy Efficiency Improvements

§ 4280.137 Combined grant and guaranteed loan funding requirements.

The requirements for a RES or EEI project for which an applicant is seeking a combined grant and guaranteed loan are specified in this section.

(a) *Eligibility.* All applicants must be eligible under the requirements specified in § 4280.112. If the applicant is seeking a loan, the applicant must also meet the borrower eligibility requirements specified in 7 CFR 5001.126. Lenders must meet eligibility requirements specified in 7 CFR 5001.130–132. Projects must meet the project eligibility requirements specified in §§ 4280.113, 7 CFR parts 5001.102 (b) and (c) and 5001.106–107, as applicable. For projects that include New Markets Tax Credits, the guaranteed loan portion of the combined funding request must meet provisions found in 5001.141.

(b) *Funding.* Funding provided under this section is subject to the limits described in paragraphs (b)(1) through (2) of this section.

(1) The amount of any combined grant and guaranteed loan shall not exceed 75 percent of eligible project costs and the grant portion shall not exceed 25 percent of eligible project costs. Loan amount provisions of 7 CFR part 5001.406(d) apply, except for (d)(2). For purposes of combined funding requests, eligible project costs are based on the total costs associated with those items specified in § 4280.115(c) and 7 CFR part 5001.121(d), except for (d)(2). The applicant must provide the remaining total funds needed to complete the project.

(2) The minimum guaranteed loan request allowed is $5,000, with the grant portion of the funding request being at least $1,500 for EEI projects and at least $2,500 for RES projects.

(c) *Loan origination provisions.* Provisions found in 7 CFR parts 5001.201 through 5001.208 apply to the guaranteed loan portion of a combined grant and guaranteed loan funding request.

(d) *Application provisions and documentation.* When applying for combined funding, the applicant/borrower must provide all documentation outlined in this section and the lender must submit grant and guaranteed loan application information simultaneously.

(1) Applications must include the following documentation, including the requisite forms and certifications, specified in §§ 4280.118, 4280.119, or 4280.120 as applicable, for the grant request, except that applicants submitting a properly completed 5001–1 form only need to submit the applicable RD 4280–3 form containing the applicant's CAGE code and properly signed certifications. The guaranteed loan applications are filed in accordance with 7 CFR part 5001.301 where they will be processed in accordance with 7 CFR parts 5001.303 and 5001.307, and as follows:

(2) Where both the grant application and the guaranteed loan application provisions request the same documentation, form, or certification, such documentation, form, or certification may be submitted once; the combined application does not need to contain duplicate documentation, forms, and certifications.

(e) *Loan provisions.* Provisions found in 7 CFR parts 5001.401 through 5001.408 apply to the guaranteed loan portion of a combined funding request.

(f) *Guarantee provisions.* Provisions found in 7 CFR parts 5001.450 through 5001.459 apply to the guarantee on the guaranteed loan portion of a combined funding request.

(g) *Servicing provisions.* Provisions found in 7 CFR parts 5001.501 through 5001.524 apply to the guaranteed loan portion of a combined funding request.

(h) *Evaluation, scoring, and award.* The Agency will evaluate each combined application according to § 4280.116(c) and 7 CFR part 5001.315 (a) and (b). The Agency will select applications according to applicable procedures specified in § 4280.122(a) and (b) unless modified by this section. A combination loan and grant request will be selected based upon the grant score of the project. The Agency will score combined funding applications based upon the grant score as noted in § 4280.121. Projects will be ranked and selected for award according to applicable competition procedures specified in § 4280.122 (c), unless modified by this section or via a **Federal Register** notification.

(i) *Interest rate and terms of loan.* The interest rate and terms of the guaranteed loan for the loan portion of the combined funding request will be determined based on the procedures specified in 7 CFR parts 5001.401 and 5001.402.

(j) *Other provisions.* In addition to the requirements specified in paragraphs (a) through (i) of this section, the combined funding request is subject to the other requirements specified in this subpart, including, but not limited to, processing and servicing requirements, as applicable, as described in paragraphs (j)(1) through (4) of this section.

(1) All other provisions of §§ 4280.101 through 4280.111 apply to the grant portion of the combined funding request and all other provisions as applicable of 7 CFR parts 5001.1 through 5001.10 apply to the guaranteed loan portion of the combined funding request.

(2) All other provisions of §§ 4280.112 through 4280.124 apply to the grant portion of the combined funding request and § 4280.125 applies if the project for which the grant is sought has a total project cost of $200,000 and greater.

(3) All guarantee loan and grant combination applications that are ranked, but not funded, will be processed in accordance with provisions found in § 4280.122(d), (e), and (f).

(4) Applicants whose combination applications are approved for funding must utilize both the loan and the grant. The guaranteed loan will be closed prior to grant funds being disbursed. The Agency reserves the right to reduce the total loan guarantee and grant award, as appropriate, if construction costs are less than projected or if funding sources differ from those provided in the application.

(5) Ineligible project provisions of §§ 5001.115 and 5001.119, and ineligible use of funds provision of § 5001.122 apply to the guaranteed loan portion of the combined funding request. Borrower ineligibility provisions of § 5001.127 are also applicable.

§§ 4280.138–4280.148 [Reserved]

Energy Audit and Renewable Energy Development Assistance Grants

§ 4280.149 Applicant eligibility.

To be eligible for an EA grant or a REDA grant under this subpart, the applicant must meet each of the criteria, as applicable, specified in paragraphs (a) through (d) of this section. The Agency will determine an applicant's eligibility.

(a) The applicant must be one of the following:

(1) A unit of State, Tribal, or local government;

(2) A land-grant college or university, or other institution of higher education;

(3) A rural electric cooperative;

(4) A public power entity;

(5) An instrumentality of a State, Tribal, or local government; or

(6) A council, as defined under the Resource Conservation and Development Program, at 16 U.S. C. 3451.

(b) The applicant must have sufficient capacity to perform the EA or REDA activities proposed in the application to ensure success. The Agency will make this assessment based on the information provided in the application.

(c) The applicant must have the legal authority necessary to apply for and carry out the purpose of the grant.

(d) The applicant must:

(1) Be registered in the SAM prior to submitting an application;

(2) Maintain an active SAM registration with current information at all times until final fund disbursement has been made.

(3) Provide its UEI number in each application it submits to the Agency. Generally, the UEI number is included on SF–424.

§ 4280.150 Project eligibility.

To be eligible for an EA or a REDA grant, the grant funds for a project must be used by the grantee to assist agricultural producers or rural small businesses in one of the purposes specified in paragraphs (a) and (b) of this section, and must also comply with paragraphs (c) through (f) of this section.

(a) Conducting and promoting energy audits as defined in 4280.103.

(b) Conducting and promoting REDA by providing to agricultural producers and rural small businesses recommendations and information on how to improve the energy efficiency of the operations and to use renewable energy technologies and resources in their operations.

(c) EA and REDA can be provided only to a project located in a rural area unless the grantee of such project is an agricultural producer. If the project is owned by an agricultural producer, the project for which such services are being provided may be located in either a rural or non-rural area and the EA or REDA can only be for an EEI or RES on components that support the production, processing, vertical integration, or marketing of agricultural products. If the agricultural producer's operation is in a non-rural area, then the Energy Audit or REDA can only be for RES or EEI components of the business operation that are directly related to and their use and purpose is limited to the agricultural production operation, such as vertically integrated operations, and are part of and co-located with the agricultural production operation.

(d) The EA or REDA must be provided to a recipient in a State.

(e) The applicant must have a place of business in a State.

(f) The applicant is cautioned against taking any actions or incurring any obligations prior to the Agency completing the environmental review that would either limit the range of alternatives to be considered or that would have an adverse effect on the environment, such as the initiation of construction. If the applicant takes any such actions or incurs any such obligations, it could result in project ineligibility.

§ 4280.151 Ineligible projects.

Ineligible projects for EA and REDA grants include, but are not limited to:

(a) Research related projects.

(b) Feasibility studies of any nature.

(c) Projects where funding is not targeted directly to assisting agricultural producers or rural small businesses.

(d) Projects to develop computer software or programs.

(e) Projects where 50 percent or more of the costs are in-eligible or where project costs as defined in the application do not meet the definition of providing energy audits or renewable energy development assistance.

(f) Projects which propose to provide energy audits or renewable energy development assistant for residential purposes.

§ 4280.152 Grant funding for Energy Audit and Renewable Energy Development Assistance.

(a) *Maximum grant amount.* The maximum aggregate amount of EA and REDA grants awarded to any one recipient under this subpart cannot exceed $100,000 in a Federal fiscal year. Grant funds awarded for EA and REDA projects may be used only to pay eligible project costs, as described in paragraph (b) of this section. Ineligible project costs are listed in paragraph (c) of this section. Provisions for EA applications are listed in paragraph (d)of this section.

(b) *Eligible project costs.* Eligible project costs for EA and REDA are those costs incurred after the date a complete application has been received by the Agency and that are directly related to conducting and promoting EA and REDA, which include but are not limited to:

(1) Salaries;

(2) Travel expenses;

(3) Office supplies (*e.g.,* paper, pens, file folders); and

(4) Expenses charged as a direct cost or as an indirect cost of up to a maximum of 5 percent for administering the grant.

(c) *Ineligible project costs.* Ineligible project costs for EA and REDA grants include, but are not limited to:

(1) Payment for any construction-related activities;

(2) Purchase or lease of equipment;

(3) Payment of any judgment or debt owed to the United States;

(4) Any goods or services provided by a person or entity who has a conflict of interest as provided in § 4280.106;

(5) Any costs of preparing the application package for funding under this subpart; and

(6) Funding of political or lobbying activities.

(7) Funding to train individuals to become qualified to perform EA or REDA assistance.

(8) Payment or waiver of student tuition.

(d) *EA.* A grantee that conducts energy audits must require that, as a condition of providing the EA assistance, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit. Further, the amount paid by the agricultural producer or rural small business will be retained by the grantee as a contribution towards the cost of the energy audit and considered program income. The grantee may use the program income to further the objectives of their project or EA services offered during the grant period in accordance with Departmental Regulations. The 25% to be paid by an agricultural producer or rural small business does not count towards the commitment of funds scoring criteria noted in 4280.155(f).

§ 4280.153 EA and REDA grant applications—content.

(a) Unless otherwise specified in a **Federal Register** notice, applicants may only submit one EA grant application and one REDA grant application each Federal fiscal year. No combination (EA and REDA) applications will be accepted.

(b) Applicants must submit complete applications consisting of the elements specified in paragraphs (b)(1) through (7) of this section, except that paragraph (b)(3), is optional. Applications will be evaluated based only on information submitted by the applicant in the application.

(1) Form SF–424.

(2) Form SF–424A, ''Budget Information—Non Construction Programs.''

(3) Identify the ethnicity, race, and gender of the applicant. This information is optional and is not required for a complete application.

(4) Certification that the applicant is a legal entity in good standing (as applicable) and operating in accordance with the laws of the State(s) or Tribe where the applicant has a place of business.

(5) The applicant must identify whether or not the applicant has a known relationship or association with an Agency employee. If there is a known relationship, the applicant must identify each Agency employee with whom the applicant has a known relationship.

(6) A proposed scope of work to include the following items:

(i) A brief summary including a project title describing the proposed project;

(ii) Goals of the proposed project;

(iii) Geographic scope or service area of the proposed project and the method and rationale used to select the service area;

(iv) Identification of the specific needs for the service area and the target audience to be served. The number of agricultural producers and/or rural small businesses to be served must be identified including name and contact information, if available, as well as the method and rationale used to select the agricultural producers and/or rural small businesses;

(v) Timeline describing the proposed tasks to be accomplished and the schedule for implementation of each task. Include whether organizational staff, consultants, or contractors will be used to perform each task. If a project is located in multiple States, resources must be sufficient to complete all projects;

(vi) Marketing strategies to include a discussion on how the applicant will be marketing and providing outreach activities to the proposed service area ensuring that agricultural producers and/or rural small businesses are served;

(vii) Applicant's experience as follows:

(A) If applying for a REDA grant, the applicant's experience in completing similar REDA activities, such as renewable energy site assessments and renewable energy technical assistance provided directly to agricultural producers and rural small businesses, including the number of similar projects the applicant has performed and the number of years the applicant has been performing a similar service.

(B) If applying for an EA grant, the number of energy audits the applicant has completed and the number of years the applicant has been performing those services;

(C) For all applicants, the amount of experience in administering EA, REDA, or similar activities as applicable to the purpose of the proposed project. Provide discussion if the applicant has any existing programs that can demonstrate the achievement of energy savings or energy generation with the agricultural producers and/or rural small businesses the applicant has served. If the applicant has received one or more awards within the last 5 years in recognition of its renewable energy, energy savings, or energy-based technical assistance, please describe the achievement;

(viii) Itemized budget; and

(ix) Identify the amount of matching funds and other funds and the source(s) the applicant is proposing to use for the project. Provide written commitments for matching funds and other funds at the time the application is submitted.

(A) If financial resources come from the applicant, documentation may include a bank statement that demonstrates availability of funds.

(B) If a third party is providing financial assistance to the project, the applicant must submit a commitment letter signed by an authorized official of the third party. The letter must be specific to the project, identify the dollar amount being provided and any applicable rates and terms.

§ 4280.154 Evaluation of EA and REDA grant applications.

The Agency will evaluate EA and REDA grant applications, based only upon information submitted in the application, to determine if:

(a) The application is complete, as defined in § 4280.103 and as per § 4280.153;

(b) The applicant is eligible according to § 4280.149;

(c) The project is eligible according to § 4280.150 and 4280.151, including 50% or more of proposed project costs are eligible; and

(d) Grant funding provisions according to § 4280.152 are met.

§ 4280.155 Scoring EA and REDA grant applications.

The Agency will score each EA and REDA application using the criteria specified in paragraphs (a) through (f) of this section, with a maximum score of 100 points possible. Unless otherwise altered via a **Federal Register** notification, the project must score a minimum of 40 points to be eligible to compete for funding.

(a) *Geographic scope of project in relation to identified need.* A maximum of 20 points can be awarded.

(1) If the applicant's proposed or existing service area is state-wide or includes all or parts of multiple states, and the scope of work has identified needs throughout that service area, 20 points will be awarded.

(2) If the applicant's proposed or existing service area consists of multiple counties in a single state and the scope of work has identified needs throughout that service area, 15 points will be awarded.

(3) If the applicant's service area consists of a single county or municipality and the scope of work has

identified needs throughout that service area, 10 points will be awarded.

(b) *Number of agricultural producers/rural small businesses to be served.* A maximum of 20 points will be awarded for this criterion based on the proposed number of ultimate recipients to be assisted and if the applicant has provided the names and contact information for the ultimate recipients to be assisted.

(1) If the applicant plans to provide EA or REDA to:

(i) Up to 10 ultimate recipients, 2 points will be awarded.

(ii) Between 11 and up to and including 25 ultimate recipients, 5 points will be awarded.

(iii) More than 25 ultimate recipients, 10 points will be awarded.

(2) If the applicant provides a list with at least 50 percent of the total number of proposed ultimate recipients ready to be assisted, including their name and contact information, an additional 10 points may be awarded.

(c) *Marketing and outreach plan.* A maximum of 5 points will be awarded for this criterion. If the scope of work included in the application provides a satisfactory discussion of each of the following criteria, one point for each can be awarded.

(1) The goals of the project;

(2) Identified need;

(3) Targeted ultimate recipients;

(4) Timeline and action plan; and

(5) Marketing and outreach strategies and supporting data for strategies.

(d) *Applicant's organizational experience in completing the EA or REDA proposed activity.* A maximum of 25 points will be awarded for this criterion based on the experience of the organization in providing EA or REDA as applicable to the purpose of the proposed project. The organization must have been in business and provided services for the number of years as identified in the paragraphs below. Experience of contractors proposed in the application to perform the services may be applied to this scoring criteria as long as the experience relates to the same type of activity, *e.g.,* energy audit experience for an EA application.

(1) More than 10 years of experience, 25 points will be awarded.

(2) At least 5 years and up to and including 10 years of experience, 20 points will be awarded.

(3) At least 2 years and up to and including 5 years of experience, 10 points will be awarded.

(4) Less than 2 years of experience, no points will be awarded.

(e) *Potential of project to produce energy savings or generation and its attending environmental benefits.* A maximum of 10 points will be awarded for this criterion under both paragraphs (e)(1) and (2) of this section

(1) If the applicant (does not include entities the applicant will contract with) has an existing program that can demonstrate the achievement of energy savings or energy generation with the agricultural producers and/or rural small businesses it has served, 5 points will be awarded.

(2) If the applicant (does not include entities the applicant will contract with) provides evidence that it has received one or more awards (*e.g.,* recognition, not funding awards) within the last 5 years in recognition of its renewable energy, energy savings, or energy-based technical assistance, up to a maximum of 5 points will be awarded as follows:

(i) International/national—3 points for each.

(ii) Regional/State—2 points for each.

(iii) Local—1 point for each.

(f) *Commitment of funds.* A maximum of 20 points will be awarded for this criterion if written documentation from each source providing matching funds and other funds are submitted with the application. Compare eligible commitment of funds to the amount of grant requested to derive percentage to be used for scoring.

(1) If the applicant proposes to match 50 percent or more of the grant funds requested, 20 points will be awarded.

(2) If the applicant proposes to match 20 percent or more but less than 50 percent of the grant funds requested, 15 points will be awarded.

(3) If the applicant proposes to match 5 percent or more but less than 20 percent of the grant funds requested, 10 points will be awarded.

(4) If the applicant proposes to match less than 5 percent of the grant funds requested, no points will be awarded.

§ 4280.156 Selecting EA and REDA grant applications for award.

Unless otherwise provided for in a **Federal Register** notice, EA and REDA grant applications will be processed in accordance with this section. EA and REDA grant funding is maintained at the National Office and applications compete for funds only once in a nationwide competition.

(a) *Application competition.* Complete EA and REDA applications received by the Agency by 4:30 p.m. local time on January 31 will be competed against each other. If January 31 falls on a weekend or a Federally observed holiday, the next Federal business day will be considered the last day for receipt of a complete application. Complete applications received after 4:30 p.m. local time on January 31, regardless of the postmark on the application, will be processed in the subsequent fiscal year. Unless otherwise specified in a **Federal Register** notice, the two highest scoring applications from each State, based on the scoring criteria established under § 4280.155, will compete for initial funding. If undersubscribed on eligible applications, the third highest scoring application from each state shall be requested for National Office review and potential competition, ranking and funding, until funds are expended.

(b) *Ranking of applications.* All applications submitted to the National Office under paragraph (a) of this section will be ranked in priority score order. All applications that are ranked and meet the minimum scoring threshold will be considered for selection for funding.

(c) *Selection of applications for funding.* Using the ranking created under paragraph (a) of this section, the Agency will consider the score an application has received compared to the scores of other ranked applications, with higher scoring applications receiving first consideration for funding. If two or more applications score the same and if remaining funds are insufficient to fund each such application, the Agency will distribute the remaining funds to each such application on a pro-rata basis. At its discretion, the Agency may also elect to redirect unused funds into the RES/EEI program or allow any remaining multi-year funds to be carried over to the next fiscal year rather than funding on a pro-rata basis.

(d) *Handling of ranked applications not funded.* Based on the availability of funding, a ranked application submitted for EA or REDA funds may not be funded. Such ranked applications will not be carried forward into the next Federal fiscal year's competition.

§ 4280.157 [Reserved]

§ 4280.158 Awarding and administering EA and REDA grants.

The Agency will award and administer EA and REDA grants in accordance with Departmental Regulations and with the procedures and requirements specified in § 4280.123, except as specified in paragraphs (a) through (b) of this section.

(a) Instead of complying with § 4280.123(b), the grantee must provide satisfactory evidence to the Agency that all officers of grantee organization authorized to receive and/or disburse Federal funds are covered by such

bonding and/or insurance requirements as are normally required by the grantee.

(b) The power purchase agreement specified in § 4280.123 (h) is not required.

§ 4280.159 Servicing EA and REDA grants.

The Agency will service EA and REDA grants in accordance with the requirements specified in Departmental Regulations, the Financial Assistance Agreement, 7 CFR part 3, 7 CFR 1951 Subparts E and O, and the requirements in § 4280.124, except as specified in paragraphs (a) through (d) of this section.

(a) *Grant disbursement.* The Agency will determine, based on the applicable Departmental Regulations, whether disbursement of a grant will be by advance or reimbursement. Form SF–270, Request for Advance or Reimbursement, must be completed by the grantee and submitted to the Agency no more often than monthly to request either advance or reimbursement of funds.

(b) *Semiannual performance reports.* Project performance reports shall include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period (*e.g.,* the number of EA performed, number of recipients assisted, and the type of assistance provided for REDA);

(2) A list of recipients, each recipient's location, and each recipient's NAICS code;

(3) Problems, delays, or adverse conditions, if any, that have in the past or will in the future 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;

(4) Objectives and timetable established for the next reporting period.

(c) *Final performance report.* A final performance report will be required with the final Federal financial report within 90 days after project completion. The final performance report must contain the information specified in paragraphs (c)(1)(i) or (ii) of this section, as applicable.

(1) For EA projects, the final performance report must provide complete information regarding:

(i) The number of audits conducted,

(ii) A list of recipients (agricultural producers and rural small businesses) with each recipient's NAICS code,

(iii) The location of each recipient,

(iv) The cost of each audit and documentation showing that the recipient of the EA provided 25 percent of the cost of the audit, and

(v) The expected energy saved for each audit conducted if the audit is implemented.

(2) For REDA projects, the final performance report must provide complete information regarding:

(i) The number of recipients assisted, and the type of assistance provided,

(ii) A list of recipients with each recipient's NAICS code,

(iii) The location of each recipient, and

(iv) The expected renewable energy that would be generated if the projects were implemented.

(d) *Outcome project performance report.* One year after submittal of the final performance report, the grantee will provide the Agency a final status report on the number of projects that are proceeding with the grantee's recommendations, including the amount of energy saved and the amount of renewable energy generated, as applicable.

§§ 4280.160–4280.165 [Reserved]

§ 4280.166 OMB control number.

The report and recordkeeping requirements contained in this part have been approved by the Office of Management and Budget and have been assigned OMB control number 0570–0067

Appendix A to Subpart B of Part 4280—Technical Reports for Energy Efficiency Improvement (EEI) Projects

For all EEI projects with total project costs of more than $80,000, provide the information specified in Sections A and D and in Section B or Section C, as applicable. If the application is for an EEI project with total project costs of $80,000 or less, please see § 4280.120 (b)(3) for the technical report information to be submitted with your application.

If the application is for an EEI project with total project costs of $200,000 and greater, you must conduct an energy audit. However, if the application is for an EEI project with a total project costs of less than $200,000, you may conduct either an energy assessment or an energy audit.

Section A—Project Information. Describe how all the improvements to or replacement of an existing building and/or equipment meet the requirements of being commercially available. Describe how the design, engineering, testing, and monitoring are sufficient to demonstrate that the proposed project will meet its intended purpose, ensure public safety, and comply with applicable laws, regulations, agreements, permits, codes, and standards. Describe how all equipment required for the EEI(s) is available and able to be procured and delivered within the proposed project development schedule. In addition, present information regarding component warranties and the availability of spare parts.

Section B—Energy audit. If conducting an energy audit, provide the following information.

(1) *Situation report.* Provide a narrative description of the existing building and/or equipment, its energy system(s) and usage, and activity profile. Also include average price per unit of energy (electricity, natural gas, propane, fuel oil, renewable energy, etc.) paid by the customer for the most recent 12 months, or an average of 2, 3, 4, or 5 years, for the building and equipment being audited. Any energy conversion should be based on use rather than source.

(2) *Potential improvement description.* Provide a narrative summary of the potential improvement and its ability to reduce energy consumption or improve energy efficiency, including a discussion of reliability and durability of the improvements.

(i) Provide preliminary specifications for critical components.

(ii) Provide preliminary drawings of project layout, including any related structural changes.

(iii) Identify significant changes in future related operations and maintenance costs.

(iv) Describe explicitly how outcomes will be measured.

(3) *Technical analysis.* Give consideration to the interactions among the potential improvements and the current energy system(s).

(i) For the most recent 12 months, or an average of 2, 3, 4, or 5 years, prior to the date the application is submitted, provide both the total amount and the total cost of energy used for the original building and/or equipment, as applicable, for each improvement identified in the potential project. In addition, provide for each improvement identified in the potential project an estimate of the total amount of energy that would have been used and the total cost that would have been incurred if the proposed project were in operation for this same time period.

(ii) Calculate all direct and attendant indirect costs of each improvement;

(iii) Rank potential improvements measures by cost-effectiveness; and

(iv) Provide an estimate of Simple Payback, including all calculations, documentation, and any assumptions.

(4) *Qualifications of the auditor.* Provide the qualifications of the person which completed the energy audit.

Section C—Energy Assessment. If conducting an Energy Assessment, provide the following information.

(1) *Situation report.* Provide a narrative description of the existing building and/or equipment, its energy system(s) and usage, and activity profile. Also include average price per unit of energy (electricity, natural gas, propane, fuel oil, renewable energy, etc.) paid by the customer for the most recent 12 months, or an average of 2, 3, 4, or 5 years, for the building and equipment being evaluated. Any energy conversion shall be based on use rather than source.

(2) *Potential improvement description.* Provide a narrative summary of the potential improvement and its ability to reduce energy consumption or improve energy efficiency.

(3) *Technical analysis.* Giving consideration to the interactions among the potential improvements and the current energy system(s), provide the information specified in section C(3)(i) through (iii) of this appendix.

(i) For the most recent 12 months, or an average of 2, 3, 4, or 5 years, prior to the date the application is submitted, provide both the total amount and the total cost of energy used for the original building and/or equipment, as applicable, for each improvement identified in the potential project. In addition, provide for each improvement identified in the potential project an estimate of the total amount of energy that would have been used and the total cost that would have been incurred if the proposed project were in operation for this same time period.

(ii) Document baseline data compared to projected consumption, together with any explanatory notes on source of the projected consumption data. When appropriate, show before-and-after data in terms of consumption per unit of production, time, or area.

(iii) Provide an estimate of Simple Payback, including all calculations, documentation, and any assumptions.

(4) *Qualifications of the assessor.* Provide the qualifications of the person that completed the assessment. If the energy assessment for a project with total project costs of $80,000 or less is not conducted by Energy Auditor or Energy Assessor, then the person must have at least 3 years of experience and completed at least five energy assessments or energy audits on similar type projects.

Section D—Qualifications. Provide a resume or other evidence of the contractor or installer's qualifications and experience with the proposed EEI technology. Any contractor or installer with less than 2 years of experience may be required to provide additional information in order for the Agency to determine if they are qualified installer/contractor.

Appendix B to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of Less Than $200,000, but More Than $80,000

Provide the information specified in Sections A through D for each technical report prepared under this appendix. A renewable energy site assessment may be used in lieu of Sections A through C if the renewable energy site assessment contains the information requested in Sections A through C. In such instances, the technical report would consist of Section D and the renewable energy site assessment.

NOTE: If the total project cost for the RES project is $80,000 or less, this appendix does not apply. Instead, for such projects, please provide the information specified in § 4280.120 (b)(4).

Section A—Project Description. Provide a description of the project, including its intended purpose and a summary of how the project will be constructed and installed. Describe how the system meets the definition of commercially available. Identify the project's location and describe the project site.

Section B—Resource Assessment. Describe the quality and availability of the renewable resource to the project. Identify the amount of renewable energy generated that will be generated once the proposed project is operating at its steady state operating level. If applicable, also identify the percentage of energy being replaced by the system.

If the application is for a bioenergy project, provide documentation that demonstrates that any and all woody biomass feedstock from National Forest System land or public lands cannot be used as a higher value wood-based product.

Section C—Project Economic Assessment. Describe the projected financial performance of the proposed project. The description must address total project costs, energy savings, and revenues, including applicable investment and other production incentives accruing from Government entities. Revenues to be considered shall accrue from the sale of energy, offset or savings in energy costs, and byproducts. Provide an estimate of Simple Payback, including all calculations, documentation, and any assumptions.

Section D—Project Construction and Equipment Information. Describe how the design, engineering, testing, and monitoring are sufficient to demonstrate that the proposed project will meet its intended purpose, ensure public safety, and comply with applicable laws, regulations, agreements, permits, codes, and standards. Describe how all equipment required for the RES is available and able to be procured and delivered within the proposed project development schedule. In addition, present information regarding component warranties and the availability of spare parts.

Section E—Qualifications of Key Service Providers. Describe the key service providers, including the number of similar systems installed and/or manufactured previously, professional credentials, licenses, and relevant experience. When specific numbers are not available for similar systems, estimations will be acceptable.

Appendix C to Subpart B of Part 4280—Technical Reports for Renewable Energy System (RES) Projects With Total Project Costs of $200,000 and Greater

Provide the information specified in Sections A through G for each technical report prepared under this appendix. Provide the resource assessment under Section C that is applicable to the project. For hybrid projects, technical reports must be prepared for each technology that comprises the hybrid project.

Section A—Qualifications of the Project Team. Describe the project team, their professional credentials, and relevant experience. The description shall support that the project team key service providers have the necessary professional credentials, licenses, certifications, and relevant experience to develop the proposed project.

Section B—Agreements and Permits. Describe the necessary agreements and permits (including any for local zoning requirements) required for the project and the anticipated schedule for securing those agreements and permits. For example, interconnection agreements and power purchase agreements are necessary for all renewable energy projects electrically interconnected to the utility grid.

Section C—Resource Assessment. Describe the quality and availability of the renewable resource and the amount of renewable energy generated through the deployment of the proposed system. For all bioenergy projects, except anaerobic digesters projects, complete Section C.3 of this appendix. For anaerobic digester projects, complete Section C.6 of this appendix.

1. *Wind.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the source of the wind data and the conditions of the wind monitoring when collected at the site or assumptions made when applying nearby wind data to the site.

2. *Solar.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the source of the solar data and assumptions.

3. *Bioenergy/Biomass Project.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the type, quantity, quality, and seasonality of the renewable biomass resource, including harvest and storage, where applicable. Where applicable, also indicate shipping or receiving method and required infrastructure for shipping. For proposed projects with an established resource, provide a summary of the resource. Document that any and all woody biomass feedstock from National Forest System land or public lands cannot be used as a higher value wood-based product.

4. *Geothermal Electric Generation.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the quality of the geothermal resource, including temperature, flow, and sustainability and what conversion system is to be installed. Describe any special handling of cooled geothermal waters that may be necessary. Describe the process for determining the geothermal resource, including measurement setup for the collection of the geothermal resource data. For proposed projects with an established resource, provide a summary of the resource and the specifications of the measurement setup.

5. *Geothermal Direct Generation.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the quality of the geothermal resource, including temperature, flow, and sustainability and what direct use system is to be installed. Describe any special handling of cooled geothermal waters that may be necessary. Describe the process for determining the geothermal resource, including measurement setup for the collection of the geothermal resource data. For proposed projects with an established resource, provide a summary of the resource and the specifications of the measurement setup.

6. *Anaerobic Digester Project/Biogas.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the substrates used as digester inputs, including animal wastes or other Renewable Biomass in terms of type, quantity, seasonality, and frequency of collection. Describe any special handling of feedstock that may be necessary. Describe the process for determining the feedstock resource. Provide either tabular values or laboratory analysis of representative samples that include biodegradability studies to produce gas production estimates for the project on daily, monthly, and seasonal basis. If an anerobic digester project, identify the type of operation (*e.g.,* dairy, swine, layer, etc.), along with breed, herd population size and demographics, and the type of waste collection method and frequency information available. For the biogas produced, identify the type of digester (*e.g.,* mixed, plug-flow, attached film, covered lagoon, etc.), if applicable, or the method of capture (landfill, sewage waste treatment, etc.) and treatment. Identify the system designer and determine the digester design assumptions such as the number and type of animals, the bedding type and estimated annual quantity used, the manure and wastewater volumes, and the treatment of digester effluent (*e.g.,* none, solids separation by screening, etc. with details including use or method of disposal).

7. *Hydrogen Project.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the type, quantity, quality, and seasonality of the renewable biomass resource. For solar, wind, or geothermal sources of energy used to generate hydrogen, indicate the renewable resource where the hydrogen system is to be installed. Local resource maps may be used as an acceptable preliminary source of renewable resource data. For proposed projects with an established renewable resource, provide a summary of the resource.

8. *Hydroelectric/Ocean Energy Projects.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the quality of the resource, including temperature (if applicable), flow, and sustainability of the resource, including a summary of the resource evaluation process and the specifications of the measurement setup and the date and duration of the evaluation process and proximity to the proposed site. If less than 1 year of data is used, a qualified consultant must provide a detailed analysis of the correlation between the site data and a nearby, long-term measurement site.

(9) *RES with storage components.* Provide adequate and appropriate data to demonstrate the amount of renewable resource available. Indicate the type, quantity, quality, and seasonality of the renewable energy resource, where applicable. Indicate the storage system specifications and the integrity of the system in conjunction with the RES it is integrated with, including application, size, lifetime, response time, capital and maintenance costs associated with the operation as well as the distribution of the stored resource(s).

Section D—Design and Engineering. Describe the intended purpose of the project and the design, engineering, testing, and monitoring needed for the proposed project. The description shall support that the system will be designed, engineered, tested, and monitored so as to meet its intended purpose, ensure public safety, and comply with applicable laws, regulations, agreements, permits, codes, and standards. In addition, identify that all major equipment is commercially available, including proprietary equipment, and justify how this unique equipment is needed to meet the requirements of the proposed design. In addition, information regarding component warranties and the availability of spare parts must be presented.

Section E—Project Development. Describe the overall project development method, including the key project development activities and the proposed schedule, including proposed dates for each activity. The description shall identify each significant historical and projected activity, its beginning and end, and its relationship to the time needed to initiate and carry the activity through to successful project completion. The description shall address applicant project development cash flow requirements. Details for equipment procurement and installation shall be addressed in Section F of this appendix.

Section F—Equipment Procurement and Installation. Describe the availability of the equipment required by the system. The description shall support that the required equipment is available and can be procured and delivered within the proposed project development schedule. Describe the plan for site development and system installation, including any special equipment requirements. In all cases, the system or improvement shall be installed in conformance with manufacturer's specifications and design requirements, and comply with applicable laws, regulations, agreements, permits, codes, and standards.

Section G—Operations and Maintenance. Describe the operations and maintenance requirements of the system, including major rebuilds and component replacements necessary for the system to operate as designed over its useful life. The warranty must cover and provide protection against both breakdown and a degradation of performance. The performance of the RES or EEI shall be monitored and recorded as appropriate to the specific technology.

Appendix D to Subpart B of Part 4280—Feasibility Study Components

Executive Summary

Provide an overview to describe the nature and scope of the proposed project, including the purpose, project location, design features, capacity, and estimated capital costs. Include a summary of the feasibility determinations made for each applicable component.

Economic

What is it?	Cost benefit analysis.
What are the factors to consider?	Minimum amount of inputs (labor, infrastructure, utilities, renewable resources, feedstocks) to operate successfully. Contracts in place and contracts to be negotiated, including terms and renewals. Environmental risks. Cost of project relative to the increase in revenues or benefits provided. Overall economic impact of project including new markets created and economic development.

Market

What is it?	Analysis of the current and future market potential, competition, sales or service estimations including current and prospective buyers or users.
What are the factors to consider?	Competition. Type of project: Service, product or commodity based. Target market, new versus established. End user analysis, captive versus competitive. By-product revenue streams. Industry risk.

TECHNICAL

What is it?	Analyzing the reliability of the technology to be used and/or the analysis of the delivery of goods or services, including transportation, business location, and the need for technology, materials, and labor.
What are the factors to consider?	Commercial availability. Product and process success record and duplication of results. Experience of the service providers. Roads, rail, airport infrastructure. Need for local transportation. Labor market. Availability of materials. Use, age, and reliability of technology. Construction risk.

FINANCIAL

What is it?	Analysis of the operation to achieve sufficient income, credit, and cashflow to financially sustain the project over the long term and meet all debt obligations.
What are the factors to consider?	Commercial or project underwriting. Management's assumptions. Accounting policies. Source of repayment. Dependency on other entities. Equity contribution. Market demand forecast. Peer industry comparison. Cost-accounting system. Availability of short-term credit. Adequacy of raw materials and supplies. Sensitivity analysis.

MANAGEMENT

What is it?	Analysis of the legal structure of the business or operation; ownership, board and management analysis.
What are the factors to consider?	History of the business or organization. Professional and educational background. Experience. Skills. Qualifications necessary to implement the project.

RECOMMENDATION

Conclude with an opinion and recommendation presented by the consultant.

QUALIFICATIONS

Provide a resume or statement of qualifications of the author of the feasibility study, including prior experience.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

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